



September 29, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

***Ex Parte* Notice**

**Re: Retransmission Consent Reform, Digital Transition Quiet Period Proposal,
Docket Nos. CS 98-120, CS 99-363, MB 07-198, MB 07-148**

Dear Ms. Dortch:

On behalf of local exchange carriers (LECs) that offer, or are actively considering offering, voice, broadband data, and video services to consumers in high cost rural areas, the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO),¹ the National Telecommunications Cooperative Association (NTCA),² the Independent Telephone and Telecommunications Alliance (ITTA),³ the Rural Independent Competitive Alliance (RICA),⁴ and the Western Telecommunications

¹ OPASTCO is a national trade association representing over 600 small incumbent local exchange carriers serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve more than 5.5 million customers. Almost all of OPASTCO's members are rural telephone companies as defined in 47 U.S.C. § 153(37).

² NTCA represents more than 570 rural rate-of-return regulated telecommunications providers. All of NTCA's members are full service incumbent local exchange carriers and many of its members provide wireless, cable, Internet, satellite and long distance services to their communities. Each member is a "rural telephone company" as defined in the Telecommunications Act of 1996.

³ ITTA represents mid-size LECs that provide a broad range of high quality wireline and wireless voice, data, Internet, and video telecommunications services to more than 30 million customers in 45 states.

⁴ RICA is a national association of competitive carriers that are affiliated with rural incumbent local exchange carriers. RICA members provide facilities-based telecommunications and video services in rural areas over modern facilities to residential and business subscribers in underserved rural areas.

Alliance (WTA)⁵ (collectively the Associations⁶) hereby file this *ex parte* letter in support of the Digital Transition Quiet Period Proposal⁷ in the above-captioned proceedings. The quiet period should last from December 15, 2008 until March 31, 2009.

The Associations concur with multiple parties⁸ that have supported a temporary quiet period that would lead up to, and last until shortly after, the digital television transition on February 17, 2009. During this time, broadcasters and MVPDs would be required to maintain the status quo regarding the carriage of retransmission consent signals, even if they are unable to reach a negotiated settlement prior to the expiration of an existing agreement. Properly implemented, this brief quiet period would avoid unnecessary consumer confusion surrounding the digital transition that would likely result from signals being dropped during retransmission consent disputes.

In order to ensure that the greatest number of consumers are protected, it is important for the quiet period begin on December 15, 2008. This would recognize the fact that many retransmission consent agreements expire on December 31, 2008. A quiet period that began after December 31, 2008 would leave many consumers exposed to the possibility of losing signals due to an impasse in retransmission consent negotiations around the critical time of the DTV transition, and would confer no real protection for these viewers. In order to be effective, the quiet period should last from December 15, 2008, until March 31, 2009.

In accordance with FCC rules, this letter is being filed electronically in the above-captioned dockets.

⁵ WTA is a trade association that represents approximately 250 rural telecommunications carriers operating in the 24 states west of the Mississippi River. Most members serve fewer than 3,000 access lines overall, and fewer than 500 access lines per exchange.

⁶ Small and mid-size rural LECs represented by the Associations are integral parts of the communities they serve. They are uniquely suited to bringing advanced telecommunications capabilities to their customers, including the “triple play” of voice, broadband data, and video services. Small and mid-size LECs find that when broadband is offered along with multichannel video programming distributor (MVPD) services, customers buy more of both, which spurs both consumer choice in the video market as well as additional broadband deployment.

⁷ Cequal Communications, LLC d/b/a Suddenlink Communications, *et. al.*, *Establishment of a Digital Transition Quiet Period for Retransmission Consent, Petition for Expedited Rulemaking* (fil. Apr. 24, 2008) (“Petition”).

⁸ American Cable Association (ACA) letter to Chairman Martin (Jul. 8, 2008); Dish Networks *ex parte* notice, Docket Nos. 99-363, 07-198, 07-148 (fil. Aug. 5, 2008); Cable Petitioners *ex parte* notice, MB Docket No. 07-148 (fil. Sept. 4, 2008).

Respectfully submitted,

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AND ADVANCEMENT OF SMALL
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