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November 4, 2019

VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of Ex Parte, Modernization of Media Regulation Initiative: MB
Docket No. 17-105**

Dear Ms. Dortch:

On October 31, 2019, Rick Chessen and Radhika Bhat of NCTA – The Internet & Television Association; Howard Symons of Jenner & Block LLP, on behalf of NCTA; Maureen O’Connell of Charter; Jordan Goldstein of Comcast; and Jennifer Prime of Cox met with Michelle Carey, Sarah Whitesell, Brendan Murray, Lyle Elder (by phone), and John Cobb of the Media Bureau to discuss the above-referenced proceeding.¹

During the meeting, we urged the Commission to review its various customer notice rules to determine whether these rules should be retained, modified, or eliminated. In particular, we discussed Section 76.1603(b) of the Commission’s rules—which requires cable operators to give customers 30-days’ advance notice of programming service changes “if the change is *within the control* of the cable operator”²—and how it applies during ongoing carriage negotiations. We asked that the Commission clarify that the rule is inapplicable to the extent carriage negotiations are ongoing during the final 30 days of an agreement. The notice requirement would be triggered only if the carriage negotiations ended without an extension, or ended after an extension or extensions. Under those circumstances, cable operators would provide notice to subscribers “as soon as possible,” as set forth in Section 76.1603(b).³

We stressed that requiring cable operators to provide 30-days’ advance notice to subscribers any time carriage negotiations enter the final month because the channel *might* be dropped would harm consumers. Cable operators negotiate scores of carriage contracts, and

¹ *Modernization of Media Regulation Initiative*, Public Notice, 32 FCC Rcd. 4406 (2017).

² 47 C.F.R. § 76.1603(b) (emphasis added).

³ *Id.* As provided in Section 76.1603(e) and 47 U.S.C. § 552(c), cable operators have the flexibility to provide such notice “using any reasonable written means at [their] sole discretion”—including, for example, channel slates.

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many of those negotiations come down to the final 30 days, if not the final days, of an agreement. Moreover, the vast majority of these negotiations end successfully. Requiring advance notice of *possible* service changes would cause significant consumer confusion, and could also lead some cable subscribers to unnecessarily change their provider and incur needless costs.

This letter is being filed electronically pursuant to Sections 1.1203(a)(1), 1.1204(a)(10)(iv), and 1.1206(b)(2)(v) of the Commission's rules. Please direct any questions to the undersigned.

Respectfully submitted,

/s/ Rick Chessen

Rick Chessen

CC: Michelle Carey
Sarah Whitesell
Brendan Murray
Lyle Elder
John Cobb