

Wiley Rein Attorneys Assist in Attaining Important Ruling Affirming Ban on Exclusive Cable Contracts

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In an important ruling, the D.C. Circuit has affirmed a Federal Communications Commission (FCC) decision to ban exclusive access provisions in agreements between cable companies and the owners of apartment buildings and other multiple dwelling units (MDUs). In *National Cable & Telecommunications Association, et. al. v. FCC*, Nos. 08-1016 & 08-1017 (Consolidated), the court found that the FCC acted well within the bounds of both section 628 of the Communications Act of 1934, as amended, and general administrative law. The court also upheld the application of the rules to existing exclusivity agreements, rejecting claims by the cable industry that this had impermissibly retroactive effects.

Because the D.C. Circuit earlier rejected a stay pending appeal, the FCC's order has already had significant impact on allowing competing video service providers to gain access to 30% of U.S. consumers who currently reside in MDUs, bringing with them the benefits of facilities-based competition. The D.C. Circuit's affirmation of the FCC's decision in all respects will allow this competition to continue and expand. Wiley Rein partner Andrew G. McBride argued on behalf of intervenors AT&T Inc., Verizon and Hargray CATV, Inc. Wiley Rein partner Joshua S. Turner was with him on the briefs.

[Click here to read more about the ruling.](#)

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