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April 16, 2018

VIA ECFS

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

Re: Notice of Ex Parte Communication, MB Docket No. 17-105

Dear Ms. Dortch:

On April 12, 2018, representatives of AT&T and DISH Network met with Michelle Carey, Martha Heller, Lyle Elder and Sarah Whitesell, all from the Media Bureau, to discuss the above captioned Notice of Proposed Rulemaking on Media Modernization rules. AT&T was represented by Stacy Fuller, Jeanine Poltronieri, Cathy Carpino, and Glenis McKoy. DISH Network was represented by Hadass Kogan.

Consistent with the comments filed by both AT&T and DISH, we expressed the view that changes to the current satellite carriage election rules are not needed. A broadcast station has, at most, two satellite carriage election letters to send once every three years and only has that obligation if it is seeking mandatory carriage on a direct broadcast satellite ("DBS") provider's system. Consequently, the record supports leaving the satellite carriage election rules as they are.

If, however, the Commission wishes to establish a new uniform carriage election system applicable to all multi-video programming distributors ("MVPDs"), it should do so through a Commission-hosted online portal, as was suggested by DISH Network's initial comments and endorsed by AT&T. Such a portal would provide convenient access for broadcasters and MVPDs. The FCC can ensure that notices include all the information required by 76.66 of the Commission's rules – call sign, contact information, community of license – by utilizing a standardized form or drop-down menu. In addition, any FCC-hosted website should become inaccessible for additional broadcaster carriage elections after the October 1 deadline during each election cycle. A hard deadline for the availability of the portal will ensure that all affected stakeholders are able to determine easily whether the elections were submitted on time.

We also reiterated, consistent with our comments, that the Commission should reject proposals that fail to modernize the election process, or that increase the burdens on DBS

providers. DISH and AT&T explained that rule changes that would require DBS providers to search broadcasters' websites or online public files would be unworkable. There are over 1700 broadcast stations that nationwide MVPDs like AT&T and DISH would have to search. Requiring MVPDs to search these websites or public files would not be reducing regulatory burdens. Instead, it would be unfairly shifting responsibility from broadcasters, who benefit from must-carry, to MVPDs, who get no benefit from these rules. It would also not provide safeguards to ensure that the election procedures were followed, and that notice was provided and received in a timely manner. In addition, the parties explained that e-mail delivery would also fail to effectively modernize the election process. Among other things, e-mail delivery does not provide the necessary level of certainty for the carriage election process and does not resolve questions about when an election was made, how to reconcile elections sent to multiple addresses, or how to handle duplicative or incomplete elections.

We also discussed changes that could be made to the current deadlines in the carriage election rules that would relieve regulatory burdens, as outlined in AT&T's comments. And we explained why continued triennial elections by noncommercial educational broadcasters are needed to manage and prepare for the next carriage cycle, as stations change content, ownership and sometimes locations during an election cycle and are not always eligible for continued carriage. Moreover, sending – at most – two election notices once every three years to DIRECTV and DISH, each with a single point of contact, is not burdensome.

Finally, we supported the proposal to permit MVPDs to provide subscriber privacy notices electronically while giving consumers the ability to “opt out.” This proposal was unopposed in the record and should be adopted.

We look forward to working with the Commission on modernizing the media rules for the 21<sup>st</sup> century.

Sincerely,

A handwritten signature in cursive script, reading "Jeanine Poltronieri".

Jeanine Poltronieri

cc: Michelle Carey (Michelle.Carey@fcc.gov)  
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