



May 20, 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 Tuesday, May 19, 2015, Rick Kaplan, Scott Goodwin and the undersigned of the National Association of Broadcasters (NAB) met with Valery Galasso of the Office of Commissioner Rosenworcel to discuss the Commission's implementation of Section 111 of the STELA Reauthorization Act of 2014 (STELAR).<sup>1</sup>

In the meeting, NAB representatives discussed the potential ramifications of reversing the current presumption that cable systems do not face "effective competition" in all markets. We stated that the Commission's proposal to adopt a new rebuttable presumption of effective competition for all cable operators, including the largest operators, is unlawful and goes well beyond STELAR's limited directive to modify the petition filing process for small cable companies.

We also explained that eliminating wholesale the certifications for local franchise authorities (LFAs) in thousands of communities nationwide will lead to higher cable rates, especially for lower-income Americans that rely disproportionately on the basic tier. We observed that part of the reasoning that led the Commission to originally place the burden on cable operators to prove effective competition – *i.e.*, they are in a better position than LFAs to assess the state of the local marketplace – remains as true today as when it was first put into place. We also noted that a number of major public interest and diversity groups, as well as the Commission's own Intergovernmental Advisory Committee (IAC) have filed letters with the Commission strongly opposing the proposed changes.

We reiterated that the Commission should instead adopt procedural reforms to the effective competition filing process consistent with those that have been proposed in this and other

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<sup>1</sup> *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).

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proceedings.<sup>2</sup> Additionally, we shared the attached slide presentation summarizing our positions and identifying potential consumer harms that could result from the Commission's proposal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ERIN L. DOZIER', written in a cursive style.

Erin L. Dozier  
Senior Vice President and Deputy General Counsel  
Legal and Regulatory Affairs

Enclosure

cc: Valery Galasso

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<sup>2</sup> NAB Comments in MB Docket No. 15-53 (Apr. 9, 2015); Joint Ex Parte Letter of NAB, Alliance for Community Media, American Community Television, Common Cause, and Public Knowledge in MB Docket Nos. 15-53 and 02-144 (Apr. 17, 2015).