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October 30, 2007

Honorable Kevin J. Martin  
Chairman, Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Martin,

I am pleased to learn that the Commission will soon be addressing an important issue of video and broadband competition. I support your call for an end to exclusive contracts between developers and resident associations and pay-television providers because they restrict the competitive choices available to consumers living in multiple dwelling units (MDUs) and residential developments.

Over the years, the Commission has sought to block exclusive contracts for telecommunications service providers in commercial buildings, and it has required that telephone companies offer competitive access to wires in apartment buildings. I believe that restricting contracts that limit consumers' access to one residential broadband and video provider is good public policy and in step with those earlier rulings.

If competition was allowed to flourish, I believe my constituents in those developments and buildings would be offered lower prices and more services than a single provider would offer. Consumers should not be content with bad service -- they deserve the right to vote with their feet. Competitive pressure would bring new services to buildings and communities that haven't seen upgrades as fast as their neighbors in a more competitive environment.

I understand that some exclusive arrangements result in discounted pricing. I applaud bulk purchasing agreements that offer consumers the option of a lower price, but I question them when they require everyone in the development to pay that price regardless of whether they want those services or not. Consumers seeking a competitive answer to their problems should not be required to pay once for the incumbent and then pay again for the competitor. That will stifle competition almost as much as the problem of exclusive access currently does.

For those operators who have already committed to investing in buildings, complexes, and developments in exchange for an exclusive arrangement, there might be some need to allow those companies to recoup their costs before those arrangements end. I encourage the



**Congress of the United States**  
**House of Representatives**

MIKE DOYLE  
14TH DISTRICT, PENNSYLVANIA

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Commission to consider drafting the rules in such a way that softens the impact and would not abruptly raise rates before a consumer has access to a competitive provider.

I would be concerned if the Commission implemented rules that would force the consumer to select either one provider for an entire bundle of services or the other provider—and not be able to select and choose among the offerings between providers. That said, I appreciate the Commission choosing not to require competitive entrants to immediately build out new facilities to reach consumers' last hundred feet. I believe that unbundling those last hundred feet strikes an appropriate balance when consumers have paid for those wires through their rent or mortgage. The United Kingdom, Japan and France have found great success in following that same principle, writ slightly larger – by unbundling the last mile local loop and enacting policies that encourage extremely high speed DSL and fiber access at low prices. Their broadband penetration rates are dramatically higher than ours, and I believe it's because they encourage, but don't require, competitors to build their own last mile networks from the central office to the consumer's home.

Lastly, I encourage the Commission to quickly investigate and address exclusive marketing arrangements. I am curious if these deals have a chilling effect on competition. I believe that consumers deserve to know about their choices from whoever can offer them service. Again, I congratulate you on your efforts in this matter. Please do not hesitate to contact me if you have any questions about this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Doyle". The signature is stylized and cursive.

Mike Doyle  
Member of Congress

MFD::kdg