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September 16, 2015

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: ***Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services, MB Docket No. 14-261***

Dear Secretary Dortch:

On September 15, 2015, John Lyons of Anne Arundel County, Maryland, Mitsuko Herrera of Montgomery County, Maryland and Mary Beth Henry, Director of the Mt. Hood Cable Regulatory Commission accompanied by the undersigned and Joseph Van Eaton of BB&K, in our capacity as counsel to a coalition of local governments and their associations,<sup>1</sup> met with the below listed legal advisors to share our positions on the Commission’s Notice of Proposed Rulemaking in the above captioned matter.

<b>Legal Advisor</b>	<b>Commissioner’s Office</b>
Maria Kirby	Chairman Wheeler
Chanelle Hardy	Commissioner Clyburn
Valery Galasso	Commissioner Rosenworcel
Alison Nemeth	Commissioner Pai
Robin Colwell	Commissioner O’Rielly

<sup>1</sup> The Coalition, which directly, or through their members, seeks to foster broadband and cable competition while protecting local consumers and public property from harm include: Anne Arundel County, Maryland; the City of Boston, Massachusetts; Montgomery County, Maryland; the City of Ontario, California; Tacoma, Washington; the Michigan Coalition To Protect Public Rights-Of-Way; the Michigan Municipal League; the Michigan Townships Association; the Mt. Hood Cable Regulatory Commission; the Public Corporation Law Section of the State Bar of Michigan; and the Texas Coalition of Cities For Utility Issues.



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We also met with the following professionals from the Commission's Media Bureau.

- Bill Lake
- Kathy Berthot
- Steve Broeckaert
- Michele Carey
- Lyle Elder
- Jonathan Mark
- Nancy Murphy
- Brendan Murray
- Alison Neplokh
- Susan Singer
- Raphael Sznajder
- David Waterman

The meetings summarized and discussed points made in the Comments<sup>2</sup> and Reply Comments<sup>3</sup> filed by the Coalition specifically:

- The Commission has the legal authority to define OTT providers of linear video programming services as MVPDs, and defining OTTs as MVPDs could lead to increased competition and choice for consumers. As MVPDs, OTTs would receive benefits; and OTTs must also be subject to regulatory and statutory obligations imposed upon MVPDs.
- The Commission's conclusion in ¶75 of the NPRM that "IP-based service provided by a cable operator over its facilities and within its footprint must be regulated as a cable service...." is correct.
- The Commission's tentative conclusion in ¶78 that "...video programming services that a cable operator may offer over the Internet should not be regulated as cable services," is inconsistent with ¶75, and needs to be clarified at least with respect to the provision of OTT by a cable operator over its own system.

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<sup>2</sup> Anne Arundel County, Maryland *et al.* (Comment) filed March 3, 2015.

<sup>3</sup> Anne Arundel County, Maryland *et al.* (Reply to Comment) filed April 1, 2015.



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Sincerely,

A handwritten signature in black ink, appearing to read 'Gerard Lavery Lederer'.

Gerard Lavery Lederer  
of BEST BEST & KRIEGER LLP

cc: (by email):

Kathy Berthot  
Steve Broeckaert  
Michele Carey  
Robin Colwell  
Lyle Elder  
Valery Galasso  
Chanelle Hardy  
Maria Kirby  
Bill Lake  
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David Waterman