



April 10, 2019

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

Re: Notice of Ex Parte Communication, MB Docket Nos. 18-349, 17-318, 18-202, 17-105; GN Docket Nos. 18-122, 17-183

Dear Ms. Dortch:

On April 8, the undersigned of the National Association of Broadcasters (NAB) met with FCC Chairman Ajit Pai and his acting media advisor, Alexander Sanjenis. During this meeting, NAB discussed the Commission's proceedings concerning the national ownership cap,¹ local radio ownership,² children's television programming,³ and expanded operations in the C-band.⁴

With respect to the national ownership cap, NAB addressed the need for reform consistent with its filings in this proceeding.⁵ For local TV stations to continue maintaining a meaningful

¹ *Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule*, Notice of Proposed Rulemaking, 32 FCC Rcd 10785 (2017).

² *2018 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*, Notice of Proposed Rulemaking, MB 18-349 (rel. Dec. 13, 2018).

³ *Children's Television Programming Rules, Modernization of Media Regulation Initiative*, Notice of Proposed Rulemaking, MB Docket Nos. 18-202, 17-105, FCC 18-93 (rel. July 13, 2018).

⁴ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Order and Notice of Proposed Rulemaking, GN Docket No. 18-122, GN Docket No. 17-183, FCC 18-91 (July 13, 2018)

⁵ Comments of NAB, MB Docket No. 17-318 (Mar. 19, 2018) (explaining that, if the Commission continues to employ a 39 percent national TV cap, it should determine compliance with it by accounting for all TV stations at 50 percent of their theoretical audience reach); Reply Comments of NAB, MB Docket No. 17-318 (Apr. 18, 2018).

presence in local communities – including through the provision of local news, weather, sports and emergency information – they must remain competitively viable. Today, that means being able to effectively compete for audiences and advertising revenues against pay-TV/broadband companies, over-the-top video providers, digital advertising platforms and social media giants that dwarf broadcast TV groups in scale and scope. It would be completely contrary to the FCC's long-standing localism goals to competitively hobble TV broadcasting and its locally-oriented service by undermining broadcasters' abilities to achieve important economies of scale and scope. Anything short of preserving today's effective status quo would be tantamount to reregulating an industry that already competes with one hand tied behind its back.

NAB discussed its proposal for reforming the local radio ownership rule⁶ and the Commission's ongoing quadrennial review. NAB's proposal recognizes that local radio stations, especially those in small and medium markets and AM stations in markets of all sizes, need relief from the Commission's outdated ownership rules in order to provide the best overall service to the American public. It is imperative that the Commission modernize the radio and television ownership rules to not only allow broadcasters to survive but also thrive.

NAB also reiterated its position that the Commission's regulatory regime for children's television programming no longer reflects the dynamics of today's video programming marketplace and the viewing habits of children and their families.⁷ Broadcasters need increased flexibility in order to better serve their communities. NAB is hoping the Commission acts soon to modernize these rules.

Finally, NAB emphasized the importance of the C-band for the nationwide distribution of radio and television content. In any move to reallocate a portion of the C-band to provide additional spectrum for expanded wireless operations, the Commission should take care to ensure that existing users – and the viewers and listeners who rely on them – are protected. While NAB does not wish to stand in the way of some reallocation of C-band spectrum, any such reallocation must fully fund the costs of accommodating existing uses of the band and must protect current users against harmful interference going forward.

⁶ Letter from Rick Kaplan et al., Legal and Regulatory Affairs, NAB, to Michelle Carey, Chief, Media Bureau, FCC, at 1-4 (filed June 15, 2018) (NAB June 15, 2018 Letter).

⁷ See Comments of NAB, MB Docket Nos. 18-202, 17-105 (Sept. 24, 2018); Reply Comments of NAB, MB Docket Nos. 18-202, 17-105 (Oct. 23, 2018).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal flourish extending to the right.

Rick Kaplan
General Counsel and Executive Vice President,
Legal and Regulatory Affairs
National Association of Broadcasters

cc: Chairman Pai
Alexander Sanjenis