

October 7, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554



Re: CS Docket No. 98-82

Dear Ms. Dortch:

Attached please find the Reply Comments of CFA, *et al.* as filed in the Commission's *Notice of Inquiry* on the state of competition in the MVPD market, 03-172.

CFA, *et al.* note that more than two years has passed since the Commission issued the *Notice of Proposed Rulemaking*, purportedly on an expedited basis, to address the D.C. Circuit's remand in *Time Warner Entertainment, L.P. v. FCC*, 240 F.3d 1126 (D.C. Cir. 2001). Despite the fact that Congress mandated that the Commission enact effective ownership limits no later than 1993, the FCC continues to hold cable ownership limits in abeyance. This abrogation of a clear Congressional command is inexcusable, particularly in light of the continuing record of anticompetitive practices in the increasingly concentrated MVPD market.

Commission staff have been quoted in industry press as maintaining that the record in this proceeding is "thin." CFA, *et al.* hope that the attached comments, detailing ongoing problems arising from unchecked concentration in the cable market, will provide sufficient substance to motivate the Commission to move forward.

In addition, CFA, *et al.* draw the Commission's attention to the Comments and reply comments of RCN, Inc., the Broadband Service Providers Association, and other cable competitors filed in Docket No. 03-172. These comments, together with CFA's comments, should provide sufficient record evidence that the threat of concentration is real and persists in the absence of Commission action. As explained in CFA's initial comments in this proceeding, and substantiated by the Commission's own ownership studies, only by speedily re-instating the 30% ownership limit can the Commission create an environment in which genuine competition can flourish.

Respectfully submitted,

Harold Feld
Associate Director