

March 30, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Amendment of the Commission's Rules Concerning Effective Competition; Implementation of Section 111 of the STELA Reauthorization Act – MB Docket No. 15-53

Dear Ms. Dortch:

The American Cable Association (“ACA”), by its attorneys, hereby states for the record its opposition to the “Motion to Narrow the Scope of the Proceeding or For an Extension of Time” filed by the National Association of Broadcasters (“NAB”) and Public Knowledge (“PK”) with respect to the Commission’s Notice of Proposed Rulemaking in the above-captioned proceeding. In particular, ACA agrees with the National Cable & Telecommunications Association that NAB and PK have failed to demonstrate that good cause exists for granting their extraordinary and disruptive motion.

In Section 111 of STELAR, Congress directed the Commission to take prompt action to relieve small cable operators from the burdens imposed by the existing effective competition petition process. The NPRM proposes to implement Congress’ intent by means of a change in its rules that would have the effect of shifting the burden of producing evidence regarding the existence of effective competition from cable operators, irrespective of size, to local franchising authorities. ACA notes that the motion filed by NAB and PK¹ seeking to take the burden shifting proposal off the table, or extending the deadline for comments and replies, would interfere with the Commission’s consideration of viable options in accordance with Congress’ directive and prevent it from completing the rulemaking adopting relief for smaller cable operators by the deadline established in Section 111. To avoid such an outcome, the Commission must deny the motion.

Sincerely,



Craig Gilley
Counsel for ACA

cc: Rick Kaplan
John Bergmayer
Rick Chessen
William Lake
Michelle Carey

¹ ACA notes its surprise that NAB and PK considers the Commission’s burden-shifting proposal to have a “seismic impact on consumers throughout the country,” given that thousands of grants of effective competition have been made under the current regime, and neither NAB or PK has to our knowledge ever expressed concerns in these proceedings about earth moving outcomes.