

Sept. 8, 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. 10-71

Dear Ms. Dortch:

On Monday, August 31, 2015, the undersigned along with Tom Tolar of WRCB-TV, Chattanooga, TN; George DeVault of WKPT-TV, Kingsport, TN; and Dan Cates of WJHL-TV, Johnson City, TN, met with the following staff from the Commission's Media Bureau: Nancy Murphy, Associate Bureau Chief; Mary Beth Murphy, Division Chief, Policy Division; Steven Broeckaert, Senior Deputy Division Chief, Policy Division; and Kathy Berthot, Attorney Advisor, Policy Division. In the meeting, we discussed the Commission's twin program exclusivity rules and their critical role in helping preserve localism, especially for small market TV stations.

The pair of program exclusivity rules, which serve as a counter-balance against the cable industry's ability to import distant market stations for a below-market price, remain essential in today's competitive marketplace. The network non-duplication rule ensures that cable cannot manipulate the marketplace by thwarting a station's bargained-for exclusivity for the distribution of highly-valued network programming, including sports. The syndicated exclusivity rule likewise prevents cable from undermining a local station's ability to sell advertising for syndicated programming by importing, for example, another station that carries duplicative syndicated programming like *Jeopardy* or *The Ellen DeGeneres Show*. These rules are critical not only to local stations, but also their viewers because they help ensure that broadcasters can cover the costs of expensive local news programming, which is increasingly important, especially in communities with recently shuttered newspapers.

Elimination of the rules would serve no public interest purpose. Allowing a cable operator to import a distant signal during a retransmission consent impasse – the cable industry's primary interest – will likely lead to more and longer blackouts. It will cause customer confusion and could even risk public safety, especially for viewers watching an out-of-market station during a weather emergency. This is particularly critical for TV viewers in Tennessee, where tornados and other severe weather can strike with little warning.

Sincerely,

/s/ D. Whit Adamson

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D. Whit Adamson  
Tennessee Association of Broadcasters