Re: Notice of Ex Parte Communication, MB Docket No. 10-71

Dear Ms. Dortch:

This letter documents an in-person meeting between the attached list of broadcasters and broadcast representatives, the undersigned list of state broadcast associations and Commissioner Mignon Clyburn and her Chief of Staff and Media Legal Advisor Chanelle Hardy held on Monday, August 31, 2015. We want to thank Commissioner Clyburn and Ms. Hardy for accommodating such a large group of broadcasters and broadcast representatives, most of whom traveled to DC from around the country to ask that the Commission not adopt the outstanding proposal to eliminate the program exclusivity rules.

In the meeting, Commissioner Clyburn and Ms. Hardy heard from an impassioned group of broadcasters about the multiple ways in which they serve their communities. Importantly, all the broadcasters in the room reiterated how the existing system of local broadcasting provides the public an invaluable and irreplaceable service. With the unfortunate decline of newspapers, the role of local broadcasters as a community watchdog and first informer is more critical than ever. This is especially true in the dozens of smaller markets that would be most vulnerable if the Commission eliminates the network non-duplication and syndicated exclusivity rules.

Two major themes were discussed during the meeting. First, broadcasters expressed a clear concern that elimination of the rules will allow larger market stations to expand their coverage area and likely erode the market coverage of nearby smaller stations. Small market owners and general managers explained how cable operators will be incentivized to retransmit lower cost distant market stations. The result would be a quick and highly detrimental diminution in local service to those smaller market communities. In particular, if smaller market stations are forced to reduce or even shutter their news operations because the importation of duplicative national network and syndicated programing severely reduces their advertising revenue, many small communities will undoubtedly lose localized news coverage entirely. It is simply impossible for nearby larger market stations to cover out-of-market smaller communities the way their local stations do today.
Second, in addition to having uncertain legal recourse, the costs of enforcing exclusivity through contracts and through the courts, instead of through FCC rules, would have a deep impact on the budgets of smaller broadcasters. Litigation is expensive. Most small broadcasters do not have lawyers on staff. Compared to large cable operators that can spend hundreds of millions of dollars to effectuate mergers, many local TV stations are small businesses. One lawsuit to protect their bargained-for exclusivity could make upgrading their weather operations, hiring another reporter, or expanding their web operations impossible. And, given the paucity of exclusivity complaints filed at the FCC over the years, eliminating the rules will not reduce staff or resource burdens on the Commission to any measurable degree.

The exclusivity rules are not outdated or irrelevant in today’s marketplace. They are a recognition by the Commission that large national cable operators have the will and the ability, as a result of the compulsory copyright license, to manipulate the marketplace through importation of distant signals. Cable operators have zero interest in maintaining and fostering a local broadcast system that serves as a direct competitor to their ability to sell local advertising. Given the opportunity to marginalize local stations while increasing their bottom lines, cable operators will take it. The Commission should not be complicit in that end game.

Again, we are very grateful to Commissioner Clyburn and Ms. Hardy for listening to our stories. Few of us have had the opportunity to sit before the Commission and explain why, throughout America, local broadcasting remains a critical thread in the fabric of their communities. All of us are available to the Commissioner and her staff if they have any questions about this or any other proceeding that impacts broadcasters and local communities.

Sincerely,

/s/ Joe Berry
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Joe Berry
California Broadcasters Association

/s/ Justin Sasso
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Justin Sasso
Colorado Broadcasters Association

/s/ Kent Cornish
__________________________
Kent Cornish
Kansas Association of Broadcasters

/s/ Bob Houghton
__________________________
Bob Houghton
Georgia Association of Broadcasters

/s/ Jim Timm
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Jim Timm
Nebraska Broadcasters Association

/s/ Christine H. Merritt
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Christine H. Merritt
Ohio Association of Broadcasters
Broadcasters and Broadcaster Representatives also in attendance included:

- DuJuan McCoy, Bayou City Broadcasting, Evansville, Indiana
- Vanessa Oubre, WAFF-TV, Huntsville, AL
- Aaron Scoby, Serestar Communications
- Jeff Block, Scripts Television
- Steve Dant, KXRM/KXTU, Colorado Springs, CO
- Evan Pappas, KOAA, Colorado Springs, CO
- Tim McVay, WSB-TV, Atlanta, GA
- Bill Stewart, WJBF-TV, Augusta, GA
- David Hart, WRBL-TV Columbus, OH
- Sally Brown, WSBT-TV South Bend, IN
- Joan Barrett, KWCH-TV Sunflower Broadcasting Wichita, KS
- Roger Brokke, WIBW-TV, Topeka, KS
- Brian McDonough, KY3 Schurz Communications, Springfield, MO
- Klarn DePalma, WFSB, Hartford, CT
- Josh Pila, Meredith Corp.
- Andy Delaporte, Portland, ME, Meredith
- Ariel Robin, KETV, Omaha, NE
- Steve Hammell, WRAL-TV, Raleigh, NC
- Joe Pomilla, WSOC-TV, Charlotte, NC
- Dominic Mancuso, WOIO-TV/WUAB-TV, Cleveland, OH
- Jeff Brogan, WCPO-TV, Cincinnati, OH
- Mona Morrow, WCPO-TV, Cincinnati, OH
- Rita Scott, WCSC-TV, Charleston, SC
- Tracey Rogers, WMC-TV, Memphis, TN
- Dan Cates, WJHL-TV, Johnson City, TN
- Tom Tolar, WRCB-TV, Sarkes Tarzian, Chattanooga, TN
- George DeVault, WKPT-TV, Kingsport, TN
- Roger Bare, KIAH-TV, Houston, TX
- John Kittleman, KRGV-TV Rio Grande Valley, TX
- Jerry Martin, KPRC-TV, Houston, TX
- John Seabers, WOAi-TV, San Antonio, TX
- John Trevino, KXTX-TV, Dallas-Ft. Worth, TX
- Julie Pruett, Nexstar Broadcasting Group, Inc.
- Patrick Stacey, KTRE-TV/Lufkin (Raycom)
- Scott Flick, Pillsbury Winthrop Shaw Pittman, LLP
- Jessica Nyman, Pillsbury Winthrop Shaw Pittman, LLP
- Amie Hudspeth, Victoria Television Group
- Kym Grinnage, NBC 12/WWBT, Richmond, VA
- Khalim Piankhi, WUSA-TV, Washington, DC
- Brad Ramsey, Tegna Inc.
- Scott Goodwin, National Association of Broadcasters