

May 16, 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 15, 2007, Harold Feld, Senior Vice President, Media Access Project, met with Michelle Carey, media advisor to Chairman Kevin Martin, 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.

Mr. Feld added that it has been two years since the Commission refreshed the record. If the Commission does not act soon to vote on a limit, the Commission runs the risk of the record growing stale.

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:  
Michelle Carey