

I agree with comments made by LIN and others saying that the market not the government should identify local market areas.

However, it seems to me that denying access to subscribers to competitive service providers does not serve the national interest nor does it encourage access to local news (and advertising).

The correct approach, as I see it is:

- (1) Provide for must carry by cable and satellite if the carriage fee is not sought;
- (2) Where must carry is waived and negotiations fail, allow the competitive provider (cable, satellite or internet) to acquire either the national network feed or the feed of a station carrying the same network's programming if it can be obtained for less than the carriage fee sought by the incumbent local affiliate or independent station;
- (3) Where a satellite customer obtains the signal by antenna, affiliates ought not to be allowed to mask the listings of local programming to defeat on-screen channel guides;
- (4) Where a network has no local affiliate, the carrier ought to be free to obtain the programming from any affiliate anywhere or directly from the network (e.g. many smaller cities have no CW affiliate);
- (5) All refusals by networks to allow affiliates to compete for business after the must carry provision is waived should be taken out from behind the FCC antitrust shield.

All of the above seem to me well within the FCC's jurisdiction and fully in concert with the Communication Act's overall purpose. Once must carry is waived, there is nothing in the statute that seems to me to require that the carriage fees sought by a local affiliate be the only alternative no matter how long negotiations continue without success. A negotiated settlement seems to me to be unlikely when one party has no alternative but to agree.

As "good faith" is often in the eye of the beholder, I would urge the Commission to adopt an open competition model after must offer is waived or after some period (maybe 6 months) of exclusive negotiation with the local affiliate. It also seems reasonable to me that where must carry is elected (but perhaps not otherwise depending upon the negotiated contract) the programming to be carried should be required to include all commercials.