

EX PARTE OR LATE FILED

National Cable Television Association

Diane B. Burstein
Associate General Counsel
Legal Department

1724 Massachusetts Avenue, Northwest
Washington, D.C. 20036-1969
202 775-3664 Fax: 202 775-3603

March 7, 1996

DOCKET FILED
RECEIVED
MAR - 7 1996
ORIGINAL

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

EX PARTE PRESENTATION
DOCKET NO. MM 92-266

Dear Mr. Caton:

On February 23, 1996, Diane Burstein, Associate General Counsel of the National Cable Television Association met with Mary McManus of Commissioner Ness's office. In our meeting, we discussed issues relating to the petitions for reconsideration of the rates cable operators may charge for use of leased access channels. Pursuant to Section 1.1206 of the Commission's rules, our discussion is summarized below.

- The FCC should not lower the rates for leased access channels. The 1992 Cable Act directed the Commission to determine the maximum leased access rates -- not the lowest rates -- for commercial use. Operators and potential lessees can still negotiate for lower rates than the maximum established by the Commission's rules.
- Congress provided that leased access should not have adverse effects on the operation, financial condition, or market development of cable systems, and operators are entitled to a fair profit for leasing of their channels.
- Non-profit organizations already have access to public, educational, and governmental channels at no cost. The FCC should not mandate additional subsidization of non-profit users through establishing special leased access rates.

Any questions regarding this filing may be addressed to the undersigned.

Respectfully submitted,

Diane B. Burstein

Diane B. Burstein

cc: Mary McManus

No. of Copies rec'd 021
List ABCDE