



CONNECTING HOMETOWN AMERICA

Ross J. Lieberman  
Vice President of Government Affairs  
American Cable Association  
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Washington, DC 20007

June 8, 2012

Via ECFS

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

**Re: American Cable Association Notice of Ex Parte Communications; In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules, CS Docket No. 98-120**

Dear Ms. Dortch:

On June 8, 2012, Ross Lieberman, Vice President of Government Affairs, American Cable Association ("ACA") spoke by telephone with Dave Grimaldi, Chief of Staff and Media Legal Advisor to Commissioner Clyburn to discuss the Notice of Proposed Rulemaking ("NPRM") in the above referenced docket.<sup>1</sup>

Consistent with ACA's prior advocacy in this proceeding, I encouraged the Commission to extend the HD carriage exemption<sup>2</sup> for systems with less than 553 MHz capacity or fewer than 2,501 subscribers,<sup>3</sup> and reject NAB's proposal that the HD carriage exemption for small systems be narrowed to exclude cable systems that offer some HD programming. Further, I urged the Commission to permanently exempt analog-only systems from the HD must-carry requirement in line with ACA's Reply Comments in this proceeding.<sup>4</sup>

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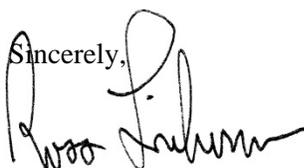
<sup>1</sup> *In the Matter of Carriage of Digital Television Broadcast Signals: Amendments to Part 76 of the Commission's Rules*, CS Doc. No. 98-120, Fourth Further Notice of Proposed Rulemaking and Declaratory Order, FCC 08-193 (rel. Feb. 10, 2012) ("NPRM").

<sup>2</sup> The Commission currently exempts small cable systems, defined as those with systems that have less than 553 MHz of capacity, or fewer than 2,501 subscribers that are not owned by a very large MVPD, from the requirement that they provide must-carry broadcast signals in digital high definition ("HD"). See *In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules*, 23 FCC Rcd 13618, ¶ 7 (2008).

<sup>3</sup> See *In the Matter of Carriage of Digital Television Broadcast Signals: Amendments to Part 76 of the Commission's Rules*, CS Doc. No. 98-120, Comments of the American Cable Association, 1-4 (filed March 13, 2012) ("ACA Comments") (setting forth ACA's position with regard to extension of the HD must-carry exemption); see *In the Matter of Carriage of Digital Television Broadcast Signals: Amendments to Part 76 of the Commission's Rules*, CS Doc. No. 98-120, Reply Comments of the American Cable Association, 9-13 (filed March 22, 2012) ("ACA Reply Comments") (setting forth ACA's positions on the small system HD exemption).

<sup>4</sup> ACA Reply Comments at 13-14.

If you have any questions, or require further information, please do not hesitate to contact me directly. Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission.

Sincerely,  
  
Ross J. Lieberman

cc (via email): Dave Grimaldi