

May 26, 2015

SUBMITTED ELECTRONICALLY VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Petition for Rulemaking to Amend The Commission's Rules Governing Practices of Video Programming Vendors – RM 11728

Dear Ms. Dortch:

On May 20, 2015 and May 21, 2015, the undersigned, together with Tom Larsen, Group Vice President of Legal and Public Affairs, Mediacom Communications Corporation, and Tim Larson, President of Larson Media, LLC, participated in separate meetings regarding the above-referenced rulemaking petition with Commission staff as follows:

May 20, 2015

Maria Kirby, Legal Advisor; Gigi Sohn, Counselor; and Eric Feigenbaum, Director of Outreach & Strategy, Office of the Chairman.

Bill Lake, Chief, Media Bureau; Michelle Carey, Deputy Chief, Media Bureau; Nancy Murphy, Associate Chief, Media Bureau; Mary Beth Murphy, Chief, Policy Division, Media Bureau; Steven Broeckaert, Deputy Chief, Policy Division, Media Bureau; Diana Sokolow, Attorney Advisor, Policy Division, Media Bureau.

Robin Colwell, Chief of Staff and Legal Advisor, Media, Office of Commissioner O'Reilly.

Valery Galasso, Policy Advisor, Office of Commissioner Rosenworcel.

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Matthew Berry, Chief of Staff, Office of Commissioner Pai and Ben Sunshine, intern, Office of Commissioner Pai.

Chanelle Hardy, Chief of Staff and Media Legal Advisor, Office of Commissioner Clyburn.

In the meetings, Mr. Larsen of Mediacom discussed changes that have occurred in the marketplace since Mediacom filed its petition in July 2014. Products that challenge the traditional big bundle, such as Dish's Sling TV and Verizon's "skinny bundle," reflect the interest of consumers in receiving, and of distributors in offering, more video programming choice. However, the push-back to these new products, in the form of caps on the number of subscribers that can take Sling TV or in the form of litigation against Verizon's skinny bundle demonstrates that the marketplace remains unbalanced and that there continues to be an urgent need for the Commission to address certain anti-consumer and anti-competitive practices engaged in by the relative handful of large programmers that control most of the content currently distributed by MVPDs.

Mr. Larsen noted that the specific proposals in the Mediacom petition relating to a la carte, unbundling, and volume discounts were intended to serve as a starting point in addressing the breakdown in the current marketplace. Mr. Larsen suggested that the Commission also should consider taking steps to make the video marketplace more transparent, such as requiring the publication of wholesale prices and/or the disclosure by programmers of the different bundles that they make available to distributors. Mr. Larsen also noted that Viacom continues to block the ISP customers of over 60 MVPDs from online access to otherwise free over-the-air Viacom content. This practice, engaged in as a form of retaliation against distributors who refuse to capitulate to a programmer's linear content pricing and bundling demands, is as harmful to Internet openness as the practice (more theoretical than real) of MVPDs blocking consumers' access to Internet content.

Mr. Larson of Larson Media discussed the programming marketplace from the perspective of the independent programmers. He explained that while independent programmers represent a unique source of innovation and diversity in the video market, they are hindered in their ability to compete for viewers by the bundling and pricing practices of the large programmers.

Finally, the undersigned discussed the Commission's legal authority under various provisions of the Communications Act to adopt rules such as those proposed in Mediacom's petition for rulemaking. In particular, the undersigned noted that the upcoming proceeding to review the retransmission consent good faith standard provided the Commission with the authority and the opportunity to crack down on retaliatory Internet blocking, unjustified volume discounts, and anti-competitive bundling practices. It was also pointed out that the

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programmers' bundling and pricing practices impede MVPDs' ability to deploy increased broadband capacity and thus implicate Section 706 of the Act as well.

If there are any questions regarding this matter, please communicate directly with the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Seth A. Davidson", written over a horizontal line.

Seth A. Davidson

cc: Maria Kirby
Gigi Sohn
Eric Feigenbaum
William Lake
Michelle Carey
Nancy Murphy
Diana Sokolow
Mary Beth Murphy
Steven Broeckaert
Robin Colwell
Valery Galasso
Matthew Berry
Chanelle Hardy

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