

October 3, 2008

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street S.W.
Washington, DC 20554

Re: *In re Amendment of Parts 73 & 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations, and to Amend Rules for Digital Class A Television Stations*, MB Dkt. No. 03-185; *In re Carriage of Digital Television Broadcast Signals*, CS Dkt. No. 98-120; *In re Promoting Diversification of Ownership in the Broadcasting Services*, MB Dkt. No. 07-294.

Dear Ms. Dortch,

On October 2, 2008, representatives of Comcast Corporation ("Comcast") met separately with Rick Chessen, Senior Legal Advisor and Legal Advisor for Media Issues to Commissioner Michael J. Copps, and Rudy Brioché, Legal Advisor for Media Issues to Commissioner Jonathan S. Adelstein, regarding the above-captioned proceedings. Comcast was represented in these meetings by James R. Coltharp of Comcast, and Jim Casserly and me, both of Willkie Farr & Gallagher LLP.

During both of these conversations, Comcast's representatives explained that there is no legal or policy basis for increasing must-carry burdens on cable operators and that consideration of additional must-carry proposals is counter-productive, especially at a time when energies must be focused on effectuating a successful broadcast DTV transition. These points are further detailed in the attached handout, which was distributed at the meetings. We also noted that Comcast voluntarily carries the LPTV stations that it believes are demanded by its customers, including a significant number of multicultural and religious LPTV stations.

Comcast believes that the LPTV stations that it carries provide programming that its customers value. This is not the case with all LPTV stations. To this end, we noted at the meetings that a recent comment by a coalition of 31 groups, the "Diversity and Competition Supporters," asserted that "[m]any - perhaps most - Class A stations broadcast only minimal local programming and no

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multicultural programming, and thus offer the public little in the way of diversity of viewpoints and information.”¹

Please contact me with any questions about this submission.

Respectfully submitted,

/s/ Stephanie L. Podey

Stephanie L. Podey

Counsel for Comcast Corporation

Attachment

ccs: Rudy Brioché

Rick Chessen

¹ Diversity and Competition Supporters Comment, filed in MB Dkt. 07-294 at 23 (July 30, 2008).

**THERE IS NO BASIS FOR IMPOSING MORE MUST-CARRY BURDENS ON CABLE.
REOPENING MUST-CARRY FOR LPTV HURTS THE DTV TRANSITION.**

The broadcast digital transition is at a critical phase. This is no time for diversions or missteps. More must-carry debates are unjustified and counter-productive.

- Massive consumer education campaigns have been launched by cable operators, broadcasters, consumer electronics manufacturers and retailers, and the government. Consumers still haven't all gotten the message, and continuing changes increase risks of consumer confusion.
- Broadcasters and MVPDs are busy coordinating crucial issues such as digital signal strength, formatting of digital signals, timing of analog shutdowns and curtailments, and other changes. This is extremely complicated, and everyone is already working overtime to get it right.
- Meanwhile, the FCC has yet to complete many tasks that are essential to a successful transition, including: (1) overseeing the construction and launch of all digital broadcast facilities, (2) adopting meaningful public interest requirements for digital broadcasting, and (3) completing a schedule for digital conversion of low-power and translator stations. Commissioner Copps has identified a new list of important tasks to complete, including to: conduct additional field testing, prepare comprehensive DTV contingency plans, educate consumers on DTV troubleshooting, and find a way to broadcast an analog message to consumers following the transition.
- The margin of error is very thin. A timely transition could be jeopardized if any of the tasks above are not completed promptly and properly. Debating new and unnecessary must-carry burdens that will not survive judicial review generates unnecessary turmoil, impeding crucial planning and creating false expectations.

LPTV cannot properly be granted must-carry rights.

- Congress deliberately gave LPTV stations -- including Class A stations -- extremely limited must-carry rights. Only Congress can change the law. (And the law created a *one-time* opportunity for LPTV stations to claim Class A status. That door has closed.) As comments filed just weeks ago confirm, the FCC does not have the authority necessary to expand must-carry rights for LPTV stations.
- The must-carry regime already rests on a shaky legal foundation. Any further expansion would likely lead to *all* must-carry rules being struck down.
- Any increase in must-carry burdens takes away valuable cable bandwidth and harms cable operators' ability to deliver services that consumers want -- more HD channels, more VOD, and faster Internet. Increased must-carry burdens could also derail voluntary commitments for cable carriage of multicast broadcast programming (including public broadcasting).
- In sharp contrast to the "dual carriage" Order of last Fall, the proposal would require cable carriage of signals that are *not* currently on cable.

LPTV issues cannot be solved on the backs of cable operators.

- Most LPTV viewers watch these stations over-the-air (using rabbit ears or outdoor antennas), not over cable. Mandatory carriage by cable operators, even if it were legal, would do nothing to help the LPTV stations' current over-the-air viewers.
- There is only one right answer: consumers should buy, and the FCC and LPTV stations should promote, digital broadcast converter boxes that also pass through LPTV stations' analog broadcast signals until such time as LPTV stations have converted to digital.