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February 21, 2008

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

Re: *Bresnan Communications, LLC's Request for Waiver of 47 C.F.R. § 76.1204(a)(1), CSR-7117-Z*

Dear Ms. Dortch:

On February 20, 2008, as counsel for Bresnan Communications, LLC, I met with Monica Desai, Thomas Horan, Nancy Murphy, Steven Broecker, and Brendan Murray of the Media Bureau to discuss Bresnan's first amended Request for Waiver filed in this proceeding on December 14, 2007. Also present at the meeting was Seth Davidson of Fleischman & Harding LLP to discuss a similar waiver request filed by Mediacom Communications Corporation.

I explained that Bresnan's request is not materially different from the prior "all-digital" waivers granted to operators of other systems, in that the Commission's basis for granting such waivers has been the "clear, non-speculative benefits" that would be realized by *consumers*, and not on any unique circumstance of the operator seeking the waiver. The consumers of Gillette would receive exactly the same type of benefits from Bresnan's requested waiver that the consumers of Bend, Oregon and other markets will benefit from waivers granted to systems in those areas, regardless of the fact that Bresnan has not sought a waiver for other systems that cannot be transitioned to all-digital by February 2009.

I also repeated Bresnan's view that additional public notice in this proceeding is not necessary.¹ The Commission already invited public comment on Bresnan's initial waiver request

¹ See CS Docket 97-80, Letter from Paul B. Hudson, Counsel for Bresnan Communications, LLC, to Marlene H. Dortch, Secretary, FCC (Jan. 21, 2008), citing CS Docket 97-80, Letter from Monica Desai, Chief of the Media Bureau, to Jonathan Friedman (Sept. 4, 2007) at 6 ("neither the Communications Act nor our rules requires that we place the waiver requests on Public Notice. Some waiver requests were filed by companies that are already all-digital or are committed to going all digital prior to February 17, 2009. These particular petitions raised issues

on February 12, 2007. The public subsequently has had constructive notice of the Bureau's decision to grant leave to Bresnan to amend its request, and also of Bresnan's amended request. Bresnan's amendment and three subsequent *ex parte* notices referencing it (including this one) have been filed electronically and posted on the Commission's ECFS system in CS Docket 97-80. Notwithstanding these facts, if the Bureau believes that additional public notice should be issued, Bresnan urges the Bureau to do so as quickly as possible and to expedite the comment period to no more than ten days so that the Commission may reach a decision in this proceeding in time for Bresnan to undertake all of the steps necessary to complete a digital transition by February 17, 2009.

Respectfully submitted,



Paul B. Hudson
Counsel for Bresnan Communications, LLC

cc: Monica Desai
Thomas Horan
Nancy Murphy
Steven Broeckaert
Brendan Murray

essentially identical to issues raised in waiver requests that we had previously placed on Public Notice An additional opportunity for public comment would have resulted in substantial delay without any significant benefit to our decision making process.”)