



National Cable & Telecommunications Association
25 Massachusetts Avenue, NW – Suite 100
Washington, DC 20001
(202) 222-2300
www.ncta.com

Daniel L. Brenner
Senior Vice President
Law & Regulatory Policy

(202) 222-2445
(202) 222-2448 Fax

December 7, 2006

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

Re: MB Docket No. 05-311

Dear Ms. Dortch:

On December 6, 2006, Neal M. Goldberg, Michael S. Schooler, Diane Burstein and I, on behalf of the National Cable & Telecommunications Association (“NCTA”), met with Chris Robbins, Acting Legal Advisor to Commissioner Deborah T. Tate.

Consistent with NCTA’s written comments in this proceeding, NCTA in its meeting discussed how cable operators already face vigorous competition, leading to lower prices and improved service offerings for consumers. NCTA also argued that there is no factual or legal basis for providing telephone companies with regulatory advantages in the franchising process. The existing franchising process is not impeding telephone companies’ ability to provide cable television service, as even Verizon has admitted as recently as this week.¹ Moreover, NCTA maintained that Section 621(a)(1) does not provide the Commission with authority to act.

To the extent that the FCC determines that it has authority to intervene in local franchising issues, especially as respects franchise fees, NCTA argued that the agency must apply that relief evenhandedly so that incumbent operators are not facing an artificial regulatory disadvantage. Interpretations of franchise fees fall under the FCC’s authority in Section 622, and that section makes no distinction between existing and newcomer cable operators.

Respectfully submitted,

/s/ **Daniel L. Brenner**
Daniel L. Brenner

cc: Chris Robbins

¹ See CableFax Daily, Dec. 7, 2006 (“As far as franchises go, [Verizon CFO Doreen Toben] said ‘We don’t see that as an issue going forward,’ pointing to the number of states with franchise reform and Verizon’s increasing ability to get franchises in states without statewide franchising laws, like PA.”).