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August 17, 2016

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

Re: Notice of *Ex Parte* Communication  
MB Docket No. 16-42, CS Docket No. 97-80

Dear Ms. Dortch:

On August 15 & 17, 2016, the undersigned and Ellen Agress of 21<sup>st</sup> Century Fox, Inc. and Susan L. Fox of The Walt Disney Company met with Jessica Almond of Chairman Wheeler's office, John Williams of the Office of General Counsel, and Scott Jordan of the Office of Strategic Planning & Policy Analysis (Mr. Jordan joined on August 17 only) to discuss the above-referenced proceeding. The purpose of the meeting was to listen at the invitation of Commission staff to the Chairman's latest views about a proposed rule framework for promoting competition in the marketplace for multichannel video programming navigation equipment while protecting the security of the highly-popular programming that programmers create for the enjoyment of tens of millions of Americans every day.

The Commission representatives indicated that they were seriously considering a revised approach to this proceeding that would ensure that all of programmers' valuable content would remain inside of, and under the control of, apps developed exclusively by multichannel video programming distributors (MVPDs) with whom programmers have a direct contractual relationship. The Commission staff also stressed that third party platforms, when distributing these MVPD apps, would be required to honor and abide by all of the terms and conditions set forth in programmers' licenses with MVPDs.

The programmer representatives stressed a few key points. First, to promote competition, consumer choice, and the continued investment in content, any final FCC rules need to ensure parity for programmer apps, provide programmers with effective means to enforce compliance with their licensing agreements, and ensure that programmers can continue to engage directly with their viewers. The programmer representatives expressed concern that any third-party licensing regime should include specific protections to ensure compliance with the programmers' distribution agreements with MVPDs and that programmers should have an integral role in negotiating the terms of any such license. The programmer representatives expressed general support for a rule construct in which programming at all times remains inside of an MVPD-

controlled app, which we said was the only way of ensuring that the security of content is not jeopardized. We stated that we would continue to work with the Commission and with MVPDs as this proceeding moves forward.

This letter is being submitted electronically in the above-referenced dockets, which have been granted permit-but-disclose status, pursuant to Section 1.1206(b) of the Commission's Rules. Should you have any questions concerning this submission, kindly contact the undersigned.

Respectfully submitted,

/s/

Jared S. Sher

cc: Jessica Almond  
John Williams  
Scott Jordan