

April 17, 2007

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

Re: *Ex Parte: In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, CS Dkt. No. 97-80; *In the Matter of Carriage of Digital Television Broadcast Signals*, CS Dkt. No. 98-120.

Dear Ms. Dortch:

On April 16, 2007, on behalf of Comcast Corporation, I spoke by telephone with Michelle Carey, senior legal advisor to Chairman Martin, to review reasons why the Commission should refrain from imposing any additional must-carry obligations on cable operators.

As discussed in previous Comcast filings in the must-carry docket, cable's bandwidth is already significantly constrained while demands on that bandwidth continue to grow. In order to serve customers' needs through cable's digital transition, Comcast currently simulcasts some local broadcast channels (in analog and SD) and *triple*-casts some local broadcast channels (in analog, SD, and HD), with no government obligation to do so. But any government requirement to double- or triple-cast *all* local broadcast channels would impose a vastly increased burden on scarce bandwidth and would inevitably displace other programming that consumers value.

I further explained that cable has every incentive to meet the needs of its customers, but the decisions about how best to do so should be made by multichannel video competitors in the marketplace, not by FCC regulation. In particular, I emphasized (i) that cable already makes available to consumers whatever equipment they need to view digital signals on analog TV receivers, (ii) that the ability to use low-cost digital set-top boxes is critical to accelerating this transition to digital, (iii) that growing numbers of consumers are finding value in digital service offerings that include digital simulcasts of programming that is delivered to other households in analog, (iv) that cable needs the flexibility to continue to make bandwidth allocation decisions based on technological and marketplace developments, and (v) that government interference in this complex and costly transition, even if well-intentioned, could have adverse consequences for competition and consumers.

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I also argued that there is no legal or factual basis for expanding the must-carry requirements that have previously been established by the Commission -- which have consistently been limited to carriage in a single format of a single programming stream per broadcast licensee. Must-carry already rests on a shaky legal foundation, and any expansion of must-carry obligations will be extremely vulnerable on statutory and constitutional grounds, for reasons that have been covered in previous Comcast filings.

Kindly direct any questions regarding this matter to my attention.

Sincerely,

/s/ James L. Casserly

James L. Casserly

Counsel for Comcast Corporation

cc: Michelle Carey