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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

J Max Robins
Editor in Chief
Broadcasting and Cable
360 Park Avenue South
New York, NY 10010

Re What Cable Programmers Are Missing - CS Docket 98-120

Dear Mr Robins:

I must respond to the February 9th Guest Commentary of Geraldine Laybourne addressing the issue of digital must carry By continuing to oppose full digital multicast must-carry, independent cable programmers like Oxygen Media are joining the major cable and satellite operators in ignoring the law and attempting to thwart the greatest expansion of free over-the-air television service since television's inception And in the process they are missing the greatest opportunity in the history of television to create new networks, new programming opportunities and new channels clamoring for programming from sources such as Oxygen Media.

The FCC finally seems to be seeing through the cable industry's smokescreen warnings about dropped cable channels and decreased viewer choice. In reality, full digital multicast must-carry can be achieved without forcing cable operators to drop a single cable programming service Cable capacity expansions and digital compression technology have progressed to a point where the transition to DTV will result in a *decrease* in the amount of cable bandwidth occupied by broadcasters

Multichannel system operators are not likely to use this bandwidth windfall to add basic cable channels. Instead, they will likely just salt their newfound bandwidth away – maybe add five more channels of pay-per view hard-core pornography or another repetitive pay-per-view movie channel – and continue complaining about the onerous burdens of must-carry. All the while they will claim high program costs and inflict double-digit rate hikes on their subscribers

But Congress and the Supreme Court have shown that they are immune to the cable industry's cries The 1992 Cable Act requires cable operators to carry all free over-the-air broadcast program content Multicast must-carry is the only way to comply

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with the law in the DTV world, and it is the FCC's responsibility to require it without further delay

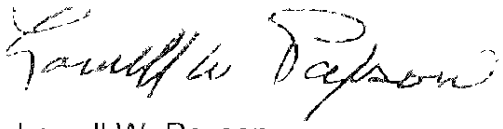
Cable operators' opposition to must-carry is understandable After all, life would be much easier if they had no competition The opposition of Ms. Laybourne and her cable programming cohorts, however, is most strange, because they seem to be ignoring a golden opportunity

The success of any programmer depends on the number of households it can reach, but cable and satellite operators long ago slowed down the addition of new channels to their basic lineup. Consequently, I have long expected independent programmers to welcome DTV multicasting as a new distribution platform that would provide them with the ability to reach all television viewers A few programmers, such as the Black Education Network, have recognized this opportunity, but not many.

So when Ms Laybourne frets about future distribution of programming networks like Oxygen, her questions really ought to be addressed to cable operators who apparently would rather carry multiple channels of pay-per-porn than add quality programming that would be available to all their subscribers. It's a sad day for television when programming featuring surgically altered naked women has a better chance at gaining carriage on local cable systems than programming like Oxygen's, which serves the needs and desires of actual everyday women.

It's about time that independent cable programmers like Ms Laybourne realized that Congress and the Supreme Court cemented broadcasters' cable carriage rights – including our multicast rights – more than a decade ago We are not keeping them off cable systems, their supposed allies – the cable operators – are.

Sincerely,



Lowell W Paxson
Chairman and CEO
Paxson Communications Corporation

cc FCC Commissioners