

May 9, 2007



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in MM Docket No. 92-264

Dear Ms. Dortch:

On May 3, 2007, Harold Feld, Senior Vice President, Media Access Project, met with Christina Chou Pauze, advisor to Commissioner McDowell, on the above captioned matter.

Mr. Feld's presentation reiterated the points made in the March 21, 2007 letter to Commission with the following additional points. First, although the Commission has the authority to set a 30% limit on all MVPD providers, the statute explicitly directs the Commission to set a limit on cable providers. Accordingly, and given that cable remains dominant in the MVPD market, the Commission may chose to impose a cable-only limit while reserving the question of imposing the limits on other MVPDs. Second, the largest cable operators continue to gain subscribers, making claims that vigorous competition exists questionable. In support of this, Mr. Feld provided a copy of an article documenting Comcast's gain of 75,000 basic subscribers in the 1st Quarter of 2007.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld
Senior Vice President

cc:
Christina Chou Pauze