



SEEING BEYOND

EXECUTIVE OFFICERS

Rep. Barbara W. Ballard, KS
President

Rep. Joe Armstrong, TN
President-Elect

Rep. Thaddeus Kirkland, PA
Vice President

Sen. Constance Johnson, OK
Secretary

Sen. Catherine Pugh, MD
Financial Secretary

Rep. Howard Mosby, GA
Treasurer

Sen. Hillman Terome Frazier, MS
Parliamentarian

Rep. Helen Miller, IA
Chaplain

Rep. Calvin Smyre, GA
Past President

REGIONAL CHAIRPERSONS

Rep. Ernest Hewett, CT
Region 1

Assem. Nick Perry, NY
Region 2

Del. Nathaniel T. Oaks, MD
Region 3

Sen. Yvonne Miller, VA
Region 4

Rep. Larry Womble, NC
Region 5

Rep. Mia Jones, FL
Region 6

Rep. John Rogers, AL
Region 7

Rep. Bill Crawford, IN
Region 8

Sen. Shirley Smith, OH
Region 9

Rep. Tracy Steele, AR
Region 10

Sen. David Haley, KS
Region 11

Sen. Bettye Davis, AK
Region 12

LaKimba B. DeSadier
NBCSL Executive Director

May 26, 2011

Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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

Dear Chairman Genachowski:

The undersigned groups represent ordinary consumers including people of color in communities across the country. We write to express our support for comprehensive retransmission consent reform for no other reason than our steadfast belief that the current rules are broken and the result does not serve the public interest.

Blackouts and threats of blackouts of broadcast programming seem to be timed to coincide with blockbuster programming, such as the Academy Awards and the Super Bowl, or end-of-the-year sporting events, such as the college football championship bowl series. This situation requires your attention, and we are pleased the Commission has opened a proceeding to update the rules of the road governing these disputes.

For responsible consumers who pay their cable or satellite bills, the broadcast programming that they pay to see should not be compromised. Consumers should not be burdened with having to switch providers when their programming is interrupted, nor should they have to endure costs that may be the unfortunate by-product of switching, -- such as paying additional deposits and connection fees for a new provider, or having to install new hardware and learn new software in order to keep watching their shows -- just to keep watching broadcast television shows.

Consider as well the unique burdens faced by low income and minority language consumers who are forced through no fault of their own to consider switching video providers. Having to set up an appointment and miss time from work are particularly burdensome to low income wage earners. This complexity is magnified even further when there are unique language requirements. It is particularly unfair for these consumers to be required to switch video providers and give up specialty language programming only available from their first choice, such as foreign-language news or other niche content, in order to continue watching broadcast signals that are supposed to be available to the public for free.



SEEING BEYOND

EXECUTIVE OFFICERS

Rep. Barbara W. Ballard, KS
President

Rep. Joe Armstrong, TN
President-Elect

Rep. Thaddeus Kirkland, PA
Vice President

Sen. Constance Johnson, OK
Secretary

Sen. Catherine Pugh, MD
Financial Secretary

Rep. Howard Mosby, GA
Treasurer

Sen. Hillman Terome Frazier, MS
Parliamentarian

Rep. Helen Miller, IA
Chaplain

Rep. Calvin Smyre, GA
Past President

REGIONAL CHAIRPERSONS

Rep. Ernest Hewett, CT
Region 1

Assem. Nick Perry, NY
Region 2

Del. Nathaniel T. Oaks, MD
Region 3

Sen. Yvonne Miller, VA
Region 4

Rep. Larry Womble, NC
Region 5

Rep. Mia Jones, FL
Region 6

Rep. John Rogers, AL
Region 7

Rep. Bill Crawford, IN
Region 8

Sen. Shirley Smith, OH
Region 9

Rep. Tracy Steele, AR
Region 10

Sen. David Haley, KS
Region 11

Sen. Bettye Davis, AK
Region 12

LaKimba B. DeSadier
NBCSL Executive Director

Blackouts can also compromise minority-owned and small businesses that cater to niche markets by interrupting their paid advertising, thus reducing the effectiveness of magnified even further when there are unique language requirements. It is particularly unfair for these consumers to be required to switch video providers and give up specialty language programming only available from their first choice, such as foreign-language news or other niche content, in order to continue watching broadcast signals that are supposed to be available to the public for free.

Blackouts can also compromise minority-owned and small businesses that cater to niche markets by interrupting their paid advertising, thus reducing the effectiveness of such marketing and overall investment by businesses. Minority-owned businesses tend to be smaller and thus potentially more susceptible to this interference.

We also note that broadcasters claim that the only reform necessary is additional notice to consumers of potential blackouts. Unfortunately, such an approach falls far short. A “notice only “ solution would not solve the fundamental problem of blackouts, and in fact, could make the situation worse by injecting more uncertainty and confusion. FCC rules already require cable operators to provide notice of changes in their channel line-ups, and as recent experience demonstrates, consumers also receive notice of potential blackouts from a variety of sources, including newspaper ads, media reports, and crawls on their TV screens. Paying customers deserve a more courteous, respectful, and results-driven approach, not one that magnifies uncertainty and thrusts them as pawns into these contentious negotiations.

For all of these reasons, we believe the time has come for the Commission to require broadcasters and multichannel video providers to continue providing broadcast programming regardless of the status of their negotiations. The Commission has sweeping public interest authority over broadcasting, which the courts have repeatedly affirmed. Failure to protect consumers from blackouts and the threat of blackouts of broadcast programming would be contrary to the public interest. We urge the Commission to act and to protect consumers.

Sincerely,

Barbara W. Ballard
NBCSL President
Kansas House of Representatives

cc: Senator Arthenia Joyner, Florida Senate