

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2111

TEL: (202) 371-7000
FAX: (202) 393-5760
www.skadden.com

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May 16, 2016

VIA ELECTRONIC FILING

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

Re: Notice of *Ex Parte* Presentation
***In the Matter of Expanding Consumers' Video Navigation Choices*, MB Docket No. 16-42; *Commercial Availability of Navigation Devices*, CS Docket No. 97-80**

Dear Ms. Dortch:

On May 12, 2016, Jared Sher of 21st Century Fox, Inc., Anne Lucey of CBS Corporation, Kimberly Hulseley of Scripps Networks Interactive, Kyle Dixon of Time Warner Inc., Keith Murphy of Viacom Inc., and Susan Fox of The Walt Disney Company and ESPN, Inc., (collectively, "the Content Companies"), as well as the undersigned, met with members of Chairman Wheeler's staff and the Commission's Chief Technology Officer (listed below) in connection with the proceeding referenced above.

The purpose of this meeting was to discuss the potentially negative impact of the Commission's proposal on the quality of the consumer viewing experience and investment in content.

As detailed in comments filed jointly in this proceeding, the Content Companies reiterated that they have no stake in set-top box revenues, and they support the goal of improving the overall quality of the viewing experience. They also noted that their belief in the importance of this issue is demonstrated by their efforts to roll out new distribution partnerships – with both companies *supporting* and companies *opposing* the proposed rules – to increase the availability of programming over multiple platforms and devices.

Nevertheless, the Content Companies underscored their concern that, as proposed, the rules would undermine the license agreements that maintain a positive viewing experience and preserve incentives to invest and innovate in both the production and distribution of high-quality video programming. The Content Companies emphasized that this result was detrimental to consumers and the robust content ecosystem, while conflicting with the Commission's duty to safeguard the security of video programming and prevent its theft under section 629 of the Communications Act.

The Content Companies explained that licensing agreements provide the primary and most efficient mechanism (with respect to *all* distributors) for protecting the value, integrity and security of

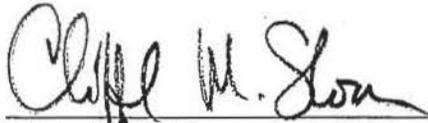
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programming, covering a wide range of terms, including, *inter alia*: scope of license (including limitations imposed on programming licensed from other companies); content protection; advertising; channel placement; and signal quality. The Content Companies emphasized that the proposed rules would diminish or eliminate the effectiveness of this mechanism and provide no other means to administer critical content presentation terms. The Content Companies also emphasized their concerns with respect to the lack of a sufficient enforcement mechanism against third-party set top box manufacturers or app developers.

The Content Companies urged Commission staff to continue their efforts to address the concerns raised as the proceeding moves forward and to pursue Chairman Wheeler's goal of honoring the sanctity of contracts.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed via ECFS, and a copy will be provided via email to the individuals listed below. Please contact me if you have any questions regarding this notice.

Respectfully submitted,



Clifford M. Sloan
Caroline Van Zile
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005

cc: Gigi B. Sohn
Jessica Almond
Scott Jordan
Louisa Terrell