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June 8, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**Re: Notice of *Ex Parte* Communication,
GN Docket No. 09-51 and MB Docket Nos. 10-56, 10-71, 09-182**

Dear Ms. Dortch:

On June 7 and 8, 2010, representatives of the NBC Television Affiliates (“NBC Affiliates”) participated in separate meetings with the following FCC Commissioners and staff.

- On June 7, 2010:
 - Commissioner McDowell, Angela Giancarlo, Chief of Staff and Senior Legal Advisor, Wireless and International, and interns Rachel Costello, Brooke Ericson, Jamison Dempsey, and Timothy Kennedy;
 - Bill Lake, Ron Parver, Bill Freedman, Nancy Murphy, Eloise Gore, Christopher Hickman, Diana Sokolow, Mary Beth Murphy, Rebecca Hanson, Jennifer Tatel, and Kris Monteith of the Media Bureau and John Flynn of the Office of General Counsel;
 - Commissioner Copps, Jennifer Schneider, Senior Policy Advisor and Legal Advisor for Broadband, Wireline and Universal, and intern Frank Gonzalez;
 - Brad Gillen, Legal Advisor for Media Law Issues to Commissioner Baker, and Millie Kerr, Confidential Assistant and Staff Attorney to Commissioner Baker; and
 - Sherrese Smith, Legal Advisor for Media, Consumer, and Enforcement Issues to Chairman Genachowski, and intern Eric Schmidt.

- On June 8, 2010:
 - Rick Kaplan, Chief of Staff to Commissioner Clyburn, and intern Liz Ruiz.

The following members of the NBC Affiliates' Executive Committee attended the meetings on June 7, along with the NBC Affiliates' counsel, Jennifer Johnson of Covington & Burling, LLP: Brian Lawlor, Senior VP-Television of E.W. Scripps TV Station Group and President-Chairman of the NBC Affiliates, Michael Fiorile, Vice Chairman and CEO of Dispatch Broadcast Group and Past President-Chairman of the NBC Affiliates, Dave Lougee, President - Broadcast Division of Gannett and Vice Chair - Government Affairs of the NBC Affiliates, Jordan Wertlieb, President and General Manager of WBAL-TV and Vice Chair of the NBC Affiliates, and Paul McTear, President and CEO of Raycom Media and Treasurer of the NBC Affiliates. Mr. Lougee, Mr. Wertlieb and Ms. Johnson attended the meeting on June 8.

The NBC Affiliates asked the Commission to deny the March 19, 2010 Petition for Rulemaking seeking changes to the Commission's retransmission consent rules. They discussed the points raised in their May 18, 2010 Opposition to the Petition, filed jointly with the National Association of Broadcasters and the ABC, CBS, and Fox Affiliates Associations. Specifically, the NBC Affiliates noted that the Commission lacks statutory authority to implement the proposed rule changes. Retransmission consent negotiations are working as Congress intended. The NBC Affiliates explained that the proposals advanced in the Petition also are contrary to the public interest. Without the support provided by retransmission consent, broadcasters' ability to offer the public important local services -- such as local news, weather, emergency, sports, and public affairs programming -- and other high-quality programming, including national sports programming, would be jeopardized. Retransmission consent revenues support local journalism, which is a unique service provided by local television stations and no other video programming providers -- many of whom obtain far higher per subscriber fees for carriage notwithstanding far lower ratings. The NBC Affiliates expressed the concern that cable and satellite operators seeking FCC interference in the retransmission consent process have an incentive to create retransmission consent disputes in order to advance their current reform efforts. Accordingly, swift action to deny the Petition will promote the proper functioning of the market and restore the incentives for both parties to reach a fair agreement. The NBC Affiliates also noted that when agreements are about to expire, broadcasters have strong incentives to take proactive steps to notify viewers so that they can make alternative arrangements, such as receiving the programming for free over the air.

The NBC Affiliates also discussed the broadcast spectrum proposals included in the National Broadband Plan. The NBC Affiliates representatives explained the ways in which their companies are using their digital spectrum efficiently to provide high definition programming, multicast channels, and Mobile DTV services to the public. The NBC Affiliates explained that the full potential of the DTV transition to bring new services to the public is just beginning to bear out and that concerns over the impact of the National Broadband Plan on broadcast spectrum could have the unintended consequence of chilling investment in these innovative services at a critical time. The NBC Affiliates expressed concern that many of the Plan's proposals, such as reduced interference protection, repacking, and redefining service areas, are involuntary and would harm the public's free and local television service by, for example, significantly reducing service areas and causing widespread service disruptions. The NBC Affiliates also provided real-world examples from the DTV transition which demonstrate

that the service predictions from engineering models, including in urban areas close to a station's transmitter, may not reflect the actual service that viewers will receive and noted that these service disruptions are still being worked out today. All viewers, including subscribers to pay-TV services, would be affected because broadcasters -- unlike cable, DBS, and wireless providers -- provide unique local and emergency services and are charged with serving the public interest. The NBC Affiliates also noted that the public needs and expects to be able to receive live video -- including sports events, emergency information, and events of national importance -- on mobile devices and that Mobile DTV's one-to-many distribution technology is critical to effectively and efficiently delivering this service to the public. The NBC Affiliates urged the Commission to proceed with caution and to complete a spectrum inventory before taking any further action on items related to the public's broadcast spectrum. In the meeting with Commissioner McDowell and Ms. Giancarlo, the NBC Affiliates referred to and provided a copy of the attached chart, which outlines the voluntary and non-voluntary aspects of the National Broadband Plan's proposals on broadcast television spectrum.

With respect to the Comcast-NBCU transaction, the NBC Affiliates explained that they are optimistic about the discussions they have had with Comcast regarding Comcast's intentions with respect to over-the-air broadcasting and the network-affiliate relationship. The NBC Affiliates stated that they are likely to support the proposed transaction as long as the FCC decision approving the transaction includes conditions that (1) protect the integrity of local markets by preventing a bypass of local affiliates via a direct feed from the network to Comcast cable systems; (2) protect the integrity of the retransmission consent process by ensuring that retransmission consent and affiliation agreement negotiations remain separate; and (3) maintain the availability of highly valued sporting events on free, over-the-air broadcasting by preventing the migration of such programming to Comcast cable channels. The NBC Affiliates also said that they support the ability of the combined entity to hold the broadcast licenses currently held by NBC so that the combined entity, going forward, has a significant stake in the success of television broadcasting.

In the meeting with Brad Gillen and Millie Kerr, the NBC Affiliates also explained that the local media ownership rules are outdated and that there is a need for relief from the duopoly rule, particularly in smaller markets.

Please address any questions to the undersigned.

Respectfully submitted,



Jennifer Johnson
Lindsey Tonsager
*Counsel to the NBC Television
Affiliates*

cc: Commissioner McDowell
Commissioner Copps
Sherrese Smith

COVINGTON & BURLING LLP

Angela Giancarlo
Jennifer Schneider
Rick Kaplan
Brad Gillen
Millie Kerr
Bill Lake
Ron Parver
Bill Freedman
Nancy Murphy
Eloise Gore
Christopher Hickman
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Rebecca Hanson
Jennifer Tatel
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