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December 13, 2006

**EX PARTE**

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

**Re: MB Docket No. 05-311**

Dear Ms. Dortch:

On December 13, 2006, Kyle McSlarrow, Diane B. Burstein and I, on behalf of the National Cable & Telecommunications Association (“NCTA”), met with Commissioner Deborah T. Tate and her Legal Advisor Chris Robbins.

Consistent with its written comments in this proceeding, NCTA 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 last week.<sup>1</sup> 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, NCTA argued that the agency must apply that relief evenhandedly so that incumbent operators are not facing an artificial regulatory disadvantage.

Respectfully submitted,

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

cc: Commissioner Tate  
Chris Robbins

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<sup>1</sup> 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.”).