

Video Programming and Cable Franchising

Wiley has been heavily involved in litigation and counseling related to the regulation of cable franchising and competitive entry in cable markets nationwide.

Wiley has vindicated the rights of a local broadcast television station in a protracted dispute involving mandatory cable television carriage in the New York television market, raising important First and Fifth Amendment concerns. After Wiley attorneys secured cable carriage for the local broadcaster before the Federal Communications Commission (FCC), the Communications Appellate & Litigation Group was called upon to handle the appeal in the Second Circuit, which unanimously affirmed the FCC's decision. *Cablevision v. FCC* (2d Cir.).

In addition, Wiley has been an active participant on behalf of a major cable television provider in ongoing litigation concerning the constitutionality of SB 5, the Texas statute that was enacted in 2005 to phase out local cable regulation in favor of a centralized, statewide franchising system. *TCA v. Hudson* (W.D. Tex.). Wiley has also counseled clients in connection with a variety of regulatory and litigation proceedings nationwide related to cable franchising. In this regard, the firm has frequently addressed issues relating to competitive entry and infrastructure deployment arising under the U.S. Constitution, the federal Cable Act, and parallel state and local franchising laws.

Wiley is also involved in the appeal of the FCC's decision to extend for a limited period of time the prohibition on certain exclusive cable programming distribution agreements. *Cablevision Systems Corp. v. FCC* (D.C. Cir.). The firm represents a major new competitive video provider that has intervened in support of the FCC's decision.