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May 20, 2015

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

**Re: Amendment to the Commission's Rules Concerning Effective Competition and Implementation of Section 111 of the STELA Reauthorization Act, MB Docket No. 15-53 – Written Ex Parte Communication**

Dear Ms. Dortch:

On May 19, 2015, Diane Burstein, NCTA Vice President and Deputy General Counsel, and I met with Valery Galasso, Policy Advisor to Commissioner Jessica Rosenworcel. We discussed NCTA's written comments in the above-captioned proceeding.

We discussed how the record fully supports the Commission's proposal to adopt a rebuttable presumption that cable operators face "effective competition" nationwide. The record shows that the availability of multichannel competitive alternatives to cable, once limited to relative handful of communities, is now ubiquitous, and that there has been a significant decline in cable's share of multichannel video customers since the existing presumption was adopted more than two decades ago. Among other things, we pointed to NCTA's analysis of DMA data, which shows competitors with subscribership exceeding 15 percent penetration in every one of the 210 DMAs nationwide.<sup>1</sup> We discussed the need for the Commission to update its effective competition rules to reflect these marketplace realities.

Finally, we pointed out that opponents of reversing the presumption provided no evidence of consumer harm. For instance, even if the Commission were to change the rebuttable presumption, the availability of must carry broadcast stations still would be governed by the separate provisions of Sections 614 and 615 of the 1992 Cable Act.

Respectfully submitted,

/s/ **Rick Chessen**

Rick Chessen

cc: V. Galasso

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<sup>1</sup> NCTA Reply Comments at 2.