



The **WALT DISNEY** Company

Susan L. Fox
Vice President
Government Relations

September 18, 2015

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

RE: Notice of *Ex Parte* Communications
*Amendment to the Commission's Rules Related to Retransmission
Consent, MB Docket No. 10-71*

*Implementation of Section 103 of the STELA Reauthorization Act
of 2014; Totality of the Circumstances Test*

*Promoting Innovation and Competition in the Provision of
Multichannel Video Programming Distribution Service*

Dear Ms. Dortch:

On September 16, 2015, representatives of The Walt Disney Company & ABC participated in the following meetings:

- Ben Pyne (President, Global Distribution, Disney Media Networks); Rebecca Campbell (President, ABC Owned TV Stations); Richard Bates (SVP, Government Relations, The Walt Disney Company), Susan Fox (VP, Government Relations, The Walt Disney Company); Commissioner Mignon Clyburn; and Rebekah Goodheart (Legal Advisor);
- Mr. Pyne; Ms. Campbell; Mr. Bates, Ms. Fox, Commissioner Jessica Rosenworcel; and Valery Galasso (Policy Advisor);
- Mr. Pyne; Ms. Fox; and Bill Lake (Chief, Media Bureau)
- Mr. Pyne; Ms. Fox; Bill Bailey (VP, Government Relations, The Walt Disney Company); Commissioner Ajit Pai; and Matthew Berry (Chief of Staff)
- Mr. Pyne; Ms. Fox; Mr. Bailey; and Robin Colwell (Chief of Staff and Senior Legal Advisor);
- Ms. Fox and Mary Beth Murphy (Chief, Media Bureau Policy Division) (on September 17, 2015);



During each of the meetings, the Disney/ABC representatives reiterated and explained their concerns with respect to the potential repeal of the network non-duplication and syndicated exclusivity rules, including the difficulty of enforcement of private contractual rights given the existence of the compulsory license (and thus the lack of a direct copyright claim) and the efficiency of the current enforcement mechanisms set forth in the FCC's rules. The Disney/ABC representatives stressed their efforts to continue to serve and invest in their local markets and they noted the pendency of a GAO report reviewing the compulsory licenses. Lastly, the Disney/ABC representatives explained the need for a long transition period given the length of current contracts incorporating the FCC's rules and they stressed the importance of the FCC clarifying the continuing impact and legality of mutually agreed upon existing contractual provisions between broadcast networks and affiliates.

During the meetings, the Disney/ABC representatives also touched briefly on the FCC's recent Notice of Proposed Rulemaking with respect to the Totality of the Circumstances Test. The Disney/ABC representatives noted their recent history of successful retransmission consent negotiations for the ABC Owned Television Stations, including carriage negotiations for the ABC Owned Stations with both larger and smaller MVPDs.

During the meetings with Commissioner Rosenworcel and Mr. Lake, the Disney/ABC representatives also raised the FCC's continuing work in the MVPD proceeding. The Disney/ABC representatives continued to question the impact of a reclassification at this time, and they expressed concern about the breadth of a potential reclassification and whether any new definition would apply to programmers' own distribution of content.

This letter is being submitted electronically in the above-referenced dockets, which have been granted permit-but-disclose status, pursuant to Section 1.1206(b) of the Commission's Rules. Should you have any questions concerning this submission, kindly contact the undersigned.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Susan L. Fox".

Susan L. Fox



cc: Commissioner Mignon Clyburn
Commissioner Ajit Pai
Commissioner Jessica Rosenworcel
Rebekah Goodhart
Valery Galasso
Bill Lake
Matthew Berry
Robin Colwell
Mary Beth Murphy