

October 25, 2017

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: MM Docket Nos. 14-50, 09-182, 07-294, 04-256

Dear Ms. Dortch:

On October 18, 2017, Rick Chessen, Michael Schooler, and Diane Burstein, all of NCTA - The Internet & Television Association, met with Brooke Ericson, Chief of Staff and Media Legal Advisor to Commissioner O’Rielly, and, separately, with Nirali Patel, Acting Media Legal Advisor to Commissioner Carr. In those meetings, we addressed one particular matter at issue in the pending petitions for reconsideration of the Quadrennial Review Order in the above-referenced proceedings.¹

Specifically, we raised concerns about any revision of the duopoly rule that would permit joint retransmission consent negotiations by two “top four” commonly-owned stations in the same market. We noted NCTA’s prior advocacy opposing joint retransmission consent negotiations and the Commission’s previous finding that joint negotiations by “top four” stations were anticompetitive and harmful to consumers.² There is nothing in the current record that would permit the Commission to essentially overturn that finding. Therefore, we proposed at a minimum that the Commission defer action on the “top four” duopoly rule until after a full examination of its impact in a further proceeding.

Respectfully submitted,
/s/ **Rick Chessen**
Rick Chessen

cc: Brooke Ericson
Nirali Patel

¹ 2014 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Second Report and Order, 31 FCC Rcd 9864 (2016) (Quadrennial Review Order).

² See Amendment of the Commission’s Rules Related to Retransmission Consent, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 3351 (2014).