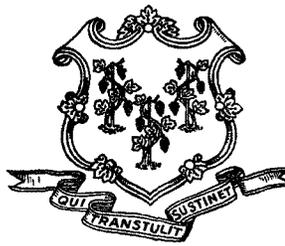


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OCT 31 2012

FCC Mail Room

Federal Communications Commission
445 12th Street SW
Washington, CT 20554

October 25, 2012

RE: *Amendment of the Commission's Rules Related to Retransmission Consent, MB*
Docket No. 10-71

Dear Commissioners:

I write to you today on behalf of the 50,000 viewers in Connecticut, half of whom are in my senatorial district, who since August have not been able to view certain NFL games and, as of last night, the World Series, as a result of the impasse between Cablevision and Tribune Broadcasting Company. As Federal Communications Commission ("FCC") Commissioner Copps accurately noted, "The FCC [is] intended first and foremost to be a consumer protection agency...". It has utterly failed in that mission.

Since March 2010, you have had before you a proceeding that could protect consumers when negotiations between media companies break down. It is now October 2012, two years later, and there is no relief in sight from the FCC, the sole agency with the express purpose of protecting consumers. I am writing to demand, on behalf of my constituents, that you take immediate action!

In March 2010, at the request of numerous companies and public interest groups, you began the process of reviewing the problems associated with the manner in which media outlets negotiate to pay for the right to transmit content owned by broadcasting companies ("Retransmission Consent Negotiations"). Most notably, you acknowledged the significant negative impact on consumers when Retransmission Consent Negotiations come to an impasse. In your Notice of Proposed Rulemaking of March 3, 2011 ("NPRM"), you chronicled the millions of viewers who were affected by previous negotiation impasses, specifically mentioning subscribers being unable to view the World Series, a number of NFL games, the Academy Awards and multiple disputes that were outstanding before 2010 and in 2011 at the time the NPRM was issued.

When the NPRM was issued, you set the purpose of that proceeding, specifically noting the damage to subscribers as follows:

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“17. Our goal in this proceeding is to take appropriate action, within our existing authority, to protect consumers from the disruptive impact of the loss of broadcast programming...Subscribers are the innocent bystanders adversely affected when broadcasters and MVPDs fail to reach an agreement...”

-FCC NPRM 11-31 March 3, 2011 paragraph 17(emphasis added)

That was in March 2011. I spoke with staff at the Media Bureau on October 24, 2012 who advised me that there is no timeline for when a decision on these matters will be made. It could be 18-24 *more* months or the Commission could decide to not act at all! This is simply unacceptable to the thousands of viewers in Connecticut who have been denied the ability to watch certain NFL games and the World Series.

Specifically, I request that you amend your rules to allow for a procedure to either mediate or arbitrate when the negotiation process breaks down. Although the FCC takes the position that it does not have the authority to order interim carriage of broadcasts or dictate the terms of an agreement, I am dismayed by the apparent abdication of responsibility in interpreting 47 USC sec.325. That interpretation prevents the implementation of a procedure that will encourage the parties to resolve their disputes in a timely manner. In order to protect consumers from being caught in the middle of these private disputes, the FCC must be able to step in and facilitate resolution. The alternative is to continue to let millions of consumers suffer the consequences; either lose access to desired programming or be subject to higher monthly charges.

Given the apparent reluctance to assist consumers in these matters, the FCC should at least afford consumers the ability to advocate for themselves by permitting them to file direct complaints with the FCC. Currently, only the media parties to the negotiations have the ability to file a complaint alleging violation of good faith bargaining that entirely excludes consumers from the process. It would make a lot more sense to provide consumers the ability to file a complaint and request an investigation from the FCC. Isn't it time you gave consumers a voice in this process?

It is unconscionable to punish consumers for the failure of these media companies to come to an agreement. You are the agency charged with protecting consumers. You cannot sit by any longer while average Americans are denied the basic, simple pleasure of coming home to watch the game.

Thank you in advance for your immediate attention. I look forward to your prompt response.

Very Truly Yours,


Gayle S. Slossberg