

# Open Video System Notice of Intent

Attention:  
Media Bureau

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>RCN Telecom Services, Inc.</b>	)	
	)	<b>File No.</b> _____
	)	
<b>Notice of Intent to Establish an Open Video System</b>	)	

**NOTICE OF INTENT  
TO ESTABLISH AN OPEN VIDEO SYSTEM**

RCN Telecom Services, Inc. (“RCN”), pursuant to Section 651 of the Telecommunications Act of 1996 and Section 76.1503(b)(1) of the Commission’s Rules, hereby submits its “Notice of Intent,” (“Notice”) to establish an open video system (“OVS”). As required by Section 76.1503(b)(1), RCN respectfully submits the following information:

1. The OVS operator is RCN Telecom Services, Inc., with its principal offices located at 1400 Fashion Island Blvd., Suite 100, San Mateo, California 94404. The contact person for the operator, David Hankin, is located at 1400 Fashion Island Blvd., Suite 100, San Mateo, California 94404, and may be reached at (650) 212-8010.

2. RCN’s service area is located in the City and County of San Francisco, California. The boundaries of RCN’s service area are located within the neighborhoods of Amazon Crocker, Castro, Corona Heights, Dolores Heights, Eureka Valley, Excelsior, Glen Park, Mission District, Noe Valley, North Bernal Heights, Outer Mission, Portola, and Potrero Hill. RCN has a principal headend and hub site located at 200 Paul Avenue, San Francisco, California 94124.

RCN utilizes an ancillary hub site at the following location:

437 Potrero Avenue, San Francisco, CA, 94110

This hub site is served by and technically integrated with the principal headend. RCN serves the general population within this OVS service area.

3. The anticipated maximum analog capacity of the OVS is 330 analog channels, each consisting of 6-MHz analog capacity. The anticipated maximum digital capacity of the OVS is 678 digital channels.

4. Video Programming Providers (“VPPs”) interested in carriage on RCN’s OVS may obtain additional information about the system by completing the OVS Information Request Form (Attachment 1) and submitting it to:

David Hankin  
1400 Fashion Island Blvd., Suite 100  
San Mateo, California 94404

Pursuant to 47 C.F.R. § 76.1503(b)(2) of the FCC’s rules, within five business days of RCN’s receipt of a request for information, RCN will provide the VPP with additional information regarding the OVS to enable the VPP to make an enrollment decision. With this information, the VPP also will be provided with additional forms and instructions necessary for carriage on RCN’s OVS. If a VPP decides to seek carriage on RCN’s OVS after receipt of the additional information, the VPP must submit the required forms, a non-refundable application processing fee, and a channel reservation deposit no later than 30 days after the end of the enrollment period.

5. One third of the system’s maximum capacity will be set aside for RCN and/or its affiliates. In addition, RCN will reserve approximately seventeen (17) channels to carry public programs, educational programs, governmental programs and those “must-carry” stations

entitled to demand carriage pursuant to 47 C.F.R. § 76.56 and §76.1506 of the FCC's rules. The remaining channels will be available for interested VPPs. No VPP will be assigned more than the capacity set aside for RCN and its affiliates.

6. The enrollment period for VPPs seeking carriage on RCN's open video system will commence on the date the Commission releases its Public Notice of this Notice of Intent and will expire ninety days after the Public Notice release date. In order to allow for contract finalization, ensure orderly channel allocation and allow timely systems allocation to occur, RCN encourages VPPs to submit their preliminary enrollment requests as soon as possible within this ninety-day period. Allocation of capacity in the event demand exceeds system capacity will occur as described in Attachment 2.

7. Attached is a certification that RCN has complied with all relevant requirements under the FCC's open video system regulations concerning must-carry and retransmission consent (47 C.F.R. §§76.64, 76.1506) (Attachment 3). Also attached is a certificate of service showing that RCN's Notice of Intent has been served on the applicable local franchising authority (Attachment 4).

Respectfully submitted,

RCN Telecom Services, Inc.

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Dated: July 8, 2005



**RCN TELECOM SERVICES, INC.**  
**OPEN VIDEO SYSTEM**  
**CHANNEL ALLOCATION PROCESS**

RCN Telecom Services, Inc.'s ("RCN") anticipated total system capacity on its open video system for analog channels is 330, 6 MHz channels and for digital, 678 channels.

VPP requesting more than 6 channels on a pro rata basis; that is based on the ratio of the remaining number of channels requested by all VPPs.

