



1300 I Street, NW, Suite 400 West
Washington, DC 20005

Phone 202 515-2535
Fax 202 336-7922
leora.l.hochstein@verizon.com

January 13, 2010

Ex Parte

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

Re: Program Access Proceeding, MB Docket Nos. 07-198, 07-29

Dear Ms. Dortch:

On January 13, 2010, Kathleen Grillo and Michael Glover met with Commissioner Michael Copps and his Legal Advisors, Jamila Bess Johnson and Joshua Cinelli, to urge the Commission to interpret the statute to prohibit cable operators and their affiliates from withholding access to regional sports programming (including the high-definition format of such programming), without the need for further proceedings.

In the unique context of regional sports programming, the voluminous record in this proceeding already amply demonstrates that withholding regional sports programming is an unfair act or practice that has the purpose or effect of hindering significantly a competing multichannel video programming distributor ("MVPD") from providing a competing programming package to consumers and thus violates Section 628(b). The most effective way for the Commission to prevent this type of anticompetitive behavior would be to prohibit the withholding of this type of programming across-the-board, just as it did when it prohibited exclusive access arrangements in apartment buildings and condominiums across-the-board. Alternatively, in the event the Commission determines that it is appropriate to address these issues in response to individual complaints, there are several pending complaint proceedings that already have fully developed records and are ripe for decision; any such complaints should be resolved no later than the time at which an order issues in this proceeding.

We also urged the Commission to adopt a standstill requirement that maintains the status quo and allows continued carriage pending the completion of renewal negotiations, subject to the terms eventually agreed upon by the parties. The record in this proceeding, as well as recent events, demonstrates the need for such a rule in renewal negotiations to protect consumers from becoming the victims of brinksmanship.

Sincerely,

A handwritten signature in black ink, appearing to read "Leora Hochstein".

cc: Jamila Bess Johnson
Joshua Cinelli