



May 6, 2008

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

**Re: Notice of Ex Parte Communication
MB Docket Nos. 98-120, 07-198**

Dear Ms. Dortch:

On Monday, May 5, 2008, Jane E. Mago, Jerianne Timmerman, and the undersigned of the National Association of Broadcasters (NAB) met with Cristina Pauzé of the Office of Commissioner McDowell. At the meeting, we discussed the need for the Commission to maintain a consumer-oriented focus as it considers proposals for blanket waiver of aspects of its viewability requirements for cable operators and/or cable systems of various sizes. As it considers such requests, the Commission should particularly focus on the needs of consumers, many of whom have invested in new television sets with the expectation of watching high definition (HD) content, including the HD signals of local broadcast stations. We noted that the Commission's rules already provide cable operators with different compliance options and cap the amount of capacity they must devote to carriage of broadcast signals.

We also discussed the Commission's pending proceeding addressing program access issues. We noted that certain multichannel video programming distributors are inappropriately attempting to convert this proceeding into a wide-ranging reexamination of the retransmission consent and program exclusivity regime established by Congress. In any event, consistent with NAB's comments in this proceeding, we noted that although hundreds of thousands of retransmission consent agreements have been negotiated since 1993, there have been only a handful of complaints alleging a failure to negotiate in good faith. We stated that because broadcasters do not exercise undue or unfair bargaining power in such negotiations, revisions to the statutory and regulatory scheme governing retransmission consent are

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not necessary or appropriate at this time.

Please direct any questions to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ERL Dozier', with a stylized, cursive-like script.

Erin L. Dozier
Associate General Counsel
Legal and Regulatory Affairs

cc: Christina Pauzé