



National Cable & Telecommunications Association  
25 Massachusetts Avenue, NW, Suite 100  
Washington, DC 20001-1431  
202-222-2300

Diane B. Burstein  
Deputy General Counsel

202-222-2445

[www.ncta.com](http://www.ncta.com)

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October 12, 2006

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311**

Dear Ms. Dortch:

On October 11, 2006, Dan Brenner (Senior Vice President, Law and Regulatory Policy) and I met with Rudy Brioché, Legal Advisor to Commissioner Adelstein, to discuss issues raised in the above-captioned proceeding. We reviewed points set forth in NCTA's comments and reply comments. We noted, in particular, that NCTA had argued in those comments that while telephone companies maintained that the franchising process was unreasonably delaying and preventing their deployment of cable service throughout the nation, there was no evidence that this was the case. To the contrary, our comments noted that local governments appeared to be ready and willing to award additional competitive cable franchises, and that telephone companies were acquiring franchises at a rapid pace that more than matched their readiness to deploy video facilities and services.

In our meetings, we pointed out that even Verizon now admits that the existing franchising process is no obstacle to their nationwide roll-out of cable service. We cited a recent presentation of Verizon Communications, Inc. to a briefing session sponsored by Thomson Financial on September 27, 2006, in which Verizon executives noted that cities were "eager to bring competition to market,"<sup>1</sup> "franchising is not an issue for us,"<sup>2</sup> and "franchising is not holding us back."<sup>3</sup> We also noted that Verizon has acquired 161

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<sup>1</sup> <http://investor.verizon.com/news/20060927/20060927.pdf>.

<sup>2</sup> [http://investor.verizon.com/news/20060927/20060927\\_transcript.pdf](http://investor.verizon.com/news/20060927/20060927_transcript.pdf).

<sup>3</sup> *Id.*

Ms. Marlene H. Dortch

October 12, 2006

Page 2

franchises passing 3.3 million households, and projects that it will have 300 franchises passing 6.1 million households by the end of 2006.<sup>4</sup>

We also discussed Verizon's request, in an ex parte letter, that the Commission should act in this proceeding "to bar cable incumbents from entering into new, or enforcing existing, exclusive arrangements" with owners of multi-dwelling units and other real estate developments. NCTA responded to that request in an ex parte letter on September 8, 2006, and we reviewed the arguments set forth in that response as to why the issue had no place in this proceeding.

Respectfully submitted,

**/s/ Diane B. Burstein**

Diane B. Burstein

cc: Rudy Brioché, Legal Advisor, Office of Commissioner Adelstein

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<sup>4</sup> <http://investor.verizon.com/news/20060927/20060927.pdf>