Initial capacity requests should be submitted by the end of the 90-day open enrollment period. At that time, the total number of channels requested from all VPPs will be calculated. If sufficient capacity exists to fill all requests, each VPP will be allocated channel capacity equal to its request. If the sum of all channels requested exceeds available channel capacity, each VPP requesting fewer than 6 channels will receive its requested channels; VPPs requesting more than 6 channels will receive at least 6, total capacity permitting. The remaining channels will be allocated to each

The following is an illustration of the allocation process for the analog channels where demand for carriage exceeds system capacity:

The following allocations already have been made. RCN will have 110 analog channels for video programming + approximately 17 analog channels for the PEG/Must Carry requirements. The remaining number of channels to be allocated is 203. Assuming that there is a request for 400 channels from multiple VPPs, the allocation process is as follows:

	<u>Channels Requested</u>	<u>Minimum Allocation</u>	<u>Remaining Chnls Requested</u>	<u>Ratio of Rmng Chnl Avlble to Rmng Chnl Requested</u>	<u>No. of Channels Allocated</u>
A	2	2	0	n/a	2
B	6	6	0	n/a	6
C	22	6	16	.46	14
D	110	6	104	.46	54
E	150	6	144	.46	73
F	110	6	104	.46	54
Total	<u>400</u>	<u>32</u>	<u>368</u>		<u>203</u>

Because VPPs C through F all requested more than 6 channels, each VPP is allotted up to 6 channels as the minimum allocation. The remaining number of channels available to be divided among the VPPs is 171 (203 channels minus 32 channels).

The number of available channels to be allocated on a pro rata basis (171) is divided by the remaining number of channels requested (368), which equals .46. This factor is used to calculate the distribution of the remaining 171 channels to VPPs C through F.

The remaining channels requested by VPPs C through F are multiplied by the pro rata factor (.46) to determine the number of channels the VPPs will be allocated in addition to the six channel minimum. For example, VPP C has been allocated the six channel minimum and has 16 remaining channels requested. The pro rata factor (.46) is multiplied by 16 to obtain the eight additional channels to be allocated to VPP C. The eight channels plus the six channel minimum give VPP C a total of 14 channels allocated. Fractions of channels have been

rounded to the nearest whole number, provided that the sum of all allocations does not exceed the total number of available channels.

This same process will be applied to requests for digital capacity.

RCN will mail a notification to each VPP to confirm the channel capacity allocation no later than 60 days after the expiration of the 90-day open enrollment period. Any VPP that is allocated fewer channels than it initially requested may withdraw its channel capacity request by notifying RCN by mail. Cancellations must be received no later than five business days from receipt of the notification. Channel capacity made available through the withdrawal of one or more VPPs will be reallocated on a pro rata basis to the remaining VPPs who did not receive their full request. RCN will mail a notification to each remaining VPP to confirm the final channel capacity allocation no later than 120 days after the expiration of the open enrollment period.

**CERTIFICATION**

I, \_\_\_\_\_, hereby certify that RCN Telecom Services, Inc., is in compliance with sections 76.1506(l) and 76.64 of the Commission's rules, 47 C.F.R. §§ 76.64, 76.1506(l), governing retransmission consent and must-carry elections.

\_\_\_\_\_

Name:

Title: Director of Programming

Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, Danielle C. Burt, hereby certify that copies of the foregoing Notice of Intent of RCN Telecom Services, Inc., were served on the parties listed below, on the 8<sup>th</sup> day of July 2005:

**VIA HAND DELIVERY:**

Donna C. Gregg  
Acting Bureau Chief  
Media Bureau  
Federal Communications Commission  
445-12th Street, SW  
Washington, DC 20554

Steve Garner  
Media Bureau  
Federal Communications Commission  
445-12th Street, SW  
Washington, DC 20554

Sonia Greenaway-Mickle  
Media Bureau  
Federal Communications Commission  
445-12th Street, SW  
Washington, DC 20554

Marlene H. Dortch, Secretary  
Federal Communications Comm.  
Portals II, 445 Twelfth Street  
Lobby, S.W., Room TW-A325  
Washington, D.C. 20554

**VIA FEDERAL EXPRESS:**

Lewis Loeven  
Executive Director  
Department of Telecommunications &  
Information Services  
875 Stevenson Street, 5th Floor  
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San Francisco, CA 94103-0948

Brian Roberts  
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Danielle C. Burt