

the programming so that the programming cannot be viewed or heard in an understandable manner.

(June 19, 1934, ch. 652, title VI, §640, as added Pub. L. 104-104, title V, §504, Feb. 8, 1996, 110 Stat. 136.)

**§ 561. Scrambling of sexually explicit adult video service programming**

**(a) Requirement**

In providing sexually explicit adult programming or other programming that is indecent on any channel of its service primarily dedicated to sexually-oriented programming, a multichannel video programming distributor shall fully scramble or otherwise fully block the video and audio portion of such channel so that one not a subscriber to such channel or programming does not receive it.

**(b) Implementation**

Until a multichannel video programming distributor complies with the requirement set forth in subsection (a), the distributor shall limit the access of children to the programming referred to in that subsection by not providing such programming during the hours of the day (as determined by the Commission) when a significant number of children are likely to view it.

**(c) “Scramble” defined**

As used in this section, the term “scramble” means to rearrange the content of the signal of the programming so that the programming cannot be viewed or heard in an understandable manner.

(June 19, 1934, ch. 652, title VI, §641, as added Pub. L. 104-104, title V, §505(a), Feb. 8, 1996, 110 Stat. 136.)

**Editorial Notes**

CONSTITUTIONALITY

For information regarding the constitutionality of this section, see the Table of Laws Held Unconstitutional in Whole or in Part by the Supreme Court on the Constitution Annotated website, [constitution.congress.gov](http://constitution.congress.gov).

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Pub. L. 104-104, title V, §505(b), Feb. 8, 1996, 110 Stat. 136, provided that: “The amendment made by subsection (a) [enacting this section] shall take effect 30 days after the date of enactment of this Act [Feb. 8, 1996].”

**§ 562. Requirements relating to charges for covered services**

**(a) Consumer rights in sales**

**(1) Right to transparency**

Before entering into a contract with a consumer for the provision of a covered service, a provider of a covered service shall provide the consumer, by phone, in person, online, or by other reasonable means, the total monthly charge for the covered service, whether offered individually or as part of a bundled service, selected by the consumer (explicitly noting the

amount of any applicable promotional discount reflected in such charge and when such discount will expire), including any related administrative fees, equipment fees, or other charges, a good faith estimate of any tax, fee, or charge imposed by the Federal Government or a State or local government (whether imposed on the provider or imposed on the consumer but collected by the provider), and a good faith estimate of any fee or charge that is used to recover any other assessment imposed on the provider by the Federal Government or a State or local government.

**(2) Right to formal notice**

A provider of a covered service that enters into a contract described in paragraph (1) shall, not later than 24 hours after entering into the contract, send the consumer, by email, online link, or other reasonably comparable means, a copy of the information described in such paragraph.

**(3) Right to cancel**

A provider of a covered service that enters into a contract described in paragraph (1) shall permit the consumer to cancel the contract, without paying early cancellation fees or other disconnection fees or penalties, during the 24-hour period beginning when the provider of the covered service sends the copy required by paragraph (2).

**(b) Consumer rights in e-billing**

If a provider of a covered service provides a bill to a consumer in an electronic format, the provider shall include in the bill—

(1) an itemized statement that breaks down the total amount charged for or relating to the provision of the covered service by the amount charged for the provision of the service itself and the amount of all related taxes, administrative fees, equipment fees, or other charges;

(2) the termination date of the contract for the provision of the covered service entered into between the consumer and the provider; and

(3) the termination date of any applicable promotional discount.

**(c) Consumer rights to accurate equipment charges**

A provider of a covered service or fixed broadband internet access service may not charge a consumer for—

(1) using covered equipment provided by the consumer; or

(2) renting, leasing, or otherwise providing to the consumer covered equipment if—

(A) the provider has not provided the equipment to the consumer; or

(B) the consumer has returned the equipment to the provider, except to the extent that the charge relates to the period beginning on the date when the provider provided the equipment to the consumer and ending on the date when the consumer returned the equipment to the provider.

