



January 14, 2010

BY ELECTRONIC FILING

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

Re: *Ex Parte* Presentation in MB Docket Nos. 07-29, 07-198

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, this is to inform you that Stacy Fuller of DIRECTV, Inc. had separate telephone conversations yesterday regarding the above referenced proceedings with Rosemary Harold, Legal Advisor for Commissioner McDowell; Joshua Cinelli, Legal Advisor to Commissioner Copps; Rick Kaplan, Chief of Staff to Commissioner Clyburn; and Millie Kerr, Staff Attorney for Commissioner Baker. In each of these conversations, Ms. Fuller argued that the Commission has the statutory authority to close the "terrestrial loophole," and at a minimum should do so immediately with respect to the regional sports networks ("RSNs") in Philadelphia and San Diego where the Commission has already determined that RSN withholding has resulted in a significant decrease in DBS subscribership. Ms. Fuller also noted that, although the Commission declined to take action on the Philadelphia RSN in a handful of cases decided a decade or more ago, that precedent is no bar to action in this proceeding. The current record, documenting the severe impact of RSN withholding over the years, amply demonstrates that the "effect" of such withholding is "to hinder significantly or to prevent" competitors from delivering satellite cable programming. This enhanced record, not available in the prior cases, places the issue squarely within the ambit of Section 628(b)'s prohibition against unfair methods of competition.

Respectfully submitted,

/s/

William M. Wiltshire
Counsel for DIRECTV, Inc.

cc: Rosemary Harold
Joshua Cinelli
Rick Kaplan
Millie Kerr