December 8, 2015

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: *In the Matter of Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services*; MB Docket No. 14-261; *In the Matter of Implementation of Section 103 of the STELA Reauthorization Act of 2014 Totality of the Circumstances Test*; MB Docket No., 15-216; *In the Matter of the Commission's Rules Related to Retransmission Consent*; MB Docket No. 10-71

Dear Ms. Dortch –

On Monday, December 7, 2015, Jennifer McCarthy of Telletopia Foundation ("Telletopia") spoke telephonically with Jennifer Thompson of Commissioner Rosenworcel's office regarding the above-referenced proceedings.

Telletopia explained that online video distributors ("OVDs") of local broadcast station signals need to be classified as Multichannel Video Programming Distributors ("MVPDs") in order to launch competitive service offerings to cable, satellite, and telco-based subscription video packages. Absent a retransmission consent mechanism for online distribution of local broadcast stations, there is currently no way for the full 24-hour linear stream of local broadcast programming to be distributed over the Internet and for broadcast stations to be compensated for that carriage.

Telletopia's business model and purpose are based on solving the copyright problem that other local broadcast OVDs have struggled with in recent years. If the retransmission consent barrier is removed, Telletopia's solution, which is based on the copyright license exemption for nonprofits in Section 111(a)(5) of the Copyright Act, will enable the *immediate* introduction of a competitive Internet-based service focused on the retransmission of local broadcast stations to IP-enabled devices.

Telletopia agrees with the concerns expressed by other commenters regarding the imposition of MVPD regulations on OVDs that are not offering broadcast channels. There are no regulatory or market barriers blocking these OVDs from access to the Internet. However, the regulatory privileges and obligations of the FCC's MVPD rules are of particular importance to entities seeking to retransmit local broadcast station signals – the full content of which is unavailable to consumers over the Internet via other sources.

Multi-channel content offerings that are not providing local broadcast station signals and are not availing themselves of the retransmission consent benefits of the MVPD rules should not be subject to the regulatory burdens of these rules. If, under the FCC's proposed interpretation of MVPD, an OVD-MVPD seeks to invoke either the retransmission consent or program access rules, then that OVD-MVPD should be subject to the obligations of the MVPD rules. If an OVD-MVPD does not, however, seek to enter into retransmission consent negotiations for broadcast station carriage or to negotiate under the program access rules for access to vertically integrated programming, then the obligations of the MVPD rules should not be triggered.

Respectfully submitted,

/s/ Jennifer M. McCarthy

Telletopia Foundation

Cc: Jennifer Thompson