E-COPERNICUS

October 29, 2009

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554
Via Electronic Filing

Re: Ex-Parte Presentation, MB Docket Nos. 09-182, 09-194

Dear Ms. Dortch

On October 28, 2009, Jose Luis Rodriguez of the Hispanic Information and Telecommunications Network and I met with William Freedman, Media Legal Advisor in Commissioner Baker's Office.

The Hispanic Information and Telecommunications Network, Inc. (HITN) was established in 1983 as a non-profit organization. HITN's mission is dedicated to using telecommunications technologies for the advancement of Hispanic Americans. HITN-TV is a non-profit Spanish language educational television network which provides engaging, educational, and entertaining programming. The network invites individuals and families to live fuller lives and enables them to serve as an ever-growing engine of intellectual power and progress. HITN-TV also provides a unique source of educational, cultural, news and public affairs programs to the homes of Hispanics in the United States and Puerto Rico. Individuals can view the networks on: DirectTV; Dish Network; Time Warner Cable (NY, NJ, TX); Comcast (IL, CO); Charter (CA, NV, WA, GA); AT&T U-verse and Verizon FiOS nationwide.

The meeting participants discussed the challenges small independent non-profit networks face securing carriage; the importance of the DBS public-interest set-aside program and HITN's continuing willingness, interest and ability to provide audio programming as either a public interest or designated entity channel under the XM-Sirius merger.

The consolidation of media entities combined with the brand extension of public and commercial channel groups have had the effect of crowding out opportunities for small independent networks. It is vitally important for the FCC to find creative solutions to ensure that opportunities exist for small, independent, unaffiliated networks to thrive in an increasingly consolidated media environment. These channels offer truly diverse voices and programming unavailable elsewhere. No other television network provides the same educational, cultural and instructional programming oriented toward Spanish speaking households available on HITN.

The differences between satellite, telco and cable carriage were also noted in the meeting. HITN has been a beneficiary of the public interest set-aside program for DBS satellite. This carriage has given HITN the opportunity to serve the educational and cultural needs of Latinos on a national platform. As a non-profit public interest station, HITN pays to be carried on satellite while commercial entities are paid for their programming and contract terms are more tenuous than available to other commercial and public broadcasters. New telco video entrants like Verizon FiOS and ATT U-verse offer HITN national coverage, so that HITN is available in each market served. HITN, like other networks, continues to face challenges with cable carriage. Cable carriage agreements are akin to "hunting licenses" where the network must secure carriage agreements in individual markets. Independent networks struggle for carriage opportunities while new networks from large providers are quickly and widely carried because of market power or tying agreements.

As potential solutions to the loss of opportunity for independent television, HITN suggests that the FCC consider:

1) Reserving capacity for small, independent television networks which are not part of large national and international commercial or public channel groups to ensure greater diversity and competition.

2) Ensuring that unaffiliated and independent channel concerns are fully considered and accommodated in any merger, acquisition or transfer transaction which further consolidates market or programming power.

3) Providing a Public Education Government (PEG) channel opportunity which could be implemented on a national basis.

HITN also offered to be a source of information to the FCC and offered to be a witness or help the FCC identify witnesses on issues of media diversity, independent channels and Spanish language educational programming.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. Please do not hesitate to contact me with any questions.

Sincerely,

Christopher McLean
Principal
e-Copernicus
317 Massachusetts Ave NE
Washington, DC 20001.

Cc: Mr. Freedman