



September 10, 2010

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

Re: Notice of Ex Parte Communication, MB Docket No. 10-71

Dear Ms. Dortch:

Yesterday, Jane Mago, Jerianne Timmerman and the undersigned of the National Association of Broadcasters (NAB) met with Sherrese Smith of the Office of Chairman Julius Genachowski to discuss issues relating to retransmission consent.

Consistent with our previous filings in this proceeding, at this meeting NAB emphasized the strong incentives for both multichannel video programming distributors (MVPDs) and broadcasters to successfully negotiate retransmission consent agreements under the current retransmission consent system. The overall success of this system is evidenced by the extremely rare nature of carriage impasses.¹ We noted that one reason the current system works is that government intervention is limited to the good faith complaint process. More extensive government intervention on either side of a retransmission consent negotiation, whether in the context of specific negotiations or through rule changes affecting all negotiations going forward, would adversely affect the strong incentives that currently exist for both broadcasters and MVPDs to reach agreement.² Changes to the system proposed by pay TV providers would tilt the market-based retransmission consent system in their favor, harming competition and local stations' service to their communities.

¹ Navigant Economics, Jeffrey A. Eisenach, Ph.D. and Kevin W. Caves, Ph.D., *Retransmission Consent and Economic Welfare: A Reply to Compass Lexecon* (April 2010) at 19 (impasses affect only approximately one-one hundredth of one percent of annual television viewing hours).

² See *Opposition of the Broadcaster Associations in MB Docket No. 10-71* (filed May 18, 2010) at 61-62.

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We also discussed the value of education and awareness as a means of avoiding consumer confusion and ensuring that viewers have consistent access to broadcast signals. Although impasses in retransmission negotiations are rare, NAB understands and agrees that consumers should be aware of their options, including accessing broadcast signals over-the-air.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "ERL Dozier". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Erin L. Dozier
Senior Vice President and Deputy General Counsel
Legal and Regulatory Affairs

cc: Sherrese Smith