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May 17, 2011

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: MB Docket No. 07-42

Dear Ms. Dortch:

On May 16, 2011, Diane Burstein, Vice President and Deputy General Counsel, National Cable & Telecommunications Association (“NCTA”), Stephanie Podey, Associate General Counsel, NCTA, and I met with Bill Lake, Chief of the Media Bureau, as well as Steve Broeckaert, Michelle Carey, David Konczal, Mary Beth Murphy, and Nancy Murphy, also of the Media Bureau, to discuss the above-captioned proceeding.

We stated that the cable industry is looking forward to participating in any Commission proceeding considering potential changes to its program carriage rules. In addition, we stated that the Commission should seek further comment from interested parties before it considers adopting final rules. The record in this docket is now over three years old and is based on a brief Notice of Proposed Rulemaking that raised a small number of issues with no proposed rules. In the meantime, the Commission has handled several high-profile program carriage cases that could provide much-needed record evidence based on practical experience of the parties. Finally, we noted that the rulemaking should avoid raising issues – such as extending the rules to cover programmers affiliated with any MVPD (rather than only the MVPD in question) – that would exceed the Commission’s authority and carry a high risk of adverse unintended consequences.

Respectfully submitted,

/s/ Rick Chessen

Rick Chessen

cc: Bill Lake
Steve Broeckaert
Michelle Carey
David Konczal
Mary Beth Murphy
Nancy Murphy