

September 5, 2007

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Ex Parte Notice

In the Matter Carriage of Digital Television Broadcast Signals, Amendment to Part 76 of the Commission's Rules (MB Docket No. 98-120)

Dear Ms. Dortch:

On Tuesday and Wednesday, September 4 and 5, 2007, several members of the National Telecommunications Cooperative Association (NTCA) sent emails and letters to Chairman Martin and Commissioners Copps, Adelstein, Tate and McDowell regarding the above docket. The messages substantially conformed to the attached sample advocacy letter opposing the draft digital television carriage order that would potentially require cable operators after February 17, 2009 to carry one signal of each broadcaster in three different formats: high definition, standard definition and analog.

As shown in the attached letter, NTCA members contend that it is both fiscally and technologically infeasible for all small and medium-sized operators to meet such a burdensome obligation. NTCA and its members ask the Commission to reject the digital television triple-carriage order in order to not harm rural consumers and the companies that serve them.

Several NTCA members ccd similar letters to the Chairman and Commissioners via email and inadvertently may not have complied with the Commission's ex parte rules. We are filing this ex parte notice on behalf of NTCA and any NTCA member who did not file an ex parte notice with their advocacy letters. We ask that the Commission include the advocacy letters in the public docket so that others may have a chance to reply if they choose.

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Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. If you have any questions, please do not hesitate to contact the undersigned at (703) 351-2016 or (703) 351-2146.

Sincerely,

/s/ Daniel Mitchell
Daniel Mitchell
Vice President, Legal and Industry

/s/ Karlen Reed
Karlen Reed
Regulatory Counsel, Legal and
Industry

Attachment

KR:rhb

cc: Chairman Kevin Martin
Commissioner Michael Copps
Commissioner Jonathan Adelstein
Commissioner Deborah Tate
Commissioner Robert McDowell

September 4, 2007

To the Members of the United States Senate
To the Members of the United States House of Representatives

Re: FCC Chairman Kevin Martin's Proposed Triple Carriage Must-Carry Order

Dear Senators and Representatives:

Members of the American Cable Association (ACA) and the National Telecommunications Cooperative Association (NTCA) are small and medium-sized cable operators with a long history of providing high-quality, innovative video service to their communities. These cable operators who provide service to smaller and rural markets are currently making significant investments in their facilities to offer more services to consumers, including high-definition digital programming and video on demand. In addition, these operators are launching advanced services, such as broadband and voice, providing rural consumers with the much-touted "Triple Play." Small and medium-sized cable operators understand that to remain competitive, they must offer consumers a robust service.

However, the Associations and their members are gravely concerned about the digital television carriage order. The draft order would require cable operators after February 17, 2009 to carry one signal of each broadcaster in three different formats: high definition, standard definition and analog. It is both fiscally and technologically infeasible for all small and medium-sized operators to meet such a burdensome obligation. The upgrade costs required to comply with this mandate are substantial -- upwards of several hundred dollars per subscriber in small markets. Further, many small cable operators simply lack the capacity to offer all broadcast stations in all three formats, and it is not feasible for small cable operators to upgrade their facilities to all-digital and provide set-top boxes to all of their subscribers.

In some cases, the triple-carriage requirement would force operators of small systems to remove existing channels from their channel lineup, or reduce the amount of bandwidth available for broadband and voice services, further broadening the digital divide between urban and rural consumers. In other cases, operator would be compelled to shut down their systems altogether, removing a vital video and voice competitor in the market, and eliminating access to any broadband service for some consumers.

The digital television triple-carriage order must be rejected in order to not harm rural consumers and the companies that serve them. The Associations and their community-based members, along with the millions of subscribers they serve, are hopeful that you and your policymaking colleagues at the FCC recognize the need for sensible regulation that will accomplish the goals of the digital transition without compromising the quality video and broadband service rural consumers enjoy and have come to expect from their providers.

Sincerely,