**(d) Definitions**

In this section:

**(1) Broadband internet access service**

The term “broadband internet access service” has the meaning given such term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

**(2) Covered equipment**

The term “covered equipment” means equipment (such as a router) employed on the premises of a person (other than a provider of a covered service or fixed broadband internet access service) to provide a covered service or to provide fixed broadband internet access service.

**(3) Covered service**

The term “covered service” means service provided by a multichannel video programming distributor,<sup>1</sup> to the extent such distributor is acting as a multichannel video programming distributor.

(June 19, 1934, ch. 652, title VI, §642, as added Pub. L. 116-94, div. P, title X, §1004(a), Dec. 20, 2019, 133 Stat. 3200.)

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Pub. L. 116-94, div. P, title X, §1004(b), Dec. 20, 2019, 133 Stat. 3201, provided that: “Section 642 of the Communications Act of 1934 [47 U.S.C. 562], as added by subsection (a) of this section, shall apply beginning on the date that is 6 months after the date of the enactment of this Act [Dec. 20, 2019]. The Federal Communications Commission may grant an additional 6-month extension if the Commission finds that good cause exists for such an additional extension.”

**PART V—VIDEO PROGRAMMING SERVICES  
PROVIDED BY TELEPHONE COMPANIES**

**§ 571. Regulatory treatment of video programming services****(a) Limitations on cable regulation****(1) Radio-based systems**

To the extent that a common carrier (or any other person) is providing video programming to subscribers using radio communication, such carrier (or other person) shall be subject to the requirements of subchapter III and section 572 of this title, but shall not otherwise be subject to the requirements of this subchapter.

**(2) Common carriage of video traffic**

To the extent that a common carrier is providing transmission of video programming on a common carrier basis, such carrier shall be subject to the requirements of subchapter II and section 572 of this title, but shall not otherwise be subject to the requirements of this subchapter. This paragraph shall not affect the treatment under section 522(7)(C) of this title of a facility of a common carrier as a cable system.

**(3) Cable systems and open video systems**

To the extent that a common carrier is providing video programming to its subscribers in any manner other than that described in paragraphs (1) and (2)—

(A) such carrier shall be subject to the requirements of this subchapter, unless such programming is provided by means of an open video system for which the Commission has approved a certification under section 573 of this title; or

(B) if such programming is provided by means of an open video system for which the Commission has approved a certification under section 573 of this title, such carrier shall be subject to the requirements of this part, but shall be subject to parts I through IV of this subchapter only as provided in 573(c) of this title.

**(4) Election to operate as open video system**

A common carrier that is providing video programming in a manner described in paragraph (1) or (2), or a combination thereof, may elect to provide such programming by means of an open video system that complies with section 573 of this title. If the Commission approves such carrier's certification under section 573 of this title, such carrier shall be subject to the requirements of this part, but shall be subject to parts I through IV of this subchapter only as provided in 573(c) of this title.

**(b) Limitations on interconnection obligations**

A local exchange carrier that provides cable service through an open video system or a cable system shall not be required, pursuant to subchapter II of this chapter, to make capacity available on a nondiscriminatory basis to any other person for the provision of cable service directly to subscribers.

**(c) Additional regulatory relief**

A common carrier shall not be required to obtain a certificate under section 214 of this title with respect to the establishment or operation of a system for the delivery of video programming.

(June 19, 1934, ch. 652, title VI, §651, as added Pub. L. 104-104, title III, §302(a), Feb. 8, 1996, 110 Stat. 118.)

**§ 572. Prohibition on buy outs****(a) Acquisitions by carriers**

No local exchange carrier or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier may purchase or otherwise acquire directly or indirectly more than a 10 percent financial interest, or any management interest, in any cable operator providing cable service within the local exchange carrier's telephone service area.

**(b) Acquisitions by cable operators**

No cable operator or affiliate of a cable operator that is owned by, operated by, controlled by, or under common ownership with such cable operator may purchase or otherwise acquire, directly or indirectly, more than a 10 percent financial interest, or any management interest, in any local exchange carrier providing telephone exchange service within such cable operator's franchise area.

**(c) Joint ventures**

A local exchange carrier and a cable operator whose telephone service area and cable franchise

<sup>1</sup> So in original. Probably should be “distributor.”