



January 11, 2013

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

Re: *Ex Parte* Communication: MB Docket No. 09-182

Dear Ms. Dortch:

On January 10, 2013, Micah Caldwell of the Independent Telephone & Telecommunications Alliance (“ITTA”) participated in separate telephone conversations with Matthew Berry, legal advisor to Commissioner Pai, and Elizabeth Andrion, acting legal advisor to Chairman Genachowski, regarding the Commission’s ongoing media ownership proceeding.¹

Reiterating the arguments that ITTA raised in its comments and other filings, we urged the Commission to deter collusive and anti-competitive conduct by local broadcast stations by treating joint or coordinated retransmission consent negotiations by multiple stations within a single market as an attributable ownership interest under the media ownership rules.² ITTA supports the Commission’s conclusion that joint services agreements (“JSAs”) should be deemed attributable ownership stakes, and believes the Commission must take the additional step of ensuring that JSAs and other formal or informal sharing arrangements (*e.g.*, shared services agreements, local marketing agreements, etc.) that permit coordinated retransmission consent negotiations on behalf of multiple stations within a market do not harm competition and consumers.

As new entrants to the video distribution marketplace, ITTA member companies have inferior bargaining leverage in comparison to broadcasters and their MVPD rivals, yet offering video service is an integral component of the business plan for many ITTA member companies. Commission action that deters broadcasters from colluding in joint or coordinated retransmission consent negotiations will curb excessive retransmission consent fees for MVPDs and consumers

¹ *In the Matter of 2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; Promoting Diversification of Ownership in the Broadcasting Services*, MB Docket Nos. 09-182, 07-294, Notice of Proposed Rulemaking, FCC 11-186 (rel. Dec. 22, 2011).

² *See, e.g.*, Comments of the Independent Telephone & Telecommunications Alliance, MB Docket Nos. 09-182, 07-294 (filed Mar. 5, 2012).

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and provide ITTA members and other new entrants opportunities for growth by enabling them to compete more effectively and bring the benefits of competition and new and advanced services to consumers.

Given that joint or coordinated retransmission consent negotiations by broadcasters are essentially an end run around the Commission's local ownership rules, the media ownership proceeding provides an appropriate vehicle to address such anticompetitive and anti-consumer behavior.

Please do not hesitate to contact me with any questions regarding this submission.

Respectfully submitted,

A handwritten signature in cursive script that reads "Micah M. Caldwell".

Micah M. Caldwell

Vice President, Regulatory Affairs

cc: Matthew Berry
Elizabeth Andrion