



July 3, 2019

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

Re: Notice of *Ex Parte* Communication, MB Docket Nos. 18-202, 17-317, 17-105; MD Docket No. 19-105

Dear Ms. Dortch:

On Monday, July 1, President and CEO Gordon Smith and the undersigned, both of the National Association of Broadcasters (NAB), met with Commissioner Geoffrey Starks and his acting legal advisor for media and consumer protection, Michael Scurato, to discuss the above-captioned proceedings. The undersigned also met with Kate Black, policy advisor for media to Commissioner Jessica Rosenworcel, to discuss the same proceedings.

In these meetings, NAB noted its appreciation to the Commission for its diligent work to modernize the Commission's rules regarding children's television programming and television broadcaster carriage election notices.¹ With respect to the children's television rules, NAB emphasized that broadcasters remain committed to serving the needs of children in their communities, and that under the proposed revised rules, all children will still have access to a variety of free, over-the-air, educational and informational programming. Regarding the Commission's carriage election rules, NAB reiterated that the proposed revised rules will greatly decrease the burdens for television broadcasters and increase certainty for both broadcasters and multichannel video programming distributors.² NAB also

¹ See *Children's Television Programming Rules*, Public Draft, Report and Order and Further Notice of Proposed Rulemaking, MB Docket Nos. 18-202, 17-105, FCC-CIRC1907-06 (June 19, 2019); *Electronic Delivery of MVPD Communications*, Report and Order and Further Notice of Proposed Rulemaking, MB Docket Nos. 17-317, 17-105, FCC-CIRC1907-07 (June 19, 2019) (Draft Carriage Order).

² See Comments of the National Association of Broadcasters, MB Docket Nos. 17-317, 17-105 (Feb. 15, 2018); Reply Comments of the National Association of Broadcasters, MB Docket Nos. 17-317, 17-105 (Mar. 2, 2018).

emphasized that by extending the proposed rules to satellite providers,³ the Commission will meaningfully decrease the risk of confusion without increasing any burden on any stakeholder.

NAB also addressed the major challenges presented by the Commission's proposed Fiscal Year 2019 regulatory fees.⁴ NAB explained that the Notice of Proposed Rulemaking (NPRM) gave stakeholders, and especially broadcasters, almost no means to offer meaningful feedback due to the lack of information provided. The NPRM's failure in this regard has major consequences, especially for the radio industry. While the Commission's budget is projected to increase only 5.3 percent, under the current fees proposal, most radio broadcasters would pay 18-20 percent more in regulatory fees for 2019 than they did in 2018. As NAB previously explained, despite this disproportionate increase, however, the Commission's NPRM fails to provide any real explanation.⁵ NAB urged both offices to take a hard look at this issue and to work to ensure that stakeholders have the information they need to help the Commission reach a fair result.

Respectfully submitted,

NATIONAL ASSOCIATION OF BROADCASTERS

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

Rick Kaplan
General Counsel and Executive Vice President
Legal and Regulatory Affairs

cc: Commissioner Geoffrey Starks, Michael Scurato, Kate Black

³ See Draft Carriage Order at ¶¶ 20-23.

⁴ *Assessment and Collection of Regulatory Fees for Fiscal Year 2019*, Notice of Proposed Rulemaking, MD Docket No. 19-105 (May 8, 2019).

⁵ See Comments of the National Association of Broadcasters, MD Docket No. 19-105 (June 7, 2019).