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September 25, 2018

EX PARTE PRESENTATION

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 September 21, 2018, representatives of AT&T and DISH Network had a telephone call with Martha Heller, Lyle Elder and Holly Saurer, 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, and Cathy Carpino. 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.

We explained that the possible compromise proposal put forward by NCTA and NAB¹ would not be workable for DBS. The must carry election rules for cable and DBS operate differently. As discussed above, sending – at most – two election notices once every three years to DIRECTV and DISH, each with a single point of contact, is not burdensome. We further explained why continued triennial elections by 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.

We also reiterated, consistent with our comments, that the Commission should reject proposals that increase the burdens on DBS providers. We explained that e-mail delivery does not provide the necessary level of certainty for the carriage election process and does not resolve questions

¹ See Letter from Rick Chessen, NCTA, to Marlene H. Dortch, FCC, MB Docket Nos. 17-317 & 17-105 (Sept. 17, 2018).

about when an election was made, how to reconcile elections sent to multiple addresses, or how to handle duplicative or incomplete elections.

If the Commission moves forward with NCTA and NAB's proposal, AT&T and DISH explained that such changes should apply *only* to the cable carriage rules, and emphasized that the rules governing election procedures for DBS should remain unchanged. If, however, the Commission wishes to establish a new uniform carriage election system applicable to all MVPDs, we reiterated that it should do so through a Commission-hosted online portal, as was suggested by DISH's initial comments and supported by AT&T.

/s/ Hadass Kogan

Hadass Kogan

cc: Martha Heller
Lyle Elder
Holly Saurer