



**CenturyLink™**

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**EX PARTE NOTICE**

January 24, 2011

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

*Re: Petition for Rulemaking to Amend the Commission's Rules Governing  
Retransmission Consent, MB Docket No. 10-71*

Dear Ms. Dortch:

On January 21, 2010, Brian Adkins and I, on behalf of CenturyLink, met with William Lake, Michelle Carey, Eloise Gore, Nancy Murphy, and Diana Cohen Sokolow of the Media Bureau. We expressed our support for the Petition for Rulemaking filed in this docket in March 2010. In addition, we encouraged the Commission to consider the additional problems faced by new entrants in markets for the distribution of multichannel video programming. Specifically, we explained that CenturyLink has been facing particularly challenging negotiations in some markets that we believe to be inconsistent with the good faith bargaining that the Commission is charged to enforce. Among other issues, CenturyLink is facing denials of key programming, which can make it infeasible to begin offering service, and discriminatory and unreasonable retransmission fee demands. In addition, CenturyLink is concerned about tying arrangements, particularly ones that link non-local, non-broadcast programming with carriage of local signals protected by statutes and Commission regulations. CenturyLink explained that these issues are particularly challenging for a new entrant that has deployed capital to offer video programming but does not yet have any customers or revenue.

The retransmission consent rules were designed to protect television broadcasters in markets where there was no competition among video distributors. Unfortunately, the very same rules may actually serve as barriers to entry by competing video programming distributors (MVPDs). In particular, price competition in today's local markets may reduce the pool of revenue from which retransmission fees can be paid even as consumers benefit from lower prices. In addition, CenturyLink explained that the costs imposed by unreasonable retransmission fees and negotiations likely will deter competitive MVPD entry in smaller and more rural markets, which is inconsistent with the National Broadband Plan as it weakens the business case for broadband deployment in those markets.

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this notice is being filed in the above-referenced dockets. Please contact me if you have any questions.

Sincerely,

Jeffrey S Lanning

cc: William Lake, Michelle Carey, Eloise Gore, Nancy Murphy, Diana Sokolow