



WILTSHIRE
& GRANNIS LLP

September 17, 2012

BY ELECTRONIC FILING

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

Re: *Revision of the Commission's Program Access Rules*, MB Docket No. 12-68; *News Corporation, The DIRECTV Group, Inc., and Liberty Media Corporation*, MB Docket No. 07-18; *Adelphia Communications Corporation, Time Warner Cable Inc., and Comcast Corporation*, MB Docket No. 05-192

Dear Ms. Dortch:

On September 13, 2012, Stacy Fuller of DIRECTV, LLC and undersigned counsel met with Dave Grimaldi, Chief of Staff and Media Legal Advisor for Commissioner Clyburn, to discuss the necessity for extension of the cable exclusivity prohibition. The topics of discussion are reflected in the attached handout, which was provided to Mr. Grimaldi at the meeting.

In addition, we stressed that the prohibition is not absolute, as the rule provides an option under which cable-affiliated programmers can offer exclusive, cable-affiliated programming where such exclusivity would not harm competition.¹ Thus, this proceeding is not about whether to put in place a case-by-case process. Rather, it is about whether the burden should remain on cable operators – the dominant incumbents who control timing of their proposals and the information relevant thereto – or be shifted to competing MVPDs – who can only seek relief after the fact, at which point the harm imposed by withholding of programming is compounded by the high costs and inevitable delay of litigation.

¹ 47 C.F.R. § 76.1002(c)(5). Moreover, DIRECTV and others have proposed that the Commission adopt additional mechanisms to streamline that process. *See* DIRECTV Comments at 11-12; AT&T Comments at 5.

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Respectfully submitted,

/s/

William M. Wiltshire
Counsel for DIRECTV, LLC

cc: David Grimaldi