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June 1, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Presentation, CS Docket No. 98-120

Dear Ms. Dortch:

On June 1, 2012, Cristina Pauzé of Time Warner Cable Inc. (“TWC”) and the undersigned met with Holly Saurer, Acting Legal Advisor to Commissioner Rosenworcel, to discuss the pending Notice of Proposed Rulemaking regarding the impending sunset of the Commission’s viewability rule. Consistent with TWC’s comments and previous ex parte presentations, we argued that the viewability mandate adopted in 2007 is not compelled by Section 614 of the Communications Act and cannot be extended without risking a violation of cable operators’ First Amendment rights. We pointed out that Section 614 requires only that cable operators make available equipment that enables viewers to access must-carry signals, and that TWC’s intention to offer such equipment for lease satisfies the statutory obligations. We also confirmed TWC’s intention to notify customers before ceasing any transmissions of broadcast signals in analog format.

We further explained the many consumer benefits that will result from cable operators’ recapture of analog spectrum currently dedicated to the duplicative transmission of must-carry signals. Such benefits include allocating additional bandwidth for broadband Internet access services and for the carriage of diverse cable programming networks in high-definition format.

We further argued that, as long as a cable operator provides advance notice and ensures the availability of appropriate equipment before terminating the transmission of an analog broadcast signal, there was no reason to defer the sunset of the existing viewability rule. To the contrary, an advance notice requirement would undermine the rationale for any such “phase in”

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period. Finally, we argued that, notwithstanding cable operators' voluntary commitment to make converter boxes available at a low price, there is no statutory basis or policy reason for the Commission to regulate the rates of such equipment (provided such rates are otherwise consistent with any applicable rate regulation under Section 623 of the Communications Act).

Please contact the undersigned if you have any questions regarding these issues.

Sincerely,

/s/ Matthew A. Brill

Matthew A. Brill
of LATHAM & WATKINS LLP
Counsel for Time Warner Cable Inc.

cc: Holly Saurer