June 4, 2012

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

Re: Written Ex Parte Communication in
CS Docket No. 98-120

Dear Ms. Dortch:

This is written on behalf of Entravision Holdings, LLC ("Entravision") and in connection with the above-referenced proceeding in which the Federal Communications Commission ("FCC") is considering what action to take concerning the expiring provisions that require that all must-carry signals retransmitted on cable systems be "viewable" on all receivers connected to the system or authorized to be connected by a cable system.

Entravision operates a group of full-service stations that, with one exception, broadcast in the Spanish-language. Over the course of its history as a broadcaster, Entravision has and continues to utilize the Commission's must-carry rules in order to reach all of its viewers. This history has given it a basis to urge the Commission to continue, for another three-year period or until cable operators replace fully their analog or hybrid services with digital service, to require that must-carry signals be made available to all cable subscribers, whether analog and digital service from their cable operator.

In considering whether to extend the viewability provisions, the Commission must recognize that must-carry stations constitute that segment of the broadcast television population that most needs to secure carriage in all cable homes. Stations that elect must-carry tend, nearly universally, to be independent, religious, or foreign-language stations that do not have the clout to obtain retransmission consent agreements that include viewability provisions. Further, these stations also tend to appeal to cable customers who subscribe to basic, analog service. As a result, were these stations to lose analog carriage, they will face significant reductions in viewing that will impact on their economic prospects.

Entravision draws these conclusions not only from its experience in securing cable carriage but from the study submitted to the Commission by the National Association of Broadcasters ("NAB"), in which the NAB was able to document the potential harm to must-carry stations that would arise should they lose a portion of their viewership through modifications to the Commission's viewability requirements. Entravision has no doubt that any broadcast station that loses analog viewers will suffer negative economic consequences.

In this proceeding, cable operators have made the claim that they do not intend to disadvantage their customers by making local broadcast stations unavailable and that they will achieve the result required by Section 614 of the Communications Act of 1934, as amended, in the delivery of broadcast signals to subscribers, by providing advance notice of termination of analog carriage and provision, upon request, of low-cost set-top devices capable of displaying must-carry television stations for analog subscribers.

While this appears to offer a mechanism to resolve cable operator concerns over the viewability issue, there are a number of questions that Entravision has. These include whether such devices exist in sufficient quantities that can meet the needs of analog customers and what the pricing might be. More importantly, one has to consider whether analog customers can be expected to make the effort to secure such boxes. We are all reminded of the digital transition and the extensive efforts the Commission undertook to alert the viewing public that analog television was being terminated. Entravision urges the Commission to consider whether this mechanism serves as a viable replacement for analog viewers having must-carry signals available by use of their channel navigation devices.

Taking these matters into consideration, the viewability issue is truly one where the process is not broken and there is no need for change. The viewability requirements enable those broadcast stations that cannot negotiate retransmission consent agreements to secure the same cable carriage as their more successful competitors. These stations need to maintain their viewing levels and they should not face any loss of potential cable viewing. The only reasonable resolution of this matter is for the Commission to mandate the continuation of these rules for another three years or until such time as analog service is truly de minimis.

Respectfully submitted,

Barry A. Friedman