

February 26, 2016

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of *Ex Parte* Communication in MB Docket No. 15-216

Dear Ms. Dortch:

On February 24, I met on behalf of the American Television Alliance with Michelle Carey, Martha Heller, Diana Sokolow, and Kathryn Berthot of the Media Bureau. We discussed several subjects, some of which we also raised in our meeting on February 16,¹ as follows.

We discussed ATVA's proposal to restrict blackouts prior to marquee programming. In particular, we discussed potential advantages and disadvantages of using local ratings rather than national ratings to define marquee events—a topic raised by the National Association of Broadcasters in its reply comments.²

We further discussed the mechanics of ATVA's proposal to allow the temporary importation of distant signals, and explored how such a proposal might work for cable operators and satellite carriers.

We also discussed the labor law doctrine requiring parties to negotiate until impasse, described in more detail on pages 40-42 of our initial comments.³ As described in those comments, broadcasters often black out their signals despite an MVPD's request to continue bargaining and despite an offer to "true-up" fees at the conclusion of the negotiation. The withholding of signals in such circumstances "is powerful evidence that the broadcaster has sought to 'run out the clock' all along, instead of engaging in good faith negotiations."⁴

¹ Letter from Michael Nilsson to Marlene Dortch (filed Feb. 18, 2016). All documents cited in this letter were filed in MB Docket No. 15-216.

² Reply Comments of the National Association of Broadcasters at 45 (filed Jan. 14, 2016).

³ Comments of the American Television Alliance at 40-42 (filed Dec. 1, 2015).

⁴ *Id.* at 42.

We also described various examples of “forced bundling” and “ceding the right to negotiate,” each as described in our comments and reply comments, as well as the “hunting license” issue raised by Mediacom in two letters filed earlier this month.⁵

Pursuant to the Commission’s rules, I am filing one copy of this letter in MB Docket No. 15-216. Should you have any questions, please contact me.

Respectfully submitted,

/s/

Michael Nilsson

Counsel to the American Television Alliance

cc (by email):

Michelle Carey
Martha Heller
Diana Sokolow
Kathryn Berthot

⁵ Letters from Thomas Larsen to Marlene Dortch (filed Feb. 3 and Feb. 16, 2016).