

May 14, 2015

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

Re: Written Ex Parte Communication, MB Docket No. 98-120

Dear Ms. Dortch:

As discussed in our respective filings in this proceeding, the American Cable Association (ACA) supports a three-year exemption from the HD carriage requirement for small cable operators and a permanent exemption for all-analog systems. It believes this action would be consistent with the Communications Act of 1934.¹ The National Association of Broadcasters (NAB) believes that any exemption from the HD carriage requirement is inconsistent with the signal quality provisions of the Act.²

However, neither party would object (through petitions for reconsideration or litigation) to a Commission order that does the following:

- (1) HD Carriage Exemption Eligibility after June 12, 2015: A small cable system not offering any programming in HD is exempt from the HD carriage requirement. Beginning December 12, 2016, a system utilizing the HD carriage exemption shall no longer be eligible to use it once the system offers any programming in HD.
- (2) Notice: Beginning December 12, 2016, at the time a small cable system utilizing the HD carriage exemption offers any programming in HD, the system must give notice that it is offering HD programming to all broadcast stations in its market that are carried on its system.
- (3) Transition for Some Systems: A cable system utilizing the HD carriage exemption on June 12, 2015 that does not qualify for the HD carriage exemption on June 13, 2015 must come into compliance by December 12, 2016.
- (4) Revisions to Definition of "Small" Cable System: "Small" cable systems eligible for the HD carriage exemption would be redefined as those: (i) serving 1,500 (rather than 2,500) or fewer subscribers, and not affiliated with a cable operator serving more than 2 percent (rather than 10 percent) of all MVPD subscribers, or (ii) having an activated channel capacity of 552 MHz or less.

¹ Petition for Rulemaking of ACA in MB Docket No. 98-120 (Jan. 17, 2015); Comments of ACA in MB Docket No. 98-120 (Apr. 16, 2015); Reply Comments of ACA in MB Docket No. 98-120 (Apr. 27, 2015).

² Comments of NAB in MB Docket No. 98-120 (Apr. 16, 2015); Reply Comments of NAB in MB Docket No. 98-120 (Apr. 27, 2015).

Please direct any inquiries regarding this matter to the undersigned.

Respectfully submitted,

/s/

Ross Lieberman
Senior Vice President of Government Affairs
American Cable Association

/s/

Erin L. Dozier
Senior Vice President and Deputy General Counsel
National Association of Broadcasters

cc: Michelle Carey, Mary Beth Murphy