

October 4, 2012

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

**Re: Notice of Ex Parte Presentation**  
**MB Docket Nos. 12-68, 07-18, & 05-192**

Dear Ms. Dortch:

On October 2, 2012, Catherine Bohigian of Cablevision Systems Corp. and the undersigned on behalf of Cablevision met with Alex Hoehn-Saric, Policy Director to Commissioner Rosenworcel, and on October 3, 2012, Ms. Bohigian spoke by telephone with Dave Grimaldi, Chief of Staff and Media Legal Advisor to Commissioner Clyburn, regarding the above-captioned proceeding. In both the meeting and the telephone conversation, the Cablevision participants reiterated the point, made at pages 8-9 of Cablevision's comments in this proceeding, that exclusivity for local programming channels such as Cablevision's News 12 and MSG Varsity are critical to their deployment and continued investment, and urged that any discussion of exclusivity in the Order in this proceeding make clear that exclusivity for local programming is not a violation of the program access rules.

In the meeting, we also briefly addressed the proposals put forward by US Telecom in its September 26, 2012 ex parte letter in this proceeding. We noted that the proposed rebuttable presumption against an exclusive arrangement involving a cable-affiliated programming network that was previously the subject of a successful program access complaint would effectively reinstate the *per se* ban and would therefore be foreclosed by the sunset of the ban. We also explained that the proposal would preclude a fair assessment of the competitive impact of the subsequent exclusive contracts that would take full account of the particular characteristics and local market conditions associated with those contracts.

With respect to the proposed 60-day shot clock, we noted that such an abbreviated timeframe would not be sufficient to permit meaningful discovery or a careful examination of the pro-competitive benefits and anti-competitive effects (if any) of a challenged exclusive arrangement. Finally, we noted that there was no justification for subjecting satellite-delivered RSNs to a more stringent presumption than terrestrial RSNs. The existing RSN presumption has been shown to be meaningful: in the only two proceedings in which it has been invoked, complainants prevailed.

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

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Ms. Marlene H. Dortch

October 4, 2012

Page 2

Pursuant to section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed electronically with the Office of the Secretary and served electronically on the Commission participants in the meeting and the telephone call.

Should there be any questions regarding these matters, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard J. Symons", with a long horizontal flourish extending to the right.

Howard J. Symons

cc: Alex Hoehn-Saric  
Dave Grimaldi