From the Desk of
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November 19, 2007

Mr. Kevin Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Media Docket 07-42

Dear Mr. Chairman:

I am writing to bring to the FCC's attention, my personal view regarding a programming matter with respect to our local Comcast cable system recently brought to my attention.

I have learned Comcast recently acquired rights to Portland Trailblazers basketball games for a new regional sports network it is creating. Although the Trailblazers used to be available on "analog basic" service via Fox Sports Northwest, it is my understanding Comcast is now forcing customers on its Beaverton/Portland area system to upgrade to a more expensive "digital basic" tier in order to be able to watch the Trailblazers on this new Comcast-owned network. Comcast may also be demanding other cable systems and satellite carriers serving the area carry the new regional network on broadly available must-buy tiers at a high price. Thus far, because there have been few (if any) takers for the network at Comcast's offered price, Comcast may in effect have obtained exclusive programming for its cable system – which could have the effect of stifling video competition in the Beaverton/Portland area market.

Comcast's strategy to extract more revenue from its customers is even more blatant in connection with its offering of the NFL Network – a channel I would expect to be of great interest to my constituents. I have been told that channel is only being offered on a special "pay-extra" sports tier for which customers will have to pay roughly $5.99_per month on top of their "digital basic" bill of $52 per month. I also have been told Comcast's wholesale cost for the channels in this "pay-extra" package is less than $2.50 per month, meaning that Comcast profits by

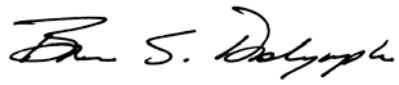
about $3.50_ per month for every subscriber who pays retail for this "pay-extra" tier.

The theme underlying treatment given to these various channels seems to be that channels Comcast owns get broader distribution, while those that Comcast does not own get moved to less widely-available and more expensive tiers – usually in ways that will force consumers to pay more to get what they want. Channel carriage and tiering decisions thus appear to be made on the basis of Comcast's revenue and profit potential, rather than on the appeal to consumers, the quality, or the ratings of the channels and their programs. These Comcast practices are not in the best interest of Beaverton/Portland area consumers – my constituents.

I understand the FCC has a pending rulemaking proceeding (Media Docket 07-42) in which it is considering possible rule changes so that carriage disputes like the ones involving NFL Network and various cable carriers can get resolved more quickly and in a consumer-focused manner, with the ultimate decisions based on the market value of the programming and not whether a cable company owns it. We urge the FCC to adopt proposals made by Hallmark and NFL Network in that proceeding to establish a generally available binding arbitration remedy to help all independent programmers deal with cable operators. We understand that commencement of binding arbitration has successfully driven negotiated resolutions of certain disputes in which the FCC has ordered such a remedy on a stand-alone basis.

Although it is my belief that more than the an arbitration remedy may be needed to deal with cable company abuses such as those mentioned, the remedy is at least a good start toward pro-competitive changes to the cable industry that will enhance diversity of views among channels delivered to consumers, and that ultimately will be in the best interest of my constituents.

Very truly yours,



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