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December 6, 2011

**Via ECFS**

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: American Cable Association (“ACA”) Notice of *Ex Parte* Presentation; *In the Matter of Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, MB Docket No. 11-93**

Dear Ms. Dortch:

On December 6, 2011, Ross Lieberman, ACA, and the undersigned, Thomas Cohen of Kelley Drye & Warren LLP, had a telephone conversation with Sherrese Smith, Senior Counsel & Legal Advisor for Media, Consumer and Enforcement Issues to Chairman Genachowski, and Jessica Almond, Legal Advisor, Media Bureau. Prior to the meeting, Mr. Lieberman sent Ms. Smith an *ex parte* presentation filed by ACA earlier today, which discussed mechanisms to ensure that, in implementing the CALM Act, the Commission does not subject smaller multichannel video programming distributors to undue burdens.<sup>1</sup> Mssrs. Lieberman and Cohen summarized ACA’s positions reflected in ACA’s comments and *ex partes* filed to date in this proceeding.<sup>2</sup>

<sup>1</sup> See *Ex Parte* Presentation of American Cable Association, MB Docket No. 11-93 (Dec. 6, 2011). Available at: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7021749631>.

<sup>2</sup> See e.g., Comments of American Cable Association, MB Docket No. 11-93 at 7-18 (July 5, 2011); Reply Comments of American Cable Association, MB Docket No. 11-93 at 1-4 (Aug. 1, 2011); *Ex Parte* Presentation of American Cable Association, MB Docket No. 11-93 (Oct. 20, 2011); *Ex Parte* Presentation of American Cable Association, MB Docket No. 11-93 (Nov. 21, 2011); and *Ex Parte* Presentation of American Cable Association, MB Docket No. 11-93 (Nov. 30, 2011).

KELLEY DRYE & WARREN LLP

Marlene H. Dortch  
December 6, 2011  
Page Two

This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Sincerely,



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*Counsel for the American Cable Association*

cc: S. Smith  
J. Almond