



April 22, 2016

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

Re: Ex Parte Communication, MB Docket Nos. 15-216, 10-71

Dear Ms. Dortch:

On Thursday, April 21, 2016, the undersigned met with Jonathan Sallet, the Federal Communication Commission's (FCC) General Counsel, to discuss the current retransmission consent proceeding.

During our discussion, I noted that the retransmission consent market was not something that the Commission needed to "fix," and that, under no circumstances, should rule changes be put in place that will give greater negotiating power to the largest pay TV distributors. It makes no sense, for example, to create rule changes that will benefit a company like DISH Network, one of the nation's largest multichannel video programming distributors (MVPDs). Not only does DISH possess a national footprint that dwarfs every local broadcaster with which it negotiates, but also DISH is at the center of a majority of disputes with broadcasters (many of whom have never had disputes with any other MVPD). DISH does not need the Commission's assistance, nor should the Commission reward DISH's repeated recalcitrance.

I also encouraged the Commission to continue to comply with the law that unequivocally prevents pay TV operators from carrying broadcaster signals without explicit consent of the broadcaster.¹ Any rule change mandating, for example, binding arbitration or mediation, the effect of which would force broadcasters to give pay TV operators access to their signals after expiration of an existing contract, would violate the law.² I likewise argued that any rule change

¹ 47 U.S.C. § 325(b)(1)(A)

² NAB has previously demonstrated that the FCC lacks the authority to mandate arbitration or mediation—whether binding or non-binding. See, e.g., Reply Comments of NAB, MB Docket No. 10-71, at 27-33 (June 27, 2011); Comments of NAB, MB Docket No. 10-71, at 19-22, 35-39 (May 27, 2011); Reply Comments of the Broadcaster Associations, MB Docket No. 10-71, at 31-36 (June 3, 2010); Opposition of the Broadcaster Associations, MB

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forcing broadcasters to make their content universally available online would violate copyright law. Also, whether or not a broadcast company makes their content available online has nothing to do with its good faith intention to reach an agreement with a pay TV distributor.

Respectfully submitted,

A handwritten signature in black ink that reads "Raymond S. Baum" followed by a stylized flourish.

Raymond Baum
Vice President
Government Relations
National Association of Broadcasters

cc: Jonathan Sallet

Docket No. 10-71, at 74-78 (May 18, 2010). See also Opposition NAB to Block Communications Petition for Rulemaking, RM-11720 (June 19, 2014).