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National Cable Television Association

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March 14, 1996

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

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FEDERAL COMMUNICATIONS COMMISSION  
ACTING SECRETARY

EX PARTE PRESENTATION  
DOCKET NO. MM 92-266 (Leased Access)

Dear Mr. Caton:

On March 12, 1996, Diane Burstein, Associate General Counsel of the National Cable Television Association met with Suzanne Toller of Commissioner Chong'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.
- If the FCC intends to change the formula for calculating leased access rates, it should allow interested parties an opportunity to comment.
- 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*

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cc: Suzanne Toller

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