



November 18, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of Ex Parte Presentations in MB Docket No. 11-93
Implementation of the Commercial Advertisement Loudness Mitigation
(CALM) Act

Dear Ms. Dortch:

On November 17, 2011, I spoke via telephone with Eloise Gore of the FCC's Enforcement Bureau about questions relating to compliance with the Commercial Advertisement Loudness Mitigation Act (CALM Act). Representatives of smaller cable operators have discussed with FCC staff specific issues with regard to the use of third party vendors for local commercial insertion and the implications of this for compliance with the CALM Act.

Ms. Gore and I discussed whether broadcasters, particularly smaller broadcasters, utilized third party vendors for local commercial insertions. I indicated that, while I was not certain of the extent that smaller broadcasters used such third party vendors it is possible that some do. In those cases, I suggested that the compliance efforts described at p. 5 of the November 9 ex parte submission of the American Cable Association could also apply to a broadcast station. In other words, it would be appropriate for the FCC to treat broadcasters and cable operators in similar circumstances in the same way in terms of regulations implementing the CALM Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jane E. Mago".

Jane E. Mago
Executive Vice President &
General Counsel

CC: Eloise Gore

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