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June 21, 2018

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street SW
Washington, DC 20554

Re: Notice of Ex Parte, *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket No: 05-311; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84

Dear Ms. Dortch,

On June 19, 2018, Rick Chessen of NCTA – The Internet & Television Association, Paul Glist of Davis Wright Tremaine and Tara Corvo of Mintz Levin Cohn Ferris Glovsky and Popeo, on behalf of NCTA; David Don and Jordan Goldstein of Comcast; David Murray of Willkie Farr & Gallagher, on behalf of Comcast; Maureen O’Connell and Christi Barnhart of Charter; and Jenny Prime of Cox met with Susan Aaron, Ashley Boizelle, Maureen Flood, David Konczal of the Office of General Counsel, and Martha Heller, Brendan Murray, Holly Saurer, Kathy Berthot (by phone) of the Media Bureau.

We explained that the Commission has a clear legal basis to affirm the mixed use rule at issue in *Montgomery County, Maryland v. FCC, et al.* and to provide complementary relief in the *Wireline Broadband* proceeding. Consistent with prior submissions by NCTA,¹ we requested that the Commission take action in both proceedings to prevent state and local governments from imposing duplicative regulations and fees and other regulatory obstacles that have the effect of hindering the deployment of new facilities and services by cable operators for consumers; to address ongoing efforts by local franchising authorities to subject non-cable services delivered over cable systems to

¹ See Letter from Rick Chessen, NCTA, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-84 (June 11, 2018); Letter from Rick Chessen, NCTA, to Marlene H. Dortch, Secretary, Federal Communications Commission, MB Docket No. 05-311 (May 3, 2018).

duplicative regulations and fees; and to reduce barriers to infrastructure investment and deployment.

We also discussed the Sixth Circuit's remand concerning in-kind assessments, and the relevant statutory provisions that should guide the Commission's consideration of this issue. We noted that Congress made clear in the Cable Act when it intended to exclude certain exactions from the statutory franchise fee cap and that other exactions should generally count against the cap. Adherence to these statutory requirements is even more important in today's intensely competitive marketplace for video services, which includes a growing number of other providers who are not subject to such obligations. We encouraged the Commission to issue clear guidance on these issues to ensure that cable franchise fees continue to provide appropriate revenues to franchising authorities for use of the public rights of way, consistent with the statutory parameters in the Cable Act, and to fulfill Congressional and Commission priorities to advance the deployment of broadband and other innovative services over cable for the public benefit.

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

Respectfully submitted,

/s/ Rick Chessen

Rick Chessen

cc: Susan Aaron
Ashley Boizelle
Maureen Flood
David Konczal
Martha Heller
Brendan Murray
Holly Saurer
Kathy Berthot