

December 29, 2009

FILED ELECTRONICALLY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
MB Docket Nos. 07-29 and 07-198

Dear Ms. Dortch:

On December 23, 2009, David Ellen and Catherine Bohigian of Cablevision Systems Corporation (“Cablevision”), Henk Brands of Paul, Weiss, Rifkind, Wharton & Garrison LLP, and the undersigned met with Austin Schlick, Stuart Benjamin, Marilyn Sonn, and Susan Aaron of the Office of General Counsel, and Diana Sokolow of the Media Bureau, regarding the above-captioned dockets.

In the meeting, we reiterated the legal and policy reasons against extending the program access rules to terrestrially-delivered programming that are set out in more detail in the November 13, 2009, letter from the undersigned and in Cablevision’s other filings in these proceedings. Given recent reports that the Commission may nonetheless decide to permit MVPDs to file complaints for access to terrestrial programming pursuant to section 628(b), we emphasized that any rules adopted by the Commission must give meaning to each element of section 628(b) and must account for the impact of an allegedly unfair or deceptive practice on competition in the market as a whole. In discussing the requirement that a complaint demonstrate that the conduct at issue is unfair or deceptive, we offered various reasons why Congress might have been more focused on access to satellite programming than access to terrestrial programming. We also noted that any regression analysis presented by a complainant must include all relevant factors and demonstrate a causal link between the conduct complained of and reduced market share. Finally, we suggested that the complainant should be required to expressly address and account for other factors besides the allegedly unlawful practice that may explain the complainant’s market penetration, and that the respondent should be given a sufficient opportunity to rebut any analyses, surveys, or other evidence proffered by the complainant.

Pursuant to section 1.1206(b) of the Commission’s rules, an electronic copy of this letter is being filed electronically with the Office of the Secretary and served electronically on the Commission participants in the meeting.

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

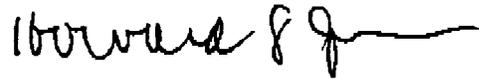
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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Should there be any questions regarding this matter, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard J. Symons", with a long horizontal flourish extending to the right.

Howard J. Symons

cc: Austin Schlick
Stuart Benjamin
Marilyn Sonn
Susan Aaron
Diana Sokolow