



Satellite Broadcasting
and Communications
Association

April 23, 2015

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

Re: Notice of Ex Parte Communication, MB Docket No. 15-53

Dear Ms. Dortch:

On Thursday, April 23, 2015, Martin Esteves and the undersigned of the Satellite Broadcasting and Communications Association, participated in a meeting by phone with Mary Beth Murphy, Steven Broeckaert, and Diana Sokolow of the Media Bureau, Policy Division as well as Michelle Carey and Nancy Murphy of the Media Bureau, Front Office to discuss the Commission's implementation of Section 111 of the STELA Reauthorization of 2014 (STELAR).¹

In the meeting, we explained the process by which SBCA currently processes requests from the cable operators for satellite subscription data which they wish to use in their Effective Competition petitions to the FCC. The FCC is seeking to streamline the process and provide the information to the small cable operators at no charge. Currently, SBCA charges all cable operators for the data based on volume of data requested. SBCA has no objection to providing this data at no charge to small cable operators, but is concerned that this might open the flood gates to many requests from these operators. After discussion, SBCA felt comfortable that it could manage the process.

FCC staff discussed the feasibility of acting as the point of contact for small cable companies looking to obtain DIRECTV and DISH subscriber data to establish if they have met the threshold of "effective competition" within their franchise areas. We discussed a revised process in which the FCC would request from the SBCA the aggregated subscriber counts of DIRECTV and DISH for the provided zip codes. We stated that we wanted to ensure that the confidentiality of the data was respected, as is done under the current agreement. FCC stated that they would welcome suggested language that would ensure confidentiality that it could put in a pro forma request that the cable operators would use to request the data, certifying that (a) it met the statutory definitions of small cable operators, and (2) that the data obtained is proprietary and can only be used for the sole and exclusive purpose of preparing, filing and prosecuting a Petition to the FCC.

We suggest the following language:

Data Requester (i) shall use the Data solely and exclusively for the purposes of preparing, filing and prosecuting a Petition before the FCC and (ii) shall not use the Data for any other purpose.

Data Requester shall treat the Data as proprietary and confidential and shall disclose the Data only as it relates to the filing of this Petition. Data Requester shall use the same degree of care to protect the confidentiality of the Data as it uses to protect its own confidential information and in all events at least a reasonable degree of care.

Respectfully submitted,



Joseph Widoff
Executive Director

¹ *Amendment to the Commission's Rules Concerning Effective Competition; Implementation of Section 111 of the STELA Reauthorization Act, Notice of Proposed Rulemaking, MB Docket No.15-53, FCC No. 15-30 (Mar. 16, 2015)(NPRM).*

