

December 4, 2014

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation—Revision of the Commission’s Program Carriage Rules, MB Docket No. 11-131

Dear Ms. Dortch:

On Tuesday, December 2, 2014, David Kenny, Chairman and Chief Executive Officer of The Weather Company, Inc., parent to The Weather Channel, and George Callard, Executive Vice President, General Counsel and Head of Government Affairs at The Weather Company, together with counsel Michele Farquhar of Hogan Lovells (collectively, “The Weather Channel”) met with Bill Lake, Michelle Carey, Nancy Murphy, Diana Sokolow, and Kathy Berthot of the Media Bureau to discuss the challenges facing independent programmers.

The Weather Channel representatives described their history as an independent programmer and the important public service they provide to nearly 100 million households through their real-time, critical weather information. They explained that although independent programmers represent and serve diverse and underserved interests, a company with quality programming and strong brand recognition such as The Weather Channel faces an ever-increasing challenge in negotiating carriage agreements with multichannel video programming distributors (“MVPDs”). The representatives noted three examples of unreasonable provisions in affiliation agreements required by MVPDs that highlight their lack of leverage: prohibitions on the delivery of independent programming directly to consumers through alternative distribution methods (such as Internet-based technologies); limitations on the sale of local advertising; and complex and interconnected most favored nation clauses (“MFNs”) that impede innovation.

In addition, The Weather Channel noted that MVPD consolidation has been a response to programmer consolidation and the challenge presented by large programming groups forcing MVPDs to carry enormous bundles of services at great cost. The representatives added that independent programmers have suffered from more limited carriage opportunities and demands

for significant price cuts because of the greater role of bundling, and expressed support for the related concerns raised in Mediacom's Petition.

Pursuant to Section 1.1206(b) of the Commission's rules, I am filing this notice electronically in the above-referenced docket. Please contact me directly with any questions.

Respectfully submitted,

/s/ Michele Farquhar

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