United States Senate
WASHINGTON, DC 20510

October 18, 2010

1659

Chairman Julius Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

News Corp. (FOX) and Cablevision recently failed to reach an agreement for the retransmission of WNYW (NY channel 5), WWOR (NJ channel 9) and WTXF (Philadelphia channel 29). Because FOX has been unwilling to keep its signal on while the parties continue to negotiate, approximately 3 million Cablevision subscribers in New Jersey, New York and Connecticut are left without access to these broadcast channels, and the local news, sports, and other programming they offer. We ask that the FCC take immediate action to move the parties to a prompt resolution of this dispute and to minimize the impact of future disputes.

Unfortunately, the FOX and Cablevision dispute is not an isolated incident. Disputes between broadcasters and video providers appear to be increasing. Just last March, Cablevision and Disney/WABC-TV failed to reach an agreement and the WABC-TV signal was pulled from Cablevision. While that signal was eventually restored, it was only after Cablevision customers were without WABC-TV for approximately 20 hours, including the first 15 minutes of the Academy Awards broadcast. Upcoming retransmission consent negotiations between FOX and the DISH Network may put even more hardworking New Jerseyans at risk of losing television programming that they have come to expect and rely on for their local news and entertainment. We are deeply troubled that consumers are repeatedly being used as pawns in these programming disputes.

We ask that the FCC exercise all of its available authority to promptly resolve the FOX and Cablevision dispute. It is our understanding that the FCC suggested that FOX and Cablevision resolve their dispute through mediation, but FOX declined. We ask that you immediately invite representatives from both parties to meet with you and other FCC officials in order to reenergize and resolve these negotiations.

The FCC also needs to reexamine its existing regulations for retransmission consent negotiations. As you know, a petition to modify these rules has been pending before the FCC since March 2010. We urge the FCC to work diligently and expeditiously to consider the comments that have been filed on that petition and revise its rules. We ask that the FCC provide us with a response within five business days that outlines a firm schedule for the FCC's action on the pending retransmission consent

petition (MB Docket No. 10-71). Continued delay in reforming the retransmission consent process will only harm consumers in New Jersey and throughout the country.

Sincerely,

Frank R. Lautenberg Robert Menendez