

January 14, 2013

VIA ELECTRONIC FILING

The Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Revision of the Commission's Program Access Rules*
MB Docket No. 12-68

Dear Madam Secretary:

The undersigned content interests (collectively, the "Content Interests"), hereby jointly respond to comments in the above-referenced proceeding.¹ Each of the Content Interests: (1) is an industry leader in the creation and packaging of high-quality video programming; (2) invests in innovative and compelling content; and (3) is actively engaged in the development of digital products and services for multiple platforms.

In comments responding to the most recent Further Notice of Proposed Rulemaking ("FNPRM") in this proceeding, Mediacom and Cox have reiterated many of the same propositions raised in this docket last year, including proposals to extend aspects of the program access rules to non-vertically integrated programmers.² These propositions already have been thoroughly rebutted by reply comments filed by the Content Interests in July 2012,³ as well as the many filings cited in those replies,⁴ all of which are incorporated by reference here.

¹ *Revision of the Commission's Program Access Rules*, MB Docket No. 12-68, Further Notice of Proposed Rulemaking, FCC 12-123 (2012) ("FNPRM"). This reply is timely filed pursuant to the extended deadline announced on November 19, 2012. *Revision of the Commission's Program Access Rules*, MB Docket No. 12-68, Order, (MB, rel. Nov. 19, 2012).

² See Comments of Mediacom Communications Corporation, MB Docket No. 12-68, at 5-6, 14-15 (submitted Dec. 14, 2012) ("Mediacom Comment"); Comments of Cox Communications, Inc., MB Docket No. 12-68, at 2-6 (submitted Dec. 14, 2012) ("Cox Comment").

³ Reply Comments of The Walt Disney Company, Viacom Inc., News Corporation, Time Warner Inc., and CBS Corporation, in MB Docket Nos. 12-68, 07-18 & 05-192 (submitted July 23, 2012). See also Reply Comments of Time Warner Inc., in MB Docket Nos. 12-68, 07-18 & 05-192 (submitted July 23, 2012).

⁴ See, e.g., Joint Reply at 4-6 nn.15-17 (citing, among other submissions, Comments of The Walt Disney Company in MB Docket Nos. 07-29 & 07-198 (submitted Jan. 4, 2008); Comments of Fox Entertainment Group, Inc., and Fox Television Holdings, Inc., in MB Docket No. 07-198 (submitted Jan. 4, 2008); Comments of Viacom Inc., in MB Docket No. 07-198 (submitted Jan. 4, 2008) & Letter from Michael G. Baumann, Senior Vice President, Economists Incorporated, to Marlene H. Dortch, Secretary, in MB Docket No. 04-207 (Nov. 18, 2004)). Other submissions to the Commission have made the same or related points. See, e.g., Comments of Time Warner Inc., in MB Docket No. 07-198 (submitted Jan. 4, 2008) & Joint Letter from CBS Corporation, Fox Entertainment Group,

These earlier submissions unequivocally demonstrate that there is no statutory, policy, public interest, or competitive basis for expanding the scope of program access rules to non-vertically integrated programming networks. For this reason, the current FNPRM appropriately does not seek comment on proposals to this effect.⁵ Attempts by Mediacom and Cox to expand the scope of this FNPRM therefore not only run contrary to established law and policy, but also suffer from significant procedural defects. As such, the Commission should once again decline to adopt any such proposals.

Respectfully submitted,

/s/ Anne Lucey

Anne Lucey
Senior Vice President for Regulatory Policy
CBS Corporation
601 Pennsylvania Avenue, N.W., Suite 540
Washington, DC 20004
(202) 457-4618

/s/ Susan L. Fox

Susan L. Fox
Vice President, Government Relations
The Walt Disney Company
425 Third Street, S.W., Suite 1100
Washington, DC 20024
(202) 222-4700

/s/ Maureen A. O'Connell

Maureen A. O'Connell
Senior Vice President, Regulatory &
Government Affairs
News Corporation
444 N. Capitol Street, NW
Washington, DC 20001
(202) 824-6502

/s/ Keith R. Murphy

Keith R. Murphy
Senior Vice President, Government
Relations and Regulatory Counsel
Viacom Inc.
1501 M Street, NW, Suite 1100
Washington, DC 20005
(202) 785-6347

/s/ Susan A. Mort

Susan A. Mort
Assistant General Counsel
Time Warner Inc.
800 Connecticut Avenue, N.W., Suite 800
Washington, DC 20006
(202) 530-5460

NBCUniversal, Time Warner Inc., The Walt Disney Company Inc. & Viacom Inc., in MB Docket No. 11-131 (submitted Jan. 11, 2012) (addressing similar issues in program carriage proceeding).

⁵ FNPRM at 52-66.