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October 12, 2007

Via Electronic Filing

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

**Re: In the matter of Leased Commercial Access Development of
Competition and Diversity, MB Docket 07-42**

Dear Ms. Dortch:

HDNet submits this letter as reply comments in the Commission's NPRM in the Matter of Leased Commercial Access Development of Competition and Diversity in Video Programming Distribution and Carriage, MB Docket # 07-42.

Sincerely,

//Signed//

Kathleen Wallman
Advisor to HDNet

Hi



The Honorable Kevin Martin
The Honorable Michael Copps
The Honorable Jonathan Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert McDowell

Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: In the matter of Leased Commercial Access Development of Competition
and Diversity, MB Docket 07-42

Dear Chairman Martin and Commissioners:

HDNet is an independent programming company delivering two 1080i high definition services known as “HDNet” and “HDNet Movies”. The “HDNet” channel provides viewers with the best in original comedy, drama, news, sports and music programming. “HDNet Movies” is the only movie network in the world to feature original feature films that are shown on “HDNet Movies” day and date with a national theatrical release. Both of these services deliver 100 percent of their content in true 1080i high definition. HDNet is unique in this respect. Many channels that are advertised as high definition offer only 20 percent or less of their content in true HD. HDNet is completely independent and we are not affiliated with any cable operator or broadcaster.

We applaud the Commission’s attention to the challenges faced by independent programmers in attaining access to viewers through the nation’s cable distribution platform. We endorse the process improvements that the Commission has proffered for comment, including an expedited complaint resolution process, and private arbitration where the parties agree to such a route.

We also urge attention to another practice in the industry that tends to crowd out independent programmers seeking carriage on cable systems – tying. It is common for programmers with multiple services to require cable systems to carry their less popular offering as a condition of carrying their most popular must-have offerings. This means that valuable capacity on many cable systems is not being used for channels that are judged to be of the most interest or value to consumers. Rather, this capacity is being

jammed with content that powerful programmers are forcing on their cable partners. Furthermore, these little seen channels often deliver content that has been upconverted to merely simulate the true HD experience while tying up as much as five times the bandwidth as is necessary.

HDNet looks forward to working with the Commission in developing a strong record in this proceeding.

Very truly yours,

//Signed//

Mark Cuban
Chairman and President
HDNet