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July 5, 2013

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Ex Parte Communication of the American Cable Association; *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, MB Docket No. 12-203.**

Dear Ms. Dortch:

On July 3, 2013, the undersigned, on behalf of the American Cable Association (“ACA”), spoke via telephone with Alex Hoehn-Saric, Policy Director of the Office of Commissioner Rosenworcel, about the 15<sup>th</sup> Annual Video Competition Report that is scheduled to be voted on at the Commission’s next Open Meeting.<sup>1</sup> Our discussion was consistent with the comments ACA has filed in this proceeding.<sup>2</sup>

I stressed that in order for the Commission to discharge its duty to report to Congress on the “status of competition in the market for the delivery of video programming,”<sup>3</sup> it is essential that the 15<sup>th</sup> Annual Video Competition Report contain: (i) the number of cable system closures and operators exiting from the market; (ii) the impact of such closures on competition; and (iii) the regulatory and non-regulatory conditions contributing to these system shutdowns.<sup>4</sup> In addition, the Commission should include data that (i) highlights the substantial growth in importance industry-wide of retransmission consent fees as a source of revenue to local television broadcast stations; (ii) recognizes that competition between broadcasters includes not only competition for advertising, but competition for retransmission consent; (iii) details how extensively separately owned same-market stations are entering into agreements that facilitate the coordination of negotiations with multichannel video programming distributors for retransmission consent; and (iv) discusses the potential implications of this practice on competition in the

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<sup>1</sup> See <http://www.fcc.gov/open-commission-meeting-july-2013>.

<sup>2</sup> See Comments of the American Cable Association at 1-20 (filed Sept. 10, 2012) (“ACA Comments”); *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, MB Docket No. 12-203, Notice of Inquiry, 27 FCC Rcd 8581 (2012).

<sup>3</sup> See 47 U.S.C. § 548(g).

<sup>4</sup> See ACA Comments at 2-10.

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local broadcast market.<sup>5</sup> Lastly, I noted that inclusion of this data, information, and analysis is not intended to prejudice the Commissions' decision making in any pending or future proceeding, and ACA would expect that whatever is reported to Congress in the Report on these matters would be objectively presented.

I provided Mr. Hoehn-Saric a copy of ACA's comments in this proceeding. If you have any questions, or require further information, please do not hesitate to contact me. Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross J. Lieberman". The signature is fluid and cursive, with a large initial "R" and "L".

Ross J. Lieberman

cc (via email): Alex Hoehn-Saric

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<sup>5</sup> See ACA Comments at 10-19. See also Comments of the American Cable Association, MM Docket Nos. 00-168, 00-44 (filed Dec. 22, 2011) (describing media ownership, retransmission consent and antitrust implications of coordinated retransmission consent negotiations).