

COVINGTON & BURLING LLP

1201 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004-2401
TEL 202.662.6000
FAX 202.662.6291
WWW.COV.COM

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May 26, 2010

VIA ELECTRONIC FILING

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

**Re: Notice of *Ex Parte* Communication,
MB Docket No. 10-71 and GN Docket No. 09-51**

Dear Ms. Dortch:

On May 25, 2010, representatives of the CBS Television Network Affiliates Association (“CBS Affiliates”) Wayne Daugherty, Executive Vice President and COO of Raycom Media and Chair of the CBS Affiliates; Tim Busch, Executive Vice President and COO of Nexstar Broadcasting Group and immediate Past Chair of the CBS Affiliates; Todd Schurz, President of Schurz Communications and Director on the CBS Affiliates Board; John Cottingham, President, Market Leader for Mid-South of Media General and Director on the CBS Affiliates Board; Chris Cornelius, President and COO of Barrington Broadcasting and Director on the CBS Affiliates Board; and Kirk Black, Senior VP and General Manager of Meredith Broadcasting and Vice Chair of the CBS Affiliates, along with counsel Jonathan Blake and Jennifer Johnson, met separately with:

- Sherrese Smith, Legal Advisor to Chairman Genachowski;
- Commissioner Baker, her Legal Advisor, Brad Gillen, and her interns, Gussie MacLaughlin and Henry Greenidge;
- Rosemary Harold, Legal Advisor to Commissioner McDowell;
- Commissioner Copps, his Legal Advisor, Josh Cinelli, and his interns, Frank Gonzalez and Danille Andrews-Lovell; and
- Commissioner Clyburn and her Legal Advisor, Rick Kaplan.

The parties discussed two topics that affect the long-term viability of the public's local television service: retransmission consent and the broadcast spectrum proposals contained in the National Broadband Plan.

With respect to the principle of retransmission consent, the CBS Affiliates discussed the points raised in their May 18, 2010 Opposition, filed jointly with the National Association of Broadcasters and the ABC, NBC, and Fox Affiliates Associations, on the March 19, 2010 Petition for Rulemaking seeking changes to the Commission's retransmission consent rules. Specifically, we explained that the Commission lacks statutory authority to adopt the Petitioners' proposals and urged the Commission to reject the Petition. Retransmission consent is working as Congress intended it, and the proposals advanced by cable and DBS interests are simply intended to thwart a fair negotiation with broadcasters. We explained that negotiations for retransmission consent, like all other programming negotiations, are based on free market principles, and that the retransmission consent rules benefit consumers by supporting local services, such as local news, weather, emergency, sports, and public affairs programming. Without such support, broadcasters' ability to produce local programming and to provide the public with other high-quality programming, including national sports programming, would be jeopardized.

The parties discussed the significant leverage that the carriers have over local stations in retransmission consent negotiations and noted that carriers may have an incentive as a result of the pending Petition for Rulemaking to cause an impasse with broadcasters in order to advance their call for retransmission consent reform. Despite these disadvantages, loss of service due to a retransmission consent impasse has affected only one-one hundredth of one percent (0.01%) of annual television viewing hours since 2006. Notification with respect to the expiration of retransmission consent agreements is an appropriate way to protect viewers.

With respect to the broadcast spectrum proposals included in the National Broadband Plan, the parties discussed how spectrum is an essential ingredient for stations' local services, including high definition programming, multicast channels, and Mobile DTV service. Unlike commercial wireless providers, broadcasters are charged with serving the public interest and provide unique local services that are unavailable from any other source. And all viewers — regardless of whether they receive their local programming for free over-the-air or through pay-TV services — depend on local television stations for local service that is responsive to their needs, interests, and concerns. As detailed in the attached chart, we described our concern that many of the Plan's proposals, such as reduced interference protections, are involuntary and would harm the service local television stations are able to provide. We urged the Commission to consider only voluntary proposals and to complete a spectrum inventory before taking any further action on items related to the public's broadcast spectrum.

Please address any questions to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer Johnson".

Jennifer Johnson
Lindsey Tonsager
*Counsel to the CBS Television
Network Affiliates Association*

cc: Commissioner Baker
Commissioner Copps
Commissioner Clyburn
Sherrese Smith
Brad Gillen
Rosemary Harold
Josh Cinelli
Rick Kaplan

bcc: Wayne Daugherty
Tim Busch
Todd Schurz
John Cottingham
Chris Cornelius
Kirk Black