

Memorandum re Ex Parte Presentation to the FCC  
November 10, 2010  
Todd Weaver, CEO of ivi. tv

Thank you for the opportunity to speak with Chuck Needy, Office of Strategic Planning and Policy, Judith Herman, Media Bureau, Jamila Bess Johnson, Media Bureau, Daniel Shiman, Media Bureau, Joel Rabinovitz, Office of General Counsel, Deborah Broderon, Media Bureau, Marcia Glauberman, Media Bureau, and John Flynn, Office of General Counsel from the Federal Communication Commission today. I have attached below a brief list which sets forth a handful of cable channels we have spoken with that have shared their specific difficulty with Comcast including the contractual inhibitors we have faced in our efforts to do business with them. I would be happy to expand upon any aspect of this list if that would be helpful to you.

We have witnessed, for the past three years, the contractual roadblocks that Comcast has placed in their contracts with cable channels that limit their ability to access other distribution vehicles created by new technology. Those Comcast designed contractual roadblocks have limited our ability to build our business, exploit the power and flexibility of the Internet and hampered the consumer's ability to obtain lower cost television programming.

We could potentially support the Comcast/NBC-Universal merger if, as a condition of that merger, Comcast were required to modify its existing contracts so that new technologies and new delivery systems would be available to those channels currently under contract with Comcast, and that all their owned content is made available at a fair or equal price. There needs to be a level playing field, where competition and new technologies can provide consumers with choice and better price. It is clear that consumers are increasingly frustrated with the high cost of the one size fits all bundle from Comcast and other large cable providers. The Internet and new technologies such as that developed by ivi, allows the consumers more choice and a lower cost. Today, the only impediments to realizing upon that opportunity are the Comcast contracts.

Thanks again for your time and consideration.

**BRIEF LIST:**

**Documentary Channel**

Has various distribution agreements in various markets some of which have exclusivity language in them which relate to streaming or Internet distribution of programming.

**Outdoor Channel**

Very interested in adding channels to ivi tv; however, stated that it could be a huge financial risk; Comcast may move their channels to a lower tier which would result in Outdoor Channel going out of business.

**Tennis Channel**

In lawsuit with Comcast; has language in distribution agreements which prohibit "streaming"; contact is not happy with current tier on Comcast; also concerned that Comcast who owns the golf channel can place their channel on the top tier while the indie Tennis Channel remains on the third tier; concerned that if they sign on with ivi tv, Comcast will respond with legal action.

#### Univision

Was told that they have exclusivity in various markets with cable MSO's and "streaming" or "Internet distribution" is prohibited.

#### Wealth TV

Various distribution agreements have exclusive rights as it relates to "streaming" or "Internet distribution".

#### NWCN

Brought encoders to NWCN facility to add their channel, but legal review pulled the plug due to language in their contract with Comcast stating "if they stream their linear channel online they will not be carried on Comcast."

#### Todd Weaver

Founder and CEO

ivi, Inc.

email: todd@ivi.tv