



May 1, 2008

**MEMORANDUM TO CLIENTS**

**Re: FCC Order Extending Filing Date for 2008 Annual Leased Access Report**

The FCC released an order yesterday extending the leased access annual report filing date for 2008 from April 30 to July 15. The order also extended the deadline for leased access programmers and other interested members of the public to file comments in response to the leased access annual reports from May 15 to July 31, 2008.

The FCC's order extending the annual report deadline does not otherwise change the effective dates for the revised leased access rules. The FCC recently indicated that it would not grant a request by NCTA to delay the effectiveness of the new rules pending judicial review. NCTA has filed a separate request for a stay of the new rules with the Sixth Circuit Court of Appeals, and that request remains pending.

Thus, for the time being, cable operators should continue to assume that the substantive elements of the new rules, including the new leased access rate formula and the "customer service" requirements (requiring the designation of a leased access "contact" person and detailing what information and materials must be provided to prospective leased access programmers within three days of a request) will become effective on May 28, 2008 or upon approval of the new formula by the Office of Management and Budget ("OMB"), whichever is later. The FCC has submitted its request for approval to the OMB, which is expected to make a decision some time between May 28 and June 28.

Please contact us if you have any questions regarding any aspect of the new leased access rules.

**FLEISCHMAN AND HARDING LLP**

199260\_2