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**Jeremy M. Kissel**  
Admitted in DC and Florida

August 13, 2008

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

**VIA ECFS**

**RE: American Cable Association ("ACA"); Notice of Ex Parte Presentation, MB Docket No. 07-170; Retransmission Consent "Quiet Period"**

Dear Ms. Dortch:

Under 47 C.F.R. § 1.1206(b), we electronically provide this notice of an ex parte presentation in the docket listed above. On August 12, 2008, the following persons met with Nick Alexander, Legal Advisor to FCC Commissioner Robert McDowell:

Ross J. Lieberman, ACA, Vice President of Government Affairs  
Jeremy M. Kissel, Cinnamon Mueller, Attorney for ACA

The purpose of the meeting was to reiterate ACA's longstanding support for a retransmission consent "quiet period", specifically beginning no later than January 1, 2009, if not earlier, and running through May 31, 2009. During the meeting, ACA discussed the voluntary industry pledge by some members of the National Association of Broadcasters ("NAB") in support of a shorter quiet period covering the weeks before and after the February 17, 2009 DTV transition. ACA commended the subset of the broadcast industry that acknowledged the importance of a quiet period around the time of the switch over, but raised concerns about its start and end date, and the fact that not all broadcasters are covered by the voluntary pledge.

ACA pointed out that a significant number of its members' retransmission consent agreements would expire on December 31 with large and small broadcasters across the country. As previously filed, across ACA's nearly 1,100 member operators, an estimated 4,000 to 5,000 retransmission consent agreements will expire at the end of the year. Participants explained that given the increasingly contentious nature of retransmission consent negotiations, and broadcasters' increasing willingness to pull signals from small cable systems, it is vital that the Commission impose a quiet period on both broadcasters and cable operators before these agreements actually run out. Taking retransmission consent disputes off the table before the DTV transition and for a reasonable time afterward will not only benefit cable customers and television viewers, but will also encourage a smoother transition to digital television by permitting cable operators and broadcasters to both focus their energies on resolving technical issues and educating consumers. Moreover, broadcasters will be no worse off by a quiet period that begins when the majority of retransmission consent contracts end because once the waiting time is over, they will be able to resume their talks with operators and engage in all the same practices, including the pulling of signals, that force operators into accepting their prices, terms, and conditions.

It also must be mentioned that the voluntary pledge announced yesterday by some NAB members also does not cover all television stations that elect retransmission consent. NAB's quiet period commitment does not cover CBS Inc., News Corp., and hundreds of independent broadcasters, who are the ones that small cable operators often retransmit. As such, ACA urges prompt FCC action to require a quiet period of reasonable length beginning no later than January 1, 2009, and running through May 31, 2009, and including all broadcasters who elect retransmission consent.

Participants also noted ACA's continued support for a digital must carry exemption for cable operators with limited subscribers or capacity, and urged adoption of this Order.

Sincerely,



Jeremy M. Kissel

cc: Nick Alexander (via email)  
Ross J. Lieberman