

**Before the
Federal Communications Commission
WASHINGTON, D.C. 20554**

In the Matter of)
)
Petition for Rulemaking to Amend the)
Commission’s Rules Governing) MB Docket No. 10-71
Retransmission Consent)
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To: The Commission

Comments of New Age Media, LLC

New Age Media, LLC (“New Age”) strongly opposes the proposals set forth in the Petition for Rulemaking to Amend the Commission’s Rules Governing Retransmission Consent (the “Petition”). New Age, through its subsidiaries, is the licensee of six full power television stations located throughout the Eastern United States. As an active participant in the retransmission consent market, we can state with confidence that the current system of private negotiations for retransmission consent is operating efficiently and effectively. The Petition’s recommendations would effectively destroy this market by removing the only leverage that forces MVPDs to negotiate in good faith and by allowing MVPDs to bypass the free market in favor of some “new framework” whenever a local broadcaster insists on receiving fair recognition of its value.

Local broadcasters invest a great deal in producing and otherwise obtaining the high quality local, network and syndicated programming that make local broadcast stations the most watched channels on virtually every MVPD system in America. Local broadcasters deserve to have that value recognized and to be compensated, just as other program providers such as ESPN and TBS are compensated, for the value and viewers they bring to MVPD systems.

The free market system should be left alone. Negotiations should be private and free from centralized government intervention. As Commissioner Clyburn recently stated, it is “murky at best” whether the FCC has any authority to make the changes recommended in Petition. Moreover, any attempt to “manage” the free market system would almost certainly result in failure as the FCC cannot hope to accurately account for all of the unique market factors and considerations that private parties bring to a robust marketplace.

If the FCC chooses to intervene, however, it must ensure that any new rules serve to maintain an even playing field and properly recognize the value brought by local broadcasters. Retransmission and arbitration guidelines should be tied to the number of viewers stations deliver to cable or satellite. As an example, if a local FOX affiliate delivers twice as many

viewers as ESPN in a given market, then the FOX affiliate should receive twice the amount of compensation ESPN receives.

Although the Petition claims that consumers are harmed by the current free market system, it did not (and cannot) produce any real proof of such claims. MVPDs - not local broadcasters - are responsible for the prices they choose to impose on their consumers. Local broadcasters should not be deprived of fair compensation for the value they bring solely for the benefit of the MVPD's bottom line. New Age urges the FCC to let the free market operate and dismiss the self-serving recommendations made in the Petition.

Respectfully Submitted,

New Age Media, LLC
John Parente, CEO