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Ex parte via electronic filing

Marlene Dortch

Secretary

Federal Communications Commission

445 Twelfth Street, SW

Room TW-A325

Washington, DC 20554

RE: Notice of Ex Parte Communication, MB Docket No. 10-71

Dear Ms. Dortch:

On September 8, 9 and 10, 2015, John Orlando and the undersigned, of CBS Corporation, discussed via telephone, respectively and separately, with Chanelle Hardy of Commissioner Clyburn's office, with Robin Colwell of Commissioner O'Rielly's office, and with Maria Kirby of Chairman Wheeler's office reasons for retaining the network non-duplication and syndicated exclusivity rules.

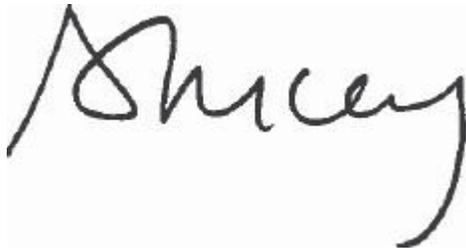
Specifically, we asked that the rules be considered holistically, that is, in tandem with the compulsory license. Proponents in this proceeding who advocate for deleting the rules argue that doing so will "free" the marketplace for broadcast programming. But they fail to mention the compulsory license, which would remain in place. That license, which bestows upon cable and satellite operators a government subsidy of below-market rates, was enacted with the understanding that the exclusivity rules would provide a modicum of balance.

In addition to urging further Commission study of the interplay of the rules and the compulsory license, we noted that any FCC action in this arena should be deferred until issuance of the congressionally mandated GAO report on statutory licenses. Currently, per the directive of STELAR legislation, the GAO is interviewing various stakeholders and gathering data on how the video marketplace has changed in the last five years and how a phase-out of the licenses could impact consumer prices for cable and satellite television and consumer access to broadcast programming.

Finally, we noted Congress's directive as to the rules. The legislative history of the 1992 Cable Act, which established the retransmission consent structure, demonstrates reliance on "the protections which are afforded local stations" by the FCC's exclusivity rules and cautions: "Deletions of these rules in a manner that would allow distant signals to be sub[stituted] on cable systems for carriage o[f] local stations carrying the same programming would... be inconsistent with the regulatory structure [of the statute]."

In sum, repealing the exclusivity rules should not be viewed cavalierly. Not only would doing so upset the decades-long balance struck decades ago and which is still valid today, but would contravene congressional intent, exceed Commission authority and harm viewers by negatively affecting the video marketplace.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

cc: (via email)
Robin Colwell
Chanelle Hardy
Maria Kirby