

3. Case of Dispute No.1, 2014 (Application: July 23, 2014)

1) Progress

July 23, 2014	Oita Cable Telecom Co., Ltd. (OCT) filed an application for mediation against Kyushu Asahi Broadcasting Co., Ltd. (KBC).
August 7, 2014	The Commission appointed the mediation commissioners.
August 22, 2014	KBC submitted a written reply.
September 8, 2014	The mediation commissioners heard opinions from both parties.
October 15, 2014	The mediation commissioners heard opinions from both parties. The mediation commissioners presented a proposed mediation to both parties.
October 17, 2014	KBC accepted the proposed mediation.
October 21, 2014	OCT accepted the proposed mediation. The mediation process concluded.

2) Summary

OCT had been rebroadcasting KBC digital television broadcasts outside of KBC's service area since 2008, when OCT and KBC agreed to matters confirmed through negotiation, effective through to July 24, 2014. OCT filed for mediation, wishing to continue rebroadcasting from July 25, 2014 onward, because it was obliged to request consent for the rebroadcasts from KBC in light of the past agreement to matters confirmed through negotiation, changes in circumstances after the ruling, * protection of viewers, and other factors. OCT additionally stated its willingness to negotiate the termination of the rebroadcasts after a certain period of time, in the event a new proposal pertaining to the rebroadcasts was made that gave due consideration to past viewing performance and to viewer protection.

*OCT and other cable TV operators applied in 2007 for a ruling by the Minister for Internal Affairs and Communications against KBC and other broadcasters. The Minister ruled that KBC and other broadcasters should consent to rebroadcasts.

3) Results of mediation

Both parties agreed to the proposed mediation below, thereby concluding the mediation.

1. KBC consents to rebroadcasts by OCT of KBC terrestrial digital broadcasts outside of KBC's service area in OCT's service area within Oita Prefecture from July 25, 2014 to March 31, 2016, in order to provide sufficient time to inform viewers about the termination of the rebroadcasts in the interest of protecting viewers.
2. OCT shall terminate the rebroadcasts described in Paragraph 1 above by March 31, 2016 and shall not seek further rebroadcasting agreements.
3. OCT shall begin informing viewers about the termination of KBC rebroadcasts on its website and in other locations no later than six months after the conclusion of the mediation, and OCT shall report its progress in informing viewers to the Commission nine months after the conclusion of the mediation.
4. KBC shall respond in good faith to any requests from OCT for assistance in informing viewers and to any direct inquiries from viewers concerning the termination of the rebroadcasts.
5. KBC may rescind its consent for the rebroadcasts described in Paragraph 1 above, if it is clear that the publicizing of the termination of the rebroadcasts described in Paragraph 3 above is not being executed in good faith. In the event that it plans to rescind its consent for the rebroadcasts, KBC shall report the fact in advance to the Commission.