



November 13, 2017

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 Nos. 14-50, 09-182, 07-294, 04-256,  
17-289, GN Docket No. 16-142

Dear Ms. Dortch:

On November 8, 2017, Senator Gordon H. Smith, Rick Kaplan, Alison Neplokh and the undersigned, all of the National Association of Broadcasters (NAB), met with Chairman Pai and his legal advisor, Alison Nemeth, Commissioner Clyburn and her legal advisor, David Grossman, who informed us that he was no longer recused from the Next Gen TV proceeding, Commissioner O’Rielly and his legal advisor, Brooke Ericson, and Commissioner Carr and his legal advisor, Nirali Patel. During these meetings, NAB reiterated the points set forth in our letter of November 2, 2017 discussing the draft Order on Reconsideration and Notice of Proposed Rulemaking updating the Commission’s broadcast ownership and attribution rules, as well as the draft Report and Order and Further Notice of Proposed Rulemaking authorizing broadcasters to use the Next Generation TV standard.

With respect to the Next Gen standard, NAB emphasized the strong market incentives broadcasters have to preserve the coverage and quality of their signals during a transition to Next Gen. Broadcasters are enthusiastic about the possibilities the new standard will unlock, but for the immediate future their business models will continue to rely on signals using the existing DTV standard. The Commission can best serve the public interest by relying on these market incentives and allowing broadcasters some measure of the flexibility the FCC provides other industries it regulates. Broadcasters remain the only free competitive option in the video marketplace. If the Commission wants to allow viewers to enjoy competitive video programming services without subscribing to pay-TV services, it must allow the broadcast industry the freedom to innovate. Otherwise the Commission will be furthering and expanding the digital divide.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick McFadden", with a long horizontal flourish extending to the right.

Patrick McFadden  
Associate General Counsel,  
National Association of Broadcasters

cc: Chairman Pai  
Commissioner Clyburn  
Commissioner O'Rielly  
Commissioner Carr  
Alison Nemeth  
David Grossman  
Brooke Ericson  
Nirali Patel