



C-SPAN Files Friend of Court Brief in Support Of Effort to Overturn Must-Carry Rule

C-SPAN Supports Cablevision's Bid for Supreme Court Review of Must-Carry

(Washington, DC, February 23, 2010) -- C-SPAN today filed a friend of the court brief in support of Cablevision's effort to have the Supreme Court revisit the must-carry rule.

Cablevision v. FCC represents a free speech-based challenge to the entire must-carry regulatory regime. Cablevision has filed a petition for certiorari for the court to hear the case, which originated in 2006 when the FCC ordered the cable operator to carry a little-viewed broadcast station in parts of its Long Island, NY service area.

"From the beginning, C-SPAN has opposed all versions of the must-carry rule," said Bruce D. Collins, C-SPAN Corporate Vice President and General Counsel. "Consistent with that opposition, C-SPAN agrees with Cablevision that the time has come for this Court to reassess whether the must-carry rule can still be justified despite its infringement on the speech rights of cable operators and programmers and in light of how much the cable TV market has changed since the Court first sanctioned it over 15 years ago."

C-SPAN was one of the parties that challenged the must-carry rule on First Amendment grounds in *Turner Broadcasting, Inc. v. FCC, (1994)*. In that case the Court ruled must-carry was lawful because it served the public interest more than it infringed the speech rights of cable operators and programmers. C-SPAN has also challenged subsequent FCC regulations that interpreted and expanded the reach of the rule. "As a practical matter," Collins said, "over the years the rule has interfered with C-SPAN's ability to provide public affairs and national policy programming to cable subscribers."

Contrary to the Court's *Turner* conclusion, C-SPAN has always asserted that the establishment of a hierarchy of speakers under which any broadcaster is guaranteed cable carriage, while every cable programmer like C-SPAN must compete for whatever carriage capacity remains, cannot be justified under the First Amendment.

Collins added, "Amid today's expanding marketplace of program delivery options, must-carry is a relic of the past that should be clicked and dragged to the recycle bin of regulatory overkill."

A PDF copy of C-SPAN's *Cablevision* brief is attached.

About C-SPAN: C-SPAN was created by America's cable companies in 1979 as a public service and programs three public affairs television networks (C-SPAN, C-SPAN2 and C-SPAN3); C-SPAN Radio, a Washington, D.C. public affairs radio station distributed by XM Satellite Radio; and a video-rich website which hosts the C-SPAN Video Library. Visit www.c-span.org.

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