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ATTORNEYS AT LAW  
RALEIGH, NORTH CAROLINA

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W. ERWIN FULLER, JR.  
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KIMBERLY M. MARSTON  
ANDREW L. RODENBOUGH  
CAITLIN M. POE  
ELIZABETH L. TROUTMAN  
MATTHEW B. TYNAN

MAILING ADDRESS  
POST OFFICE BOX 1800  
RALEIGH, N.C. 27602

TELEPHONE (919) 839-0300  
FACSIMILE (919) 839-0304

WWW.BROOKSPIERCE.COM

OFFICE ADDRESS  
1600 WELLS FARGO CAPITOL CENTER  
150 FAYETTEVILLE STREET  
RALEIGH, NC 27601

HENRY E. FRYE  
OF COUNSEL  
WILLIAM G. ROSS, JR.  
OF COUNSEL

SARA R. VIZITHUM  
OF COUNSEL

ANN H. STUART  
OF COUNSEL

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HUBERT HUMPHREY (1928-2003)  
L.P. MCLENDON, JR. (1921-2010)

OTHER OFFICES  
GREENSBORO, NC  
WILMINGTON, NC

WRITER'S DIRECT DIAL  
(919) 834-9216  
Email: whargrove@brookspierce.com

June 5, 2015

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20544

Notice of *Ex Parte*  
Communication  
MB Docket No. 10-71

Dear Ms. Dortch:

On Wednesday, June 3, 2015, Emily Barr and Brian Lawlor (Chair and Vice-Chair, respectively, of the ABC Television Affiliates Association); Susan Fox, Vice President, Government Relations, The Walt Disney Company; John Idler, President and General Manager of WLS-TV, Chicago; and the undersigned counsel to the ABC Television Affiliates Association, met with the following officials of the Commission to discuss the *Notice of Proposed Rulemaking* in the above-referenced docket concerning the Commission's television broadcast program exclusivity rules: Commissioner Jessica Rosenworcel and her Legal and Policy Advisor, Valery Galasso; Maria Kirby, Legal Advisor to Chairman Wheeler; William Lake, Chief of the Media Bureau, Robin Colwell, Legal Advisor to Commissioner O'Rielly; Commissioner Ajit Pai and his Chief of Staff, Matthew Berry; and Chanelle Hardy, Chief of Staff and Media Legal Advisor to Commissioner Clyburn.

Representatives of the ABC Network and Owned Television Stations and the ABC Television Affiliates Association each affirmed their support for retention of the Commission's network non-duplication and syndicated program exclusivity rules for the reasons stated in detail in the respective pleadings they earlier filed in the above-referenced proceeding. During the meetings, various representatives underscored the following:

- The Commission's program exclusivity rules were originally enacted by the Commission pursuant to its statutory mandate to foster a system of *local* television broadcast service and, although the various means of distribution of video programming have changed since these rules were originally adopted, the Congressional statutory mandate to the Commission to assure a system of *local* television broadcast service has not;
- In the absence of the ability by local television stations to promptly and efficiently enforce the program exclusivity they acquire for national network and syndicated programming, the nation's television broadcast service of *local* news, weather, public affairs, political, public safety, sports and other *local* programs cannot be economically sustained;
- The program exclusivity rules are inextricably linked to cable television's compulsory copyright license, and repeal of the exclusivity rules would provide an unfair competitive regulatory advantage to cable television systems with whom local television broadcast stations directly compete for viewers and advertising revenue;
- Repeal of the rules would provide cable systems with an unfair competitive advantage over direct satellite-to-home satellite systems that, by statute, must afford *local* stations program exclusivity against the importation of duplicating, distant television stations;
- The program exclusivity rules are efficient and effective and virtually self-enforcing. These rules do not impose a material expense or burden upon the Commission or the affected parties;
- Indeed, in the absence of these rules, local television stations would not have an effective legal remedy under copyright or contract law to enforce the program exclusivity they acquire from their program providers. Accordingly, repeal of the rules would, essentially, deprive *local* stations of any ability to enforce against cable systems the program exclusivity they negotiate and acquire in a highly competitive video distribution market.

Ms. Marlene H. Dortch  
June 5, 2015  
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If you should have any questions in connection with this matter, it is respectfully requested that you communicate with this office.

Very truly yours,



Wade H. Hargrove  
Counsel to the ABC Television  
Affiliates Association

WHH:mcn

cc: Commissioner Rosenworcel  
Commissioner Pai  
William Lake  
Maria Kirby  
Valery Galasso  
Matthew Berry  
Chanelle Hardy  
Robin Colwell