

COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG
LONDON LOS ANGELES NEW YORK PALO ALTO
SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 6000

November 14, 2019

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex parte* submission in GN Docket No. 18-122

Dear Ms. Dortch:

On November 12, 2019 (except for one meeting on November 14, as indicated below), representatives from the Content Companies (CBS, Discovery, The Walt Disney Co., Fox Corp., Univision and Viacom), the National Association of Broadcasters (“NAB”), and the ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliation Association, and NBC Television Affiliates (the “Affiliates Associations”) participated in a series of *ex parte* meetings regarding the above-referenced proceeding. The individuals who represented the Content Companies, NAB and the Affiliates Associations are listed on Attachment A. They met separately with the following persons from the Commission:

- Nick Degani, Senior Counsel and Aaron Goldberger, Wireless Advisor to Chairman Pai;
- Erin McGrath, Legal Advisor to Commissioner O’Rielly;
- Will Adams, Legal Advisor to Commissioner Carr;
- Bill Davenport, Chief of Staff and Senior Legal Advisor to Commissioner Starks; and
- Umair Javed, Legal Advisor to Commissioner Rosenworcel. (The meeting with Mr. Javed took place on November 14, 2019, and attendees were Patrick McFadden and Alison Neplokh of NAB and the undersigned as counsel to the Content Companies.)

During each of the meetings, the Content Companies, NAB and the Affiliates Associations emphasized the importance of the C-Band to uninterrupted delivery of news, sports, entertainment, weather and other programming and content to over 300 million persons across the United States. Put simply, the C-Band forms the backbone of the content distribution system in the United States.

The Content Companies, NAB and the Affiliates Associations also described their ongoing efforts with the Commission, the C-Band Alliance and its satellite company members, mobile carriers, distributors, and other stakeholders to chart a path that will free up a substantial amount of mid-band spectrum for 5G while preserving sufficient, unencumbered

spectrum for robust content delivery over a repacked C-Band. A core assumption of these cooperative efforts is that the repacked C-Band will be free of harmful interference from adjacent uses and will not be threatened by plans or proposals to authorize new terrestrial transmissions in the repacked C-Band—whether on a flexible (or mobile), fixed point-to-multipoint, or new fixed point-to-point basis.

The Content Companies, NAB and the Affiliates Associations also described the protections that should accompany any mechanism adopted in this proceeding to make mid-band spectrum available in this proceeding. These protections include robust technical rules governing interference prevention, detection, mitigation and enforcement for C-Band users; measures to ensure that adequate satellite capacity is available over the repacked C-Band, including by the launch of eight additional satellites as described in filings in this proceeding;¹ the honoring of all commitments that the C-Band satellite companies have made in this proceeding, including but not limited to those made in the October 28, 2019 filing and those concerning company-specific transponder loading information for each of the Content Companies, technology upgrades, filters, dual illumination, and other key transition measures;² reimbursement of costs, including but not limited to costs associated with adoption of compression technologies; and ongoing oversight and enforcement by the Commission.

Please direct any questions to the undersigned.

Sincerely,



Matthew S. DelNero
Counsel for the Content Companies

cc: Meeting Attendees

¹ See Letter from Bill Tolpegin, C-Band Alliance to Marlene H. Dortch, FCC, GN Docket No. 18-122 (filed Oct. 28, 2019). See also Letter from Bill Tolpegin, C-Band Alliance to Marlene H. Dortch, FCC, GN Docket No. 18-122 (filed Nov. 8, 2019).

² *Id.*

Attachment A

Content Companies (CBS, Discovery, The Walt Disney Co., Fox Corp., Univision and Viacom)

- Anne Lucey (CBS Corp.)
- Susan Fox (The Walt Disney Company)
- Ann Bobeck (Fox Corp.)
- Catherine Carroll (Discovery, Inc.)
- Victoria Jeffries (Univision Communications Inc.)
- Matt DelNero (Covington & Burling LLP, as counsel to the Content Companies)*

National Association of Broadcasters

- Rick Kaplan
- Patrick McFadden*
- Alison Neplokh*
- Robert Weller

ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliation Association, and NBC Television Affiliates

- Timothy Nelson (Brooks Pierce LLP, as counsel to the ABC Television Affiliates Association and the NBC Television Affiliates)
- John Feore (Cooley LLP, as counsel to the CBS Television Network Affiliates Association and the FBC Television Affiliates Association)

** All persons listed on Att. A attended the four meetings on November 12 with advisors to Chairman Pai and Commissioner O’Rielly, Commissioner Carr, and Commissioner Starks, respectively. Persons listed with an asterisk also attended the meeting on November 14 with Umair Javed, Legal Advisor to Commissioner Rosenworcel.*