

well deprive operators of the ability to retransmit any broadcast signals -- especially non-superstation distant signals.<sup>32/</sup>

Viacom International Inc. presents a persuasive case that Congress did not intend retransmission consent to apply to distant signals.<sup>33/</sup> It argues that Congress specifically requires that stations make an election between must carry and retransmission consent, and that since distant stations cannot elect must carry, they fall outside the retransmission consent requirement. But in the event the Commission were to find otherwise, it is critical for it to announce unequivocally that stations are free to grant consent to cable retransmissions, notwithstanding the terms of any syndication contracts or network affiliation agreements for the reasons stated in our initial comments.

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32/ As the comments of Tribune Broadcasting Company make clear, restrictions on a station's ability to authorize cable retransmission are "standard 'boilerplate' in program licensing agreements throughout the television industry." Comments of Tribune Broadcasting at 11-12 and Exhibit A.

33/ Comments of Viacom International Inc. at 23-36.

CONCLUSION

For the foregoing reasons, the Commission should adopt rules consistent with the reasoning presented in our initial comments and these reply comments.

Respectfully submitted,  
NATIONAL CABLE TELEVISION  
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January 19, 1993