



CONNECTING HOMETOWN AMERICA

Ross J. Lieberman
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American Cable Association
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June 9, 2012

Via ECFS

Marlene Dortch
Secretary
Federal Communications Commission
445 12th 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 Holly Saurer, Acting Legal Advisor for Media Issues to Commissioner Rosenworcel to discuss the Notice of Proposed Rulemaking ("NPRM") in the above referenced docket.¹

Consistent with ACA's prior advocacy in this proceeding, I encouraged the Commission to extend the HD carriage exemption² for systems with less than 553 MHz capacity or fewer than 2,501 subscribers,³ and reject NAB's proposal that the HD carriage exemption for small systems be narrowed to exclude cable systems that offer some HD programming. I also 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.⁴

¹ *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").

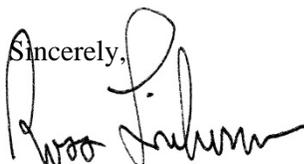
² The Commission currently exempts small cable systems, defined as those with systems that have less than 553 MHz of capacity, or fewer than 2,501 subscribers that are not owned by a very large MVPD, from the requirement that they provide must-carry broadcast signals in digital high definition ("HD"). 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).

³ 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 on the 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).

⁴ ACA Reply Comments at 13-14.

Finally, I reviewed the obligation of cable operators to make available to their subscribers the equipment necessary to ensure the viewability of digital must-carry signals following the sunset of the Commission's viewability rule. Participants discussed whether the obligation to make affordable set-top boxes available for this purpose could vary depending on the size of the operator. I affirmed that ACA supports an affordability standard that takes account of the fact that smaller cable operators incur higher per-unit fees to acquire the boxes than larger providers, and also incur recurring monthly per-unit fees when subscribers utilize additional set-top boxes. ACA believes the Commission should take these facts into account when assessing whether a small cable operator is making available a low cost set-top box, particularly in comparison to the information that larger cable operators have entered into the record regarding the fees that they commonly charge for low cost devices.

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): Holly Saurer