



STAMP & RETURN

Lowell W. Paxson / Chairman

December 30, 2003

RECEIVED - FCC

DEC 31 2003

Federal Communication Commission  
Bureau / Office

The Honorable Michael K. Powell  
Chairman  
Federal communications Commission  
445 12th St., SW  
Washington, DC 20554

Re: Response to Mediacom Attack on Full Digital Multicast Must-Carry

Dear Chairman Powell:

In an *ex parte* notice dated December 11, 2003, Mediacom launched an unfounded attack on full digital multicast must-carry and in the process, impugned the programming of Paxson Communications Corporation ("PCC") station KFPX(TV), Newton, Iowa, which serves the Des Moines, Iowa market. Mediacom's letter is riddled with inaccuracies and logical lapses, and I am filing this response to set the record straight.

As PCC has shown on numerous occasions, full digital multicast must-carry is necessary to restore and preserve the health of the over-the-air broadcasting service. It also is necessary to maintain and promote broadcast television's position as a viable competitor to the pay television offered by MVPDs. Cable operators like Mediacom have steadfastly resisted multicast must-carry because they have no interest in ensuring robust competition. But the public interest is not served by maximizing cable operator profits; it is served by ensuring that viewers get the maximum amount of diverse programming for the minimum price. The public pays for the current dominance of cable and satellite both from their pocketbooks and with the moral rot that accompanies so much of their foul-mouthed, over-sexed, and grotesquely violent programming. America is screaming out for a choice, and full digital multicast must-carry will give them one.

Mediacom's recent letter continues the cable industry's recent strategy of attacking full digital multicast must-carry by denigrating the programming offered by broadcasters. In Mediacom's view, all broadcasters offer is a worthless mix of "paid programming ("infomercials"), re-runs, [and] home shopping." Mediacom goes on to tout the local programming its channels air as evidence of the superiority of cable over broadcast programming. As its case in point, Mediacom attacks the programming offered to the Des Moines, Iowa community by PCC station KFPX(TV), but Mediacom's

portrayal could not be further from the truth. In fact, KFPX(TV) airs a rich mixture of family friendly programming that serves important and otherwise underserved segments of the Des Moines market. This programming includes nearly 40 hours of original and syndicated prime-time programming, classic syndicated series such as *Bonanza*, and more than 40 hours weekly of religious and educational programming. Like most communities across the heartland of America, Des Moines is a deeply spiritual community, and PCC is the only major national broadcast network that offers a significant amount of programming to help meet this basic community need and desire. All Des Moines broadcasters are as dedicated as dedicated a KFPX(TV) to serving that community, and despite Mediacom's claims, the vast bulk of the local programming available to Des Moines viewers comes from local broadcasters.

Mediacom's characterization of the programming offered by KFPX(TV) and broadcasters in general is both false and hypocritical. Indeed, Mediacom's *ex parte* is just the latest example of the standard cable industry spin point that broadcast programming is nothing but home shopping and infomercials. MediaCom's own channel lineup proves that this claim is farcical. Mediacom complains about infomercials, home shopping, and reruns. There are three home shopping networks available over Mediacom's Des Moines cable system. The number available from local full-power over the air broadcasters? Zero.

Do broadcasters air infomercials? Certainly they do, just like cable networks aired on Mediacom's Des Moines system like Discovery, USA, SpikeTV, A&E, CourtTV, the History Channel, Lifetime, Comedy Central, TLC, Hallmark, the Food Network, WE, and the Travel Channel. Indeed, PCC examined the schedule for Mediacom's Des Moines system for Sunday December 28, 2003, and found that the system's cable channels aired a total of 187 hours of paid programming compared to just 28.5 hours by local broadcasters. These figures include 11 hours by cable channels GoodLife TV; 7 hours by the International Channel; 7 hours by the Health Network; 6 hours by Fox Sports World; 6 hours by the Discovery Channel; 6 hours by TechTV; 5.5 hours by the National Geographic Channel; 5.5 hours by Lifetime; 5.5 hours by TLC; and 5.5 hours by Women's Entertainment. This reality hardly fits the fanciful picture Media Com is trying to paint.

