



Leora Hochstein
Executive Director
Federal Regulatory Advocacy

1300 I Street, NW
Suite 400 West
Washington, DC 20005
(202) 515-2535
(202) 336-7922 (fax)
leora.l.hochstein@verizon.com

April 30, 2009

Ex Parte

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

Re: Implementation of the Cable Television Consumer Protection and Competition Act of 1992 (MB Docket No. 07-29); Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements (MB Docket No. 07-198)

Dear Ms. Dortch:

Today, Dee May, Karen Zacharia and Will Johnson of Verizon met with Rudy Briocche, legal advisor to Commissioner Adelstein to discuss competitive access to terrestrially-delivered "must have" regional sports programming (including the HD format of that programming) and marketing to customers.

Verizon explained that access to "must have" regional sports programming is critical to a provider's ability to compete for video customers. There is no substitute for this programming because customers want to see their favorite sports teams, and likewise want to see them in HD. Yet cable incumbents who often own or control such programming have refused to provide access to that programming, typically arguing either that the programming or a particular format of the programming is not satellite delivered. As an example, Cablevision has refused to provide Verizon with access to its HD regional sports programming in the New York City area and in Buffalo. Such conduct violates § 628's prohibition of "unfair methods of competition or unfair or deceptive acts or practices, the purpose or effect of which is to hinder significantly or to prevent" a competitive video provider from offering its services to "subscribers or consumers." The reason for this is straightforward. If a customer considers the regional sports programming as a necessary component of a video service, he or she will not subscribe to a competing alternative that lacks that programming. And if the customer will not subscribe to the competing service for that reason, then denying access to the regional sports programming, even if it is delivered terrestrially, necessarily inhibits Verizon's ability to provide all forms of programming – including satellite delivered programming – to those consumers.

Marlene H. Dortch
April 29, 2009
Page 2

On marketing, Verizon stated that it is critical that all providers of bundled services abide by the same rules. While Verizon believes that all consumers benefit from unrestricted access to information from providers regarding the services they offer and their prices, the current rules with respect to marketing to customers who are changing service providers provide a distinct competitive advantage to cable incumbents. To address this disparity, the Commission should put Verizon's Petition for Declaratory Ruling on video service cancellations out for comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Marlene H. Dortch". The signature is written in a cursive, flowing style with a horizontal line at the end.

cc: Rudy Brioche