Consumers Union
Nonprofit Publisher of Consumer Reports

Marlene Dortch
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

October 10, 2008

Re: Notice of Written *Ex Parte* Presentation
MB Docket No. 03-185; MB Docket No. 07-198

Dear Ms. Dortch:

This letter is to advise you, in accordance with Section 1.1206(b) of the Commission's rules, that on October 9, 2008, Joel Kelsey took a phone call from Commissioner Adelstein's Senior Legal Advisor, Rudy Brioche.

We discussed the status of the proceedings listed above regarding the expansion of full-power status and must-carry rights to some low power television stations. In particular, we discussed the potential benefits of expanding must-carry rights, including increasing the diversity of media ownership. We discussed concerns around what effect granting full-power status to Class A stations would have on the individual market duopoly voice test. We also discussed concerns of extending must-carry rights to Class A stations not locally owned and primarily consisting of "home shopping" and other paid programming.

We discussed proposals in the aforementioned proceeding regarding reforms to the cable program carriage rules found in Section 616. I reiterated Consumers Union's support for proposals previously presented by the Broadband Service Providers Association, Echostar and the National Association of Independent Networks (NAIN). Specifically, I advocated for the institution of a "shot clock" for the adjudication of program carriage access complaints, the need for independent arbitration, a clearer definition in the regulations of the prima facie case standard, an anti-retaliation clause and a stay of adverse discriminatory changes to independent channels during the complaint process.

Respectfully submitted,

Joel Kelsey
Policy Analyst

Consumers Union