



CONNECTING HOMETOWN AMERICA

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July 9, 2013

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th 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 8 and 9, 2013, the undersigned, on behalf of the American Cable Association (“ACA”), spoke via telephone, respectively, with Matthew Berry, Chief of Staff, Office of Commissioner Pai and Sarah Whitesell, Legal Advisor, Media, Office of Acting Chairwoman Clyburn, about the 15th Annual Video Competition Report that is scheduled to be voted on at the Commission’s next Open Meeting.¹ Our discussions were consistent with the comments ACA has filed in this proceeding.²

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,”³ it is essential that the 15th Annual Video Competition Report contain: (i) the total number of cable systems on the first and last date of the report’s reporting period based on the FCC’s Cable Operations and Licensing Systems (“COALS”) database, and the number of cable system closures and operators exiting the market based on other sources; (ii) the impact of such closures on competition; and (iii) the regulatory and non-regulatory conditions contributing to these system shutdowns.⁴ 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

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

² 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).

³ See 47 U.S.C. § 548(g).

⁴ See ACA Comments at 2-10.

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local broadcast market.⁵ Lastly, I noted that inclusion of this data, information, and analysis is not intended to prejudice the Commission's 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.

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): Matthew Berry
Sarah Whitesell

⁵ 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).