

January 7, 2019

VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Re: Comment on Proposal of NAB and NCTA for Modernization of Carriage election Process
MB Docket No. 17-317

Dear Ms. Dortch:

The ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates, together with the CBS Corporation, 21st Century Fox, Inc., NBCUniversal Media LLC, and the Walt Disney Company (collectively, the “Affiliates and Networks”)¹ hereby file these comments to express their strong support for the joint industry proposal of the National Association of Broadcasters and NCTA – The Internet and Television Association seeking reforms to the television station carriage election process (the “Industry Proposal”). The Affiliate Associations and Networks urge the Commission to adopt the proposal without changes.

The record in this proceeding shows unequivocally that the carriage election process first adopted by the Commission more than a quarter century ago is more than ripe for a substantial update. Changes in communications technology and practices have rendered the Commission’s model of notification by certified mail antiquated and unnecessarily burdensome. Replacement of this system with a modern, robust scheme that utilizes the efficiencies of electronic mail and the Internet is exactly the kind of sensible, good government reform that the Commission has made a welcome practice of adopting.

The Industry Proposal provides an excellent compromise solution that would accomplish the update these rules need. By replacing the current requirement that each television station make a specific election for each relevant cable system with a requirement that broadcasters provide notice only when a past election changes (or when no election has been made in a prior cycle, as when a new-entrant MVPD first begins offering service), the Commission will substantially reduce the burdens on both broadcasters, who will be relieved of sending serial duplicative notices, and cable operators, who will be freed of the obligation to process them. Changing the current certified mail requirement for each notice to a much more streamlined email notification process will further eliminate needless regulatory costs for all involved.

The Affiliates and Networks are particularly pleased with the proposal that each side provide the other with contact email and phone information to resolve any questions that arise. The current system too often has devolved into gamesmanship, where broadcasters and cable operators strictly construed their obligations and ended up in needless arguments about the technicalities of whether those obligations had

¹ Each of the Affiliate Associations is a non-profit trade association whose members consist of local television broadcast stations throughout the country that are each affiliated with its respective broadcast television network. Collectively, the Affiliate Associations represent more than 500 local television stations that are affiliated with the four major broadcast networks. The Affiliate Associations’ member stations provide news, weather, sports, entertainment, and other valuable, highly-desired video content to virtually every community in the country, whether large or small, urban or rural. Each of the Networks distributes network television programming nationally through their owned and operated stations and independent affiliates.

Marlene H. Dortch, Esq.

January 7, 2019

Page 2

been fulfilled. A single misaddressed envelope could lead to arguments that potentially adversely affected the entire retransmission consent process. The spirit of cooperation embodied in the Industry Proposal and the solid verification procedures the proposal includes will hopefully make such useless sparring a thing of the past.

The Affiliates and Networks heartily approve of the Industry Proposal and look forward to implementation of the much-improved system it promises. The Commission should adopt the Industry Proposal without delay.

Respectfully submitted,

**ABC TELEVISION AFFILIATES
ASSOCIATION**

**CBS TELEVISION NETWORK
AFFILIATES ASSOCIATION**

NBC TELEVISION AFFILIATES

**FBC TELEVISION AFFILIATES
ASSOCIATION**

By: /s/
Mark J. Prak
David Kushner
Julia Ambrose
Timothy Nelson
BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.
Wells Fargo Capitol Center, Suite 1700
Raleigh, N.C. 27601
Telephone: (919) 839-0300

By: /s/
John R. Feore
Jason Rademacher
COOLEY LLP
1299 Pennsylvania Ave., N.W.
Suite 700
Washington, DC 20004
Telephone: (202) 842-7800

CBS CORPORATION

21ST CENTURY FOX, INC.

By: /s/
Anne Lucey
Senior Vice President for Regulatory Policy
801 Pennsylvania Avenue NW, Suite 450
Washington, DC 20004

By: /s/
Jared S. Sher
Executive Vice President & Deputy
General Counsel
400 N. Capitol Street NW, Suite 890
Washington, DC 20001

NBCUNIVERSAL MEDIA, LLC

THE WALT DISNEY COMPANY

By: /s/
Margaret L. Tobey
Senior Vice President, Regulatory Affairs
300 New Jersey Avenue, NW, Suite 700
Washington, DC 20001

By: /s/
Susan L. Fox
Vice President
425 Third Street SW, Suite 1100
Washington, DC 20024