



May 21, 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, Gordon Smith, Rick Kaplan, Patrick McFadden, Scott Goodwin and the undersigned of the National Association of Broadcasters (NAB) met with Commissioner Ajit Pai's Chief of Staff, Matthew Berry, to discuss the Commission's implementation of Section 111 of the STELA Reauthorization Act of 2014 (STELAR).<sup>1</sup> An additional meeting on the same subject was held on Wednesday, May 20, 2015, involving Gordon Smith and Rick Kaplan of NAB, Commissioner Pai, his Chief of Staff, Matthew Berry, and interns Ben Sunshine and Trey O'Callaghan.

In the meetings, NAB explained that Congress just recently addressed the Commission's implementation of its effective competition requirements, and Congress elected not to alter the FCC's longstanding approach to making effective competition findings.<sup>2</sup> Congress did not anticipate – and could not have anticipated – that just a mere three months following STELAR's passage, the Commission would propose sweeping changes to its policies governing effective competition. By waiting until after Congress just finished comprehensively addressing issues concerning effective competition, the Commission is not only contravening what Congress expressly instructed it to do, but it is depriving Congress of a fair and reasonable chance to address the likely effects of such a fundamental change.

We reiterated that the Commission should not pursue its current, unlawful course and instead adopt procedural reforms to the effective competition filing process consistent with those that have been proposed in this and other proceedings.<sup>3</sup> Additionally, we shared the

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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).

<sup>2</sup> The STELA Reauthorization Act of 2014 (STELAR), § 111, Pub. L. No. 113-200, 128 Stat. 2059 (2014), *codified at* 47 U.S.C. § 543(o).

<sup>3</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).

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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". The signature is fluid and cursive, with the first name "Erin" being more prominent than the last name "Dozier".

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

Enclosure

cc: Commissioner Ajit Pai, Matthew Berry, Ben Sunshine, Trey O'Callaghan.