

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of the Commission's Rules Related)	MB Docket No. 10-71
to Retransmission Consent)	
)	

**REQUEST FOR WAIVER OF TIME AND FILING REQUIREMENTS AND
SUPPLEMENTAL REPLY COMMENTS OF
THE INDIANA UTILITY REGULATORY COMMISSION**

I. Request for Waiver of Time and Filing Requirements

The Indiana Utility Regulatory Commission ("Indiana Commission") respectfully requests a waiver of time and filing requirements, in that the Federal Communication Commission ("FCC" or "Commission") accept these late-filed Supplemental Reply Comments of the Indiana Commission. These Supplemental Reply Comments are being submitted within just eight (8) days of the Reply Comment Date, will not unduly delay the Commission's rulemaking on this matter, and provide important supplemental information to the Initial Comments filed by the Indiana Commission on May 27, 2011.

II. Supplemental Reply Comments

A. Introduction

The Indiana Utility Regulatory Commission ("Indiana Commission") respectfully submits these Supplemental Reply comments to the FCC's Notice of Proposed Rulemaking on Retransmission Consent ("NPRM"). As stated in its initial comments filed in this proceeding, the Indiana Commission commends the FCC on its decision to look into the issue of retransmission consent in the video market.

Those initial comments focused on Indiana's important goal of providing Broadband to all of its citizens, particularly those in rural, unserved and high cost areas.¹ Because Indiana is relying upon infrastructure investment by the telecommunications and cable providers to achieve its goal, the initial comments raised concerns about the cost paid by such providers to invest in and otherwise acquire the rights to programming which is the engine that drives consumer interest in connecting to and using Broadband.

In its Initial Comments, the Indiana Commission attempted to be clear in its intent to limit its concern in this matter to issues arising in the NPRM at paragraph 29; specifically, the part of paragraph 29 where the FCC seeks comment on "whether small and new entrant multichannel video programming distributors (MVPDs) are typically forced to accept transmission consent terms that are less favorable than larger or more established MVPDs and if so whether this is fair." However, after submission of its Initial Comments, the Indiana Commission was informed that its comments were being taken as an indication that somehow this situation was worse in Indiana or that the Indiana Commission was commenting specifically on actions of Indiana Broadcasters. In order to clarify that the Indiana Commission was commenting on the larger content providers as opposed to local broadcasters, the Indiana Commission is submitting these Supplemental Reply Comments.

B. Supplemental Reply Comments

In its Initial Comments, the Indiana Commission submitted that discrimination in the pricing of content does occur and that it is detrimental not only to the small network providers (cable companies and local exchange companies) involved and to their

¹ See the Telecom and Video Reform Act (2006 Ind. PL 27, 2006 HEA 1279).

customers, but also to competition in the video market and the build out of broadband, particularly in rural, unserved and high cost areas. The information and examples to which the Indiana Commission cited were national examples, one of which also affected Indiana. The purpose of the Indiana Commission's Initial Comments was to encourage the FCC to act in such a way that would balance the interests of the various parties and not overlook the impact on the smaller providers and the rural areas they serve.

The Indiana Commission acknowledges the important role that the free, local, over-the-air commercial and noncommercial, Indiana radio and television broadcast stations play in protecting, informing, educating and entertaining Indiana citizens. The Indiana Commission also appreciates the important role that retransmission consent plays in providing a second revenue stream to the free, over-the-air television broadcast industry in the State of Indiana, revenue that over time, due to the increased costs of obtaining network and non-network television broadcast programming, has become critical to the vitality of all television broadcast stations in Indiana. Moreover, the Indiana Commission knows of no instance where an Indiana television broadcast station has acted in bad faith in its retransmission consent negotiations and thus does not want its initial comments to be construed as any criticism of the efforts of any Indiana television broadcast stations to exercise their Federal statutory retransmission consent and must-carry rights.

C. Conclusion

The Indiana Commission urges the FCC to consider both the Initial Comments and these Supplemental Reply Comments submitted by the Indiana Commission and to resolve the issue highlighted in paragraph 29 of the NPRM in such a manner that

considers and rectifies the important interests of small providers and rural customers, without the implication that this request was premised upon any behavior by Indiana broadcasters.

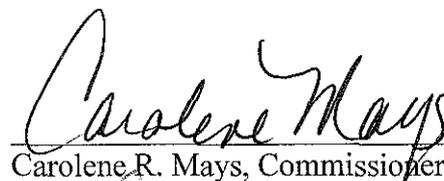
Respectfully submitted this 5th day of ~~June~~ ^{July}, 2011

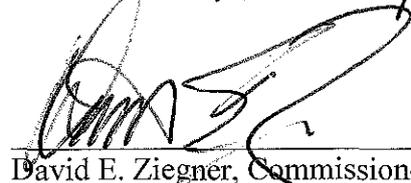
INDIANA UTILITY REGULATORY COMMISSION


James D. Atterholt, Chairman


Kari A. E. Bennett, Commissioner


Larry S. Landis, Commissioner
State Chair, Federal-State Joint
Conference on Advanced Studies


Carolene R. Mays, Commissioner


David E. Ziegner, Commissioner