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December 7, 2018

EX PARTE NOTICE VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of *Ex Parte*, In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311; MB Docket No. 15-216 (Good Faith Negotiation); MB Docket No. 10-71 (Retransmission Consent)

Dear Ms. Dortch:

On December 6, 2018, Peter Witty, General Counsel of Cable One, Inc. ("Cable One"), and the undersigned had three separate meetings with the following members of the Commission's staff: 1) Evan Swarztrauber, Policy Advisor to Commissioner Carr; 2) Erin McGrath, Legal Advisor to Commissioner O'Reilly; and 3) Michelle Carey, Sarah Whitesell, Nancy Murphy, Holly Saurer, Steven Broeckaert, Brendan Murray, Lyle Elder, Kathy Berthot, and Varsha Mangal, of the Media Bureau.

In the meetings, we encouraged the Commission to unequivocally confirm in the pending Section 621 proceeding that Federal law bars a local community from requiring a cable operator that already has a Title VI cable franchise to provide video service in the community to additionally obtain a separate franchise or authorization to provide non-cable broadband services. We also asked the Commission to confirm that a community may not demand the payment of additional franchise fees or right-of-way access fees from a cable operator as a condition of providing broadband Internet access and/or VoIP services. A community incurs no additional costs or burdens on its rights-of-ways due to the cable operator's provision of non-cable services over the same facilities used to offer video services, and thus should not be allowed to double recover through additional franchise fees on such services.

We also expressed dismay at the never-ending escalation of television broadcast station retransmission consent fees, and explained that the current mid-cycle retransmission consent negotiations show no let-up in increased fee demands. While escalating retransmission consent costs certainly impact cable operator bottom lines, they ultimately harm consumers, who bear the brunt of such costs through higher video programming rates. We explained that programming

cost increases are a significant factor causing some customers to choose to become broadband only customers.

This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Respectfully submitted,

/s/

Craig A. Gilley

Cc: Evan Swarztrauber
Erin McGrath
Michelle Carey
Sarah Whitesell
Nancy Murphy
Holly Saurer
Steven Broeckaert
Brendan Murray
Lyle Elder
Kathy Berthot
Varsha Mangal