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May 24, 2002

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
455 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: Ex Parte Presentation**

**In the Matter of Implementation of the Cable Television Consumer  
Protection and Competition Act of 1992: Development of Competition and  
Diversity in Video Programming Distribution: Section 628(c)(5) of the  
Communications Act**

**CS Docket No. 01-290**

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Dear Ms. Dortch:

On May 23, 2002, Lee Schroeder and Michael Olsen of Cablevision Systems Corporation, together with the undersigned, met with Susanna Zwerling, legal advisor to Commissioner Copps; Jane Mago, Joel Kaufman, and Susan Aaron of the Office of General Counsel; William Johnson, Steven Broeckaert, Karen Kosar, and Sonia Greenaway of the Media Bureau; and Catherine Bohigian, legal advisor, and Matt Segers, intern, in the office of Commissioner Martin, in connection with the above-captioned proceeding. Christopher Harvie of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. joined the meeting with the Media Bureau personnel.

Consistent with Cablevision's written and reply comments submitted in this proceeding, we urged the Commission not to reimpose exclusivity restriction set forth in section 628(c)(2)(D) of the Communications Act. We explained that the restriction was no longer "necessary" in light of the growth and viability of DBS and other multichannel video programming distributors, even in markets such as New York where Rainbow's Metro service is available exclusively to cable

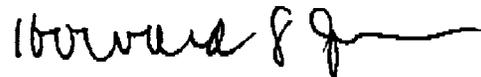
Ms. Marlene H. Dortch  
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operators. We suggested that, at a minimum, applying the exclusivity ban to contracts with EchoStar and DirecTV would not meet the statutory “necessary” standard. In support of this point, we provided the attached paper to Ms. Zwerling and Ms. Bohigian. We also noted the role of exclusivity in facilitating competition among distributors and programming diversity. Finally, we argued that, if the Commission determines not to let the exclusivity ban sunset entirely, the language of section 628(c)(5) (“unless the Commission finds . . . that such prohibition *continues to be necessary*”) requires the Commission to reimpose the ban only insofar as it is shown to be necessary.

Pursuant to section 1.1206(b)(2) of the Commission’s rules, a copy of this notice and the attachment has been filed electronically with the Secretary’s office. Copies of both have also been transmitted electronically to the Commission participants in the meeting.

Please do not hesitate to contact the undersigned should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard J. Symons", with a long horizontal flourish extending to the right.

Howard J. Symons

Attachment

cc: Susanna Zwerling  
Jane Mago  
Joel Kaufman  
Susan Aaron  
William Johnson  
Steven Broeckaert  
Karen Kosar  
Sonia Greenaway  
Catherine Bohigian  
Matt Segers