July 7, 2015

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; Amendment to the Commission’s Rules Related to Retransmission Consent, MB Docket No. 10-71

Dear Ms. Dortch:

On July 2, 2015, Ross J. Lieberman, Senior Vice President of Government Affairs, American Cable Association (“ACA”), Barbara Esbin, Cinnamon Mueller, Counsel to ACA, and the undersigned, met with the following officials from the Media Bureau: William Lake, Chief; Michelle Carey, Deputy Chief (via telephone); Mary Beth Murphy, Chief, Policy Division; and Diana Sokolow, Attorney, Policy Division to discuss further reforms to the Commission’s retransmission consent rules.1

During the meeting, we discussed the Commission’s implementation of Section 103 of the STELA Reauthorization Act of 2014, which requires the FCC to commence a rulemaking to review its totality of the circumstances test for good faith negotiations of retransmission consent agreements under clauses (ii) and (iii) of section 325(b)(3)(C) of the Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)). We urged the Commission to seek comment on the types of bargaining proposals and negotiating conduct under its current formulation of the “totality of the circumstances” test that should be considered “sufficiently outrageous” so as to violate the requirement that parties negotiate in good faith, as well as seeking comment on the types of bargaining proposals that are presumptively not consistent with competitive marketplace considerations and the good faith negotiation requirement.

This letter is being filed electronically pursuant to section 1.1206 of the Commission’s rules.

Sincerely,

/s/
Mary Lovejoy

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cc: William Lake
    Michelle Carey
    Mary Beth Murphy
    Diana Sokolow