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COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
COMMITTEE ON
FOREIGN AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515-3213

January 13, 2010

FILED/ACCEPTED

JAN 29 2010

The Honorable Julius Genachowski
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

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

Dear Chairman Genachowski:

I am writing in regards to an important matter that is currently pending before the Federal Communications Commission, and I would appreciate your consideration of my concerns.

Recent press reports suggest that a the FCC will create a process under which a video provider can petition the FCC to compel a competitor video provider that owns a programming service to share that programming, even if the programming is delivered terrestrially. As prescribed in the law, a video provider must prove that its competitor's withholding of the programming is "unfair or deceptive" and "significantly hinders" or "prevents" the complaining party from providing service. I urge you to ensure that the test used to assess the validity of such a complaint is fair to both parties and does not contain any presumptions.

In these challenging economic times, it is important that the public sector, including the FCC, does not do anything that effectively prohibits or jeopardizes investment in innovative content, new technology, and local programming given their positive impacts on the economy.

Sincerely,



Michael E. McMahon
Member of Congress

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