

FCC Grants Bloomberg "Neighborhooding" Rights on Certain Comcast Systems

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The Federal Communications Commission (FCC) has ordered Comcast to carry Bloomberg Television, the 24-hour business news channel, adjacent to other news channels on systems where Comcast places news channels into a "neighborhood." The Memorandum Opinion and Order, released on May 2, 2012, is purported to enforce a provision of the Comcast-NBCU merger order that requires Comcast to carry "independent news and business channels" in the same neighborhood as other news and/or business news channels.

The Commission clarified that, under the merger order, a news neighborhood consists of "a grouping of at least four news channels in any five channel positions." News channels refer to channels that provide programming from 6:00 a.m. to 4:00 p.m. "focused on reporting any analysis relating to public affairs or local affairs of general interest or relating to business," which does not include PEG channels, weather channels, foreign news channels and sports news channels. Where Comcast has multiple news neighborhoods, the FCC held that the cable operator can determine in which to include an independent news channel. The agency rejected Comcast's argument that the condition only applies to future lineups, finding that the language "now or in the future" from the merger order covered existing channel lineups.

Although Bloomberg premised its complaint on the specific neighborhooding requirement in the Comcast-NBCU merger order, the Commission observed that Bloomberg may have broader rights under the FCC's program carriage rules if it could demonstrate that Comcast's placement was based on discriminatory intent.

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