

July 7, 2006



Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

RE: Notice of *Ex Parte* Presentation  
Docket 05-192 (Adelphia Proceeding)

Dear Ms. Dortch:

On July 6, 2006, the Andrew Jay Schwartzman and Harold Feld of Media Access Project met with Chairman Martin and his Legal Assistant, Heather Dixon.

Mr. Schwartzman and Mr. Feld made the following points with respect to the proposed assignment and/or transfer of control of Adelphia Communications Corporation licenses:

- There is strong reason, and strong record support, for conditions assuring that MVPD competitors have access to regional sports networks, whether or not they can be characterized as “affiliated” networks. The Commission should look behind the nature of the relationship to other indicia of control.
- Independent programmers should be afforded access to cable carriage. While this could be accomplished satisfactorily in several ways, the best mechanism would be to employ the model provided by the Commission’s commercial leased access provisions. Under this approach, pricing would be established by commercial arbitration. Commercial leased access is content neutral, Congressionally and judicially approved, and provides a means of addressing concerns about indecency.
- There is strong record support for a condition requiring Comcast to make PBS Sprout available to MVPD competitors. The program access provision of the Communications Act is ineffective in practice, and there is powerful evidence which establishes that this programming is as important to competitors as sports and other “must have” programming. The non-commercial nature of this material, as well as its public financing make this material different from other program channels.

Sincerely,

/s/

Andrew Jay Schwartzman  
President and CEO

cc. Chairman Martin  
Heather Dixon