

November 20, 2007



Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Presentation in MB Docket No. 07-42

Dear Ms. Dortch:

On November 19, 2007, Harold Feld of the Media Access Project met with Christina Pauze, media advisor to Commissioner McDowell, with regard to the above captioned proceeding. Mr. Feld argued that there is no evidence that cable operators will drop programming such as CSPAN if leased access programmers begin to use capacity in the numbers intended by Congress. Further, even if true, the Commission should not frustrate the will of Congress by setting a rate high enough to discourage use.

With regard to Section 616, Mr. Feld argued that the statute does not require either a direct intent to discriminate or that a cable operator must discriminate in favor of its own programming. The plain statutory language merely requires that a pattern of behavior have the "effect" of discriminating against programmers on the basis of any affiliation or lack of affiliation.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 CFR §1.1206, this letter is being filed with your office.

Respectfully submitted,

/s/

Harold Feld  
Senior Vice President

cc: Christina Pauze