The Walt Disney Company

Susan L. Fox
Vice President
Government Relations

April 23, 2010

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

Re: Ex Parte Presentation in MB Docket No. 10-71, GN Docket 09-191, WC Docket 07-52

Dear Ms. Dortch:

On April 22, 2010, Commissioner Robert McDowell, Rosemary Harold, and Christine Kurth met with the following Disney and ESPN representatives: Ed Durso (EVP of Administration ESPN), Sean Bratches (EVP, Sales and Marketing, ESPN), Richard Bates (SVP, The Walt Disney Company), Susan Fox (VP, The Walt Disney Company) and Bill Bailey (VP, The Walt Disney Company). During this meeting, the Disney and ESPN executives addressed several issues.

First, the Disney and ESPN executives discussed the Petition regarding retransmission consent filed recently with the FCC, stressing that the Petition lacks factual and legal merit, and that the negotiation of retransmission consent agreements should be left to the private marketplace and that there is no factual or legal basis for the FCC to intervene in those negotiations or require interim carriage of broadcast stations. Moreover, the Disney and ESPN executives noted that additional government involvement in these negotiations would only encourage parties to abandon the negotiating table in favor of prolonged regulatory proceedings. The Disney and ESPN executives responded (again) to unsupported tying allegations against Disney, citing to the three affidavits on this subject that Disney has filed in various FCC proceedings. The Disney and ESPN executives (also, again) explained that during the last retransmission consent cycle, Disney offered free retransmission consent to a large number of small cable operators. More generally, the Disney and ESPN executives discussed and left behind the attached study, which addresses the relationship between video programming costs and cable prices and the competitive environment in which programmers currently operate.

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With respect to ESPN3.com (formerly ESPN 360.com), the Disney and ESPN executives stressed that the business model for ESPN3.com has nothing to do with net neutrality and stressed the facts regarding ESPN3.com (that ESPN3.com now is available to more than 50 million broadband subscribers; that it provides access to thousands of full game telecasts, many of which would not otherwise be available; that ESPN does not force any distributor to carry any of its products; and that ESPN.com is EPSN's advertising-supported site offering more sports video online than anybody). Further, Disney/ESPN discussed the attached Empiris paper regarding the economics of ESPN3.com.

Pursuant to Section 1.1206 of the Commission's rules, an original and one copy of this letter are being filed as notice of this meeting. The proceedings at issue are not restricted and therefore presentations are permitted, but must be disclosed.

Sincerely,

Susan L. Fox /SMK

Susan L. Fox

cc: Commissioner Robert McDowell
Rosemary Harold
Christine Kurth