

BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.

ATTORNEYS AT LAW

RALEIGH, NORTH CAROLINA

EDGAR B. FISHER, JR.
W. ERWIN FULLER, JR.
JAMES T. WILLIAMS, JR.
WADE H. HARGROVE
M. DANIEL MCGINN
MICHAEL D. MEEKER
WILLIAM G. McNAIRY
EDWARD C. WINSLOW III
HOWARD L. WILLIAMS
GEORGE W. HOUSE
WILLIAM P.H. CARY
REID L. PHILLIPS
ROBERT A. SINGER
JOHN H. SMALL
RANDALL A. UNDERWOOD
S. LEIGH RODENBOUGH IV
MARK J. PRAK
JILL R. WILSON
MARC D. BISHOP
JIM W. PHILLIPS, JR.
MACK SPERLING
JEFFREY E. OLEJNIK
MARK DAVIDSON
JOHN W. ORMAND III
ROBERT J. KING III
V. RANDALL TINSLEY
S. KYLE WOOSLEY
FORREST W. CAMPBELL, JR.
MARCUS W. TRATHEN
JAMES C. ADAMS II
ELIZABETH S. BREWINGTON
H. ARTHUR BOLICK II
J. EDWIN TURLINGTON
JOHN M. CROSS, JR.
JENNIFER K. VAN ZANT
KEARNS DAVIS
DAVID W. SAR
BRIAN J. McMILLAN
DAVID KUSHNER
CLINTON R. PINYAN
COE W. RAMSEY
ROBERT W. SAUNDERS

GINGER S. SHIELDS
CHARLES E. COBLE
CHARLES F. MARSHALL III
PATRICK J. JOHNSON
STEPHEN G. HARTZELL
J. BENJAMIN DAVIS
JULIA C. AMBROSE
DARRELL A. FRUTH
IAIN MACSWEEN
NICOLE A. CRAWFORD
ALEXANDER ELKAN
PATRICIA W. GOODSON
SUSAN M. YOUNG
MELISSA H. WEAVER
WALTER L. TIPPETT, JR.
KATHERINE J. CLAYTON
ELIZABETH E. SPAINHOUR
BENJAMIN R. NORMAN
WES J. CAMDEN
CHARLES S. BALDWIN IV
ADAM P.M. TARLETON
D.J. O'BRIEN III
ANNA P. McLAMB
JOSEPH A. PONZI
ERIC M. DAVID
CLINT S. MORSE
DAVID D. SMYTH III
EDWIN L. WEST III
THOMAS G. VARNUM
BRYAN STARRETT
DANIEL F.E. SMITH
W. MICHAEL DOWLING
JUSTIN N. OUTLING
STEPHEN WILSON QUICK
TIMOTHY G. NELSON
CRAIG D. SCHAUER
KIMBERLY M. MARSTON
ANDREW L. RODENBOUGH
CAITLIN M. POE
ELIZABETH L. TROUTMAN
MATTHEW B. TYNAN
JESSICA B. THALLER-MORAN

MAILING ADDRESS
POST OFFICE BOX 1800
RALEIGH, N.C. 27602

OFFICE ADDRESS
1600 WELLS FARGO CAPITOL CENTER
150 FAYETTEVILLE STREET
RALEIGH, N.C. 27601

TELEPHONE (919) 839-0300
FACSIMILE (919) 839-0304

WWW.BROOKSPIERCE.COM

WILLIAM G. ROSS, JR.
OF COUNSEL

SARA R. VIZITHUM
OF COUNSEL

ANN H. STUART
OF COUNSEL

FOUNDED 1897

AUBREY L. BROOKS (1872-1958)
W.H. HOLDERNESS (1904-1965)
L.P. McLENDON (1890-1958)
KENNETH M. BRIM (1898-1974)
C.T. LEONARD, JR. (1929-1983)
THORNTON H. BROOKS (1912-1988)
G. NEIL DANIELS (1911-1997)
HUBERT HUMPHREY (1928-2003)
L.P. McLENDON, JR. (1921-2010)

OTHER OFFICES
GREENSBORO, NC
WILMINGTON, NC

WRITER'S DIRECT DIAL
(919) 834-9216
Email: whargrove@brookspierce.com

March 31, 2016

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20544

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

Dear Ms. Dortch:

On March 29, 2016, Emily Barr and Brian Lawlor (Chair and Vice-Chair, respectively, of the ABC Television Affiliates Association); Susan Fox, Vice President, Government Relations, The Walt Disney Company, William Bailey, Vice President, Government Relations for The Walt Disney Company; Dave Davis, President and General Manager of WABC-TV, New York; Mark Prak and counsel to the ABC Television Affiliates Association, met with the following officials of the Commission to discuss the *Notice of Proposed Rulemaking* in the above-referenced docket. Commissioner Ajit Pai and his Chief of Staff, Matthew Berry; Commissioner O'Rielly and his Chief of Staff, Robin Colwell; William Lake, Nancy Murphy, Diana Sokolow and Steve Broecker of the Media Bureau; Jessica Almond, Legal Advisor to Chairman Wheeler; and Marc Paul, Legal Advisor to Commissioner Rosenworcel.

Ms. Marlene H. Dortch

March 31, 2016

Page 2

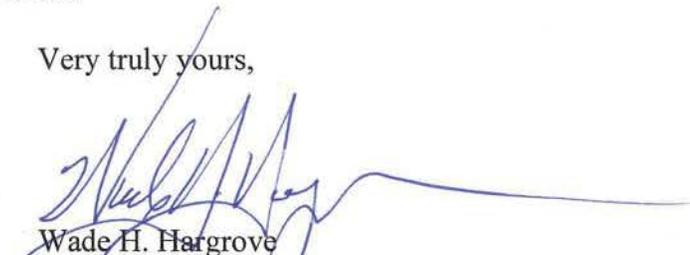
The broadcast representatives explained that the retransmission consent marketplace is not broken or in crisis; it is functioning as Congress intended; and the interests of viewers would best be served if the Commission concluded its current proceeding with no changes in the “good faith” retransmission consent negotiations “totality of circumstances” test. The broadcasters pointed out that since the existing “good faith” negotiating standards were implemented in 2000, hundreds of local television stations and hundreds of MVPDs in markets across the country have successfully negotiated thousands of retransmission consent agreements with few disruptions of service.

They underscored the highly competitive nature of today’s video market and the multiple choices viewers have for receiving top-rated video programming.

The broadcasters acknowledged that MVPDs would prefer to pay less for the privilege of acquiring and reselling the signals of local broadcast stations—and by the same token, broadcasters would prefer to pay less for the top-rated national and local programming contained in their signals and less for the cost of talent, labor, and equipment necessary to produce and broadcast that programming. But Congress has determined, and rightly so, that all of those costs are best regulated by competitive market forces, not by the Commission.

If you should have any questions in connection with this matter, it is respectfully requested that you communicate with this office.

Very truly yours,



Wade H. Hargrove
Counsel to the ABC Television
Affiliates Association

cc: Commissioner Pai
Commissioner O’Reilly
Matthew Berry
Robin Colwell
Jessica Almond
Marc Paul
William Lake
Nancy Murphy
Diana Sokolow
Steve Broecker