

June 13, 2006



Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Presentation
MB Docket No. 05-192 (Adelphia Proceeding)

Dear Ms. Dortch:

During the morning of June 13, 2006, Harold Feld and Jaime Porter, both of Media Access Project ("MAP"), and Alex Nogales, President and CEO of the National Hispanic Media Coalition ("NHMC"), met with Aaron Goldberger, Legal Advisor to Commissioner Tate, and subsequently with John Grant, Policy Advisor to Commissioner Tate, and Commissioner Tate.

Mr. Nogales reviewed concerns raised in NHMC's *Petition to Deny*. With regard to Comcast's hiring practices and outreach to the Hispanic community, Mr. Nogales observed that Comcast routinely provided only general information about total number of hires, without any indication as to whether Hispanic and other minority hires had positions that allowed them to influence decision-making on a regional or national basis. Without this information, it is impossible to tell if Comcast will have a sufficiently diverse workforce reflective of the communities it serves.

Mr. Nogales also addressed concerns regarding carriage of Si TV and LA-TV, and other independent English-language programming for Hispanic audiences. Because Time Warner carries Si TV, and Comcast refuses to do so, Hispanic communities that currently enjoy Si TV will lose this programming when Comcast assumes control of Time Warner systems. With regard to the Spanish language programming Comcast carries, Mr. Nogales stated that much of it is produced in Mexico and does not address the needs of new immigrants and their children attempting to assimilate into the United States and receive news and information relevant to their new communities.

Mr. Nogales urged that the Commission impose conditions that make it possible for independent programmers to reach willing audiences. In particular, the Commission should safeguard PEG access and mandate a rate for leased access that

facilitates entry. This could include setting a low flat rate per subscriber to facilitate entry, basing the rate on actual fees paid for programming rather than the “imputed cost,” or using arbitration similar to that proposed for regional sports programming.

Mr. Nogales stated that an a la carte condition would not help independent programmers. Mr. Feld stated that MAP takes no position on a la carte. In the context of this specific merger, however, the argument that a la carte provides sufficient incentive for cable operators to favor multiple independent programmers does not hold. This argument relies on the theory that because the cable operator will be paid on the basis of the number of channels it sells to a subscriber, the cable operator has incentive to find popular programming (even if independent).

Whatever the merits of the argument in the general case, that theory does not hold for this merger because Comcast and Time Warner hold such large volumes of content that they have no incentive to seek out independent programmers, and therefore would not wish to dilute the benefits of control of the cable platform.

Pursuant to Section 1.1206(b), 47 C.F.R. §1.1206(b) of the Commission’s rules, this letter is being filed electronically with your office today.

Respectfully submitted,

/s/

Harold Feld
Senior Vice President

cc: Commissioner Tate, Aaron Goldberger, John Grant, Leslie Marx (OSP), Roy Stewart (MB), Michele Ellison (OGC), Sarah Whitesell (MB), Royce Sherlock (MB), Julie Salovaara (MB), Neil Delar (OGC), Jamila Bess Johnson (MB), Tracy Waldron (MB), Amy Byett (MB), Patrick Webre (MB), Marcia Glauberman (MB), Daniel Shiman (MB), Jim Bird (MB), Wayne T McKee (MB), Jonathan Levy (OSP), Ann Bushmiller (OGC), Fred Campbell, Jessica Rosenworcel, and Rudy Brioche