MINTZ LEVIN

Howard J. Symons | 202 434 7305 | hjsymons@mintz.com

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-434-7300
202-434-7400 fax
www.mintz.com

December 11, 2007

FILED ELECTRONICALLY

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

Re: *Implementation of Section 11(c) of the Cable Television Consumer Protection and Competition Act of 1992, Horizontal Ownership Limits,* MM Docket No. 92-264

Dear Ms. Dortch:

Cablevision Systems Corporation ("Cablevision") respectfully submits this filing in the above-captioned proceeding to request that the Commission defer or reject adoption of a horizontal ownership cap on cable systems.

Cablevision agrees with commenters in this proceeding who contend that there is no empirical or econometric evidence to suggest that any sort of horizontal ownership cap is necessary to maintain competition and diversity in cable programming. As NCTA, Comcast and others have pointed out, since the D.C. Circuit's invalidation of the last attempt by the Commission to impose a horizontal ownership cap on the cable industry, cable's national share of the multichannel video programming subscriber marketplace has dropped significantly, competition from DBS and the telephone companies has grown substantially, the total number of cable networks has risen dramatically while cable operator ownership of programming services has fallen sharply, and new sources of video programming -- including Internet video and content for mobile devices -- have proliferated rapidly. The marketplace case for a horizontal cap is far less compelling today than it was six years ago, when such a limit was soundly rejected by the courts.

In today's vibrant and robustly competitive video marketplace, a horizontal ownership restriction placed only on cable makes no sense. Cable competes directly against larger and better-capitalized competitors, like AT&T and Verizon, which are not subject to an ownership limitation in their core business. Cable also faces competition in every local market from DirecTV and EchoStar -- the second and fourth largest multichannel video programming distributors (MVPDs) in the country -- and both of those companies are permitted to reach all television households in the country.

Over the last decade, cable has led the way in terms of offering innovative and advanced services and technology to consumers. In being the first to deploy on a wide scale digital programming, on-demand and interactive services, high-speed Internet access and competitive

voice telephony, cable has established a solid track record as an industry willing to risk capital and resources in order to provide consumers with new services and innovation. Adoption of a cap on cable ownership deprives both large and small cable companies of flexibility enjoyed by their rivals in the ongoing competition to provide consumers with innovation, new technology and advanced services. The Commission should discard its plans to impose a government limit on cable ownership, and allow market forces and consumer preferences to shape the future of the broadband services marketplace.

Should there be any questions regarding this matter, please contact the undersigned.

Sincerely,

Howard J. Symons

cc: Michelle Carey
Rick Chessen
Rudy Brioche
Amy Blankenship
Cristina Pauzé
Monica Desai
Rosemary Harold