



*Connecting Hometown America*

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December 11, 2009

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**via email and Federal Express**

**Re: A National Broadband Plan for Our Future; GN Docket Nos. 09-47, 09-51, 09-137**

Dear Chairman Genachowski:

As part of the FCC's development of a National Broadband Plan<sup>1</sup>, the American Cable Association encourages the Commission to consider whether the President's and Congress' interests in increasing the deployment and adoption of high-speed Internet access across the country could be served through a relaxation or elimination of the "must-carry" rules and regulations for cable operators.<sup>2</sup>

Since the must-carry rules were enacted, the cable and broadcasting industries and the entire communications landscape have undergone significant changes. The massive transformation of the market suggests that a comprehensive review of whether the must-carry rules and regulations still serve the public interest is appropriate, particularly for commercial stations that today offer little or no local content. Such a review would be particularly timely now given that an easing or removal of these carriage obligations would free up bandwidth on cable systems that operators could re-purpose for broadband. Using the DOCSIS 3.0 standard, cable operators could offer Internet speeds as fast as 100 Mbps with minimal upgrades to their existing plants through a process called channel bonding. However, channel bonding requires a minimum of four analog channels to be set aside for broadband service, which is approximately the number of stations in a television market<sup>3</sup> that cable systems carry pursuant to the must carry rules.

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<sup>1</sup> See generally *A National Broadband Plan for Our Future* Notice of Inquiry, GN Docket No. 09-51, 24 FCC Rcd 4342 (2009) ("*National Broadband Plan NOI*").

<sup>2</sup> 47 U.S.C. §§ 534, 535.

<sup>3</sup> There are 1,784 full-power television broadcast stations in the United States. See [http://www.dtv.gov/FULL\\_POWER\\_STATIONS\\_LIST.xls](http://www.dtv.gov/FULL_POWER_STATIONS_LIST.xls). There are 210 Designated Market Areas ("DMAs"). Therefore on average, there are more than 8 eight full-power television broadcast stations in each DMA. Assuming that each DMA has a station affiliated with each of the 4 television networks (e.g., ABC, NBC, CBS,

Since the President and Congress directed the Commission to develop a National Broadband Plan earlier this year, the agency has been willing to review a variety of existing rules and regulations to see whether their modernization would lead to greater broadband deployment and/or adoption. For this reason, we believe it is within reason that the Commission examine whether modification or abolition of the “must-carry” rules would serve the same purpose.

Sincerely,



Matthew M. Polka  
President and CEO  
American Cable Association

cc: Commissioner Michael Copps (*via email*)  
Commissioner Robert McDowell (*via email*)  
Commissioner Mignon Clyburn (*via email*)  
Commissioner Meredith Attwell Baker (*via email*)  
Blair Levin, Director, National Broadband Plan (*via email*)

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and FOX) that elects retransmission consent, then on average there would remain at least 4 other stations that obtain carriage on cable systems through the must carry rules.