

April 14, 2016

SUBMITTED ELECTRONICALLY VIA ECFS

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

**Re: MB Docket No. 15-216 – *Implementation of Section 103 of the STELA
Reauthorization Act of 2014: Totality of the Circumstances Test*
MB Docket No. 16-42 – *Expanding Consumers' Video Navigation Choices***

Dear Ms. Dortch:

On April 12, 2016, the undersigned, together with Thomas J. Larsen, Senior Vice President, Government and Public Relations of Mediacom Communications Corporation (“Mediacom”) met with Marc Paul, Legal Advisor to Commissioner Jessica Rosenworcel. The principal purpose of the meeting was to discuss the “cooling off period” proposal that Mediacom has urged the Commission to adopt in the pending retransmission consent “Totality of the Circumstances” rulemaking proceeding (MB Docket No. 15-216). Mr. Larsen also briefly discussed the potential for unintended consequences arising from the Commission’s pending navigation devices rulemaking (MB Docket No. 16-42).

Retransmission Consent

During the meeting, Mr. Larsen and I discussed the opportunity presented by the Totality of the Circumstances proceeding mandated by STELARA for the Commission to adopt effective, meaningful reforms to the current retransmission consent regime. We briefly reviewed the arguments supporting the Commission’s broad authority to adopt rules governing the retransmission consent regime, including rules that would grant by operation of law temporary consent for the carriage of a broadcast station on an interim basis as a remedial or prophylactic measure. In this regard, we referenced the comments filed in the proceeding by Professor James Speta of the Northwestern Pritzker School of Law and the decision of the Sixth Circuit in *Alliance for Community Media v. FCC*, 529 F. 3d 763 (Sixth Cir., 2006). We also reviewed Mediacom’s “cooling off period” proposal, pointing out that NAB’s recent letter criticizing that proposal on the grounds that it required the Commission to order “interim carriage” willfully ignored the fact that Mediacom’s March 3, 2016 and March 30, 2016 *ex parte* letters clearly described an alternative version of the cooling off period proposal that would not involve interim carriage. Finally, we briefly discussed Mediacom’s proposal, based on labor law principles, for addressing bundling concerns by distinguishing between mandatory and permissive terms, with

April 16, 2016

Page 2

the parties barred from negotiating to impasse over a permissive, but non-mandatory term such as the carriage of a non-broadcast network.

Navigation Devices

Mr. Larsen described Mediacom's recently announced plan to invest \$1 billion over the next three years to, among other projects, upgrade and expand its national broadband network, which is predominantly located in smaller markets and rural areas. These upgrades will make one gigabit per second broadband speeds available to approximately 3 million homes and businesses in Mediacom's footprint which covers 1500 communities in 22 states. Mr. Larsen noted that regulatory proposals, such as those contained in MB Docket No. 16-42, could have unintended consequences that would undermine the ability of Mediacom or other operators to make such forward-looking investments.

If there are any questions regarding this matter, please communicate directly with the undersigned.

Sincerely,



Seth A. Davidson
*Counsel to Mediacom
Communications Corporation*

cc: Marc Paul