And yes, broadcasters air reruns, but Mediacom carries at least three channels – TVLand, SOAPNet, and the Game Show Network – that are either entirely or primarily dedicated to airing *nothing but reruns*.

Is there anything wrong with this programming? Absolutely not. Home shopping is so popular that QVC and HSN are among the top 20 networks in the country. Infomercials may seem unstylish to some, but they often introduce useful products to viewers in less cosmopolitan parts of the country. Reruns often take American viewers on a fun and nostalgic trip back into television's past. Viewers want this programming and that is why broadcasters and cable networks air it. So there is nothing wrong with this programming, but there is something wrong with cable operators' attempts to corner the market on airing it while claiming that when broadcasters air the same

programming, it is somehow undesirable. Given the massive volume of infomercials aired by cable channels on its Des Moines system, Mediacom's complaints about broadcasters' home shopping, infomercials, and reruns appear to be self-serving at best, and deceptive at worst.

But there is one thing broadcasters do not carry that cable operators do: pornography. On Sunday, December 28, 2003, channels carried on Mediacom's systems aired a whopping 195.5 hours of X-Rated programming. Sporting irreverent and degrading titles like "Porn School," "Asian Fever 5: Be Our Master," "Black and Wild 8," and "Wet Teen 3: Ready to Obey," Mediacom's pornographic offerings truly scrape the scum off the bottom of the programming barrel. Mediacom should be ashamed of airing this programming which no broadcaster would be caught dead trying to offer, but more to the point, the Commission should remember what programming really is occupying those precious channels that cable operators are so reluctant to give up to multicast must-carry. All PCC ever hears is that if the Commission orders must-carry, cable operators will have to drop C-Span. If Mediacom chooses to drop C-Span and continue carrying Playboy Channel classics like "Les Bitches Part 2," that should be seen as the crass, calculated business decision that it is, not as the inevitable result of multicast must-carry.

Thus, Mediacom, like the rest of the cable industry, is both misrepresenting (1) the programming available on broadcast stations like KFPX(TV); (2) the extent to which cable channels offer a more desirable alternative; and (3) the choices it will face if the Commission orders. Mediacom seems to think that if it just says "home shopping" or "infomercial" enough times, the Commission will ignore its misrepresentations and the many benefits that full digital multicast must carry would bring. Because this dishonest effort must fail, let me remind you of just a few of those benefits:

- increased opportunities for local programming;
- greater opportunities for minority-oriented, family-oriented, child-oriented, religious, and foreign-language programming (particularly of a local nature);
- massive increases in the amount of programming available free over-the-air to all Americans;
- the preservation of a robust over-the-air broadcasting system; and
- lower cable rates.

To state the obvious: the Commission must not be distracted by cable operators' attempts to defeat full digital multicast must-carry by disparaging the programming available on broadcast stations.

Finally, Mediacom weakly attacks broadcasters for asserting that the additional revenue streams created by full digital multicast must-carry will help preserve the future of a vibrant over-the-air broadcast system. The gist of Mediacom's argument appears to be that broadcasters will not realize much additional revenue from their multicast channels, so the benefit would be negligible. After spending many millions of dollars on the government-mandated DTV transition, PCC and other broadcasters will gladly pursue the additional revenue that multicasting will bring. Unlike the cable industry, which has had the freedom to upgrade to digital at its own leisure, broadcasters cannot afford to chase only the highest profit-margin revenue sources. PCC believes that when broadcasters use multicasting to provide the public with more and diverse high quality programming, the viewers will follow.

The Commission should ignore Mediacom's latest salvo in the cable industry's holiday assault on broadcasters. It should order full digital multicast must-carry without further delay.

Sincerely,



Lowell W. Paxson  
Chairman and CEO  
Paxson Communications Corporation

cc: The Honorable Kathleen Q. Abernathy  
The Honorable Michael J. Copps  
The Honorable Kevin J. Martin  
The Honorable Jonathan S. Adelstein  
Jonathan Cody  
Stacy Robinson Fuller  
Catherine Bohigian  
Johanna Mikes Shelton  
Jordan Goldstein