MINTZ LEVIN

Howard J. Symons | (202) 434-7305 | hjsymons@mintz.com

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-434-7300
202-434-7400 fax
www.mintz.com

January 14, 2010

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 January 12, 2010, Lisa Rosenblum and Catherine Bohigian of Cablevision Systems Corporation ("Cablevision") and the undersigned met with Commissioner Baker and Millie Kerr, her staff attorney; Edward Lazarus, chief of staff to Chairman Genachowski; and with William Lake, Nancy Murphy, Mary Beth Murphy, Steven Broeckaert, David Konczal, and Diana Solokow of the Media Bureau, regarding the above-captioned dockets. Ms. Rosenblum and Ms. Bohigian also met with Commissioner Clyburn and Rick Kaplan, her acting chief of staff. On January 13, 2010, Thomas Rutledge of Cablevision spoke by telephone with Commissioner Baker, and Ms. Bohigian spoke by telephone by Ms. Kerr and Mr. Kaplan.

In the meetings and discussions, the Cablevision participants 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), they 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. They noted that the complainant should also 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. Finally, they argued that a presumption of harm arising from an MVPD's lack of access to a terrestrially-delivered regional sports network finds no statutory or record support and that, at a minimum, such a presumption should be narrowly tailored.

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 meetings.

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

Sincerely,

Howard J. Symons

cc: Hon. Mignon Clyburn
Hon. Meredith Attwell Baker
Rick Kaplan
Millie Kerr
Edward Lazarus
William Lake
Nancy Murphy
Mary Beth Murphy
Steven Broeckaert
David Konczal
Diana Sokolow