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Ex Parte

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

Re: In the Matter of Leased Commercial Access; Modernization of Media Regulation Initiative: MB Docket Nos. 07-42; No. 17-105

Dear Ms. Dortch:

On March 7, 2019, Jordan Goldstein (Comcast Corporation), Maureen O'Connell (Charter Communications), Steve Horvitz (Davis Wright Tremaine, LLP), and I met separately with Alexander Sanjenis, Acting Media Advisor to Chairman Pai, and Evan Swarztrauber, Policy Advisor to Commissioner Carr. We discussed NCTA's written submissions in the above-captioned proceeding.

We reiterated the view that the Commission should take steps to reduce the burdens imposed on cable operators by the existing leased access rules. We pointed out that the state of the video marketplace has changed dramatically since Congress adopted the leased access provisions, thereby raising significant legal, policy and practical issues.

We raised concerns with the complexity of the Commission's existing leased access rate formula, and we proposed that the FCC, at a minimum, modify and simplify the existing rate formula in cases where leased access channels are carried on the basic tier. We explained that a "tier-specific" calculation for basic tier carriage would be easier to calculate and more logical.

We also highlighted the unique burdens imposed by the requirement that cable operators lease time on a part-time basis. We explained that Section 612 of the Communications Act does not mandate that operators engage in leasing time on a program-by-program basis. Rather, part-time leased access is an FCC-created regulatory requirement that imposes outsized burdens on the cable industry. We discussed how fielding leased access inquiries from prospective full-time and part-time lessees, and calculating rates, consumes disproportionate staff resources, and that in the vast majority of cases applicants fail to actually lease time. Accommodating part-time leased access activity is particularly burdensome, imposing many of the same costs associated with

launching a full-time leased access channel for as little as a half-hour of leased program time. We described how many different departments throughout a company must be involved to finalize a contract, create a leased access channel, and coordinate the technical details for delivery of the programming. In fact, part-time leased activity typically requires extra effort by the operator, as there are additional technical and operational issues involved in the delivery and scheduling of part-time programming that do not apply to full-time programming. For all these reasons, we reiterated that the Commission should eliminate any requirement to provide leased access on a part-time basis.

Respectfully submitted,

/s/ Diane B. Burstein

Diane B. Burstein

cc: Alexander Sanjenis
Evan Swarztrauber