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October 18, 2016

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation; Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location, MB Docket No. 16-161

Dear Ms. Dortch:

On Oct. 14, 2016, Ross J. Lieberman, Senior Vice President of Government Affairs, American Cable Association ("ACA"), Elizabeth Cuttner, Cinnamon Mueller, and the undersigned, representing ACA, met with Martha Heller and Kim Matthews, Media Bureau, to discuss ACA's position that the Commission's efforts to address security concerns raised by large cable operators with respect to maintenance of cable principal headend location information in a physical public file at its systems should not create new and unnecessary requirements on small cable operators, particularly new recordkeeping and production requirements. The discussion was consistent with its filings in the above referenced docket.[1]

ACA appreciates the concerns raised by larger cable operators that continuing to require that information concerning the location of an operator's principal headend be placed in a physical public file and made accessible to any individual that enters their facilities seeking access to the file could pose security risks. However, these security risk concerns are not shared by most of ACA's small and medium-sized members, particularly those who operate systems in smaller markets and rural areas. What concerns ACA and these members is the prospect that the Commission would eliminate the current rule, which imposes virtually no direct costs on operators, and replace it with a new and different requirement, especially one that obligates the operator to make the information available to broadcast stations and the Commission itself through costlier reporting or notification mechanisms. For this reason, ACA has recommended that the Commission give operators the choice of continuing to make the information available locally, either by retaining it in their public files as they do today, or by eliminating it from their public files but requiring them to maintain the information at their facilities and only obligating them to make it available upon advance request to authorized persons appearing in person.

ACA representatives noted that no broadcaster or broadcast group submitted comments on this issue.[2] ACA explained that broadcasters already know the location of a cable system's principal

[1] *Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location,* Notice of Proposed Rulemaking, MB Docket No. 16-161 (rel. May 26, 2016) ("NPRM"); Comments of the American Cable Association (filed Jul. 22, 2016) ("ACA Comments"); Reply Comments of the American Cable Association (filed Aug. 22, 2016) ("ACA Reply Comments").

[2] The sole comment questioning how the proposed elimination of principal headend information from the public file would affect broadcasters was filed by the broadcast engineering firm, Cohen. Dippell and Everist, asking

headend in their designated market area and that cable operators are obligated to provide notifications to broadcasters when an operator's headend is moved or if changes are made.[3] In response to questions from staff, ACA explained that very few of its members reported requests for access to their public inspection files from the public at large prior to the Commission requiring the contents of these files to be posted online, and specifically, it is not aware of any broadcasters, Commission staff, local franchise authority staff, or private citizens ever seeking access to its members' principal headend information by requesting access to the members' public file.

Meeting participants also discussed an alternative whereby an operator, in lieu of including headend information in their physical file, would include this information in their online public file and the Commission would restrict online access to this information to only authorized parties. ACA pointed out that such an alternative, if optional to the operator, could be welcomed by any of its members sharing the security concerns of large operators. However, most of its members, who have neither sought this rule change nor have any security concerns about maintaining a physical public inspection file locally, would prefer that the Commission leave the current rule intact since, particularly for them, it is not burdensome and is serving its intended purpose. Further, for cable operators with 1,000 or fewer subscribers that are exempt from any online public file obligations, requiring them to establish and maintain an online public file solely for the purpose of maintaining cable principal headend information would be costly, and not address any security concerns because it would require these operators to continue to maintain other information in a physical public file at their facilities that would be accessible to the public.

In closing, ACA again expressed its preference for the Commission to provide cable operators the option of maintaining the information in their local public files, if that is the most cost-effective means of making it available for public inspection, or of maintaining the records locally, and making them available upon request by authorized persons appearing in person, as is the case for proof-of-performance testing and signal leakage reports.[4] So long as the Commission continues to allow cable operators to operate as they are today with respect to making principal headend information available, ACA has no objections to the Commission coming up with an alternative approach that effectively addresses the security concerns of large MVPDs.

This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Sincerely,

Barbara Esbin

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cc: Martha Heller
Kim Matthews

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how broadcasters subject to repacking following the broadcast incentive auction could access principal headend information if it is not contained in the public inspection file. *See* Comments of Cohen, Dippell and Everist, P.C. at 2 (filed Jul. 22, 2016).

[3] *See* 47 C.F.R. §§ 76.1700(a)(6), 76.1607.

[4] *See* 47 C.F.R. § 76.1700(c)(1)-(2).