



PUBLIC NOTICE

Federal Communications Commission
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DA 10-474

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MEDIA BUREAU ACTION

MEDIA BUREAU SEEKS COMMENT ON A PETITION FOR RULEMAKING TO AMEND THE COMMISSION'S RULES GOVERNING RETRANSMISSION CONSENT

MB Docket No. 10-71

Comment Date: April 19, 2010
Reply Comment Date: May 4, 2010

Fourteen entities¹ filed a petition for rulemaking on March 9, 2010 pursuant to Section 1.401 of the Commission's rules,² requesting that the Commission amend and supplement its retransmission consent rules. The petition argues that the Commission's current retransmission consent rules do not account for changes in the video programming distribution market, and it proposes reforms including dispute resolution mechanisms and mandatory interim carriage. We seek comment on this petition.

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.³

Section 1.405(a) of the Commission's rules provides that statements in support of or in opposition to a petition for rulemaking "shall be accompanied by proof of service upon the petitioner on or prior to the date of filing . . ."⁴ Section 1.405(b) of the Commission's rules states that replies to such statements "shall be accompanied by proof of service upon the party or parties filing the statement or statements to which the reply is directed . . ."⁵ Given that this is a docketed proceeding in which all comments will be posted to the Commission's Electronic Comment Filing System and that the proceeding involves fourteen

¹ The entities are: Public Knowledge; DIRECTV, Inc.; DISH Network LLC; Charter Communications, Inc.; American Cable Association; New America Foundation; OPASTCO; Time Warner Cable Inc.; Verizon; Cablevision Systems Corp.; Mediacom Communications Corp.; Bright House Networks, LLC; Insight Communications Company, Inc.; and Suddenlink Communications.

² 47 C.F.R. § 1.401.

³ 47 C.F.R. § 1.1206.

⁴ 47 C.F.R. § 1.405(a).

⁵ 47 C.F.R. § 1.405(b).

petitioners, we hereby waive the requirement that parties be served hard copies of the comments and reply comments in this proceeding, pursuant to Section 1.3 of the Commissions rules.⁶

All filings must reference MB Docket No. 10-71.⁷ In order to be considered part of the official record, comments must be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁸ Comments sent via e-mail to the Commission that do not use the ECFS form described below will be considered informal and will not be part of the official record.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: MB Docket No. 10-71. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message: "get form". A sample form and instructions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
 - U.S. Postal Service first-class mail, Express Mail, and Priority Mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

One copy of each filing must be sent to Diana Sokolow, Media Bureau, Room 4-A734, 445 12th Street, SW, Washington, DC 20554 or diana.sokolow@fcc.gov.

⁶ 47 C.F.R. § 1.3.

⁷ To the extent any filings in response to this Public Notice relate to issues pending in MB Docket No. 07-198, where the Commission sought comment on the issue of tying of an MVPD's rights to carry broadcast stations with carriage of other owned or affiliated broadcast stations in the same or a distant market or one or more affiliated non-broadcast networks, they must also be filed in MB Docket No. 07-198.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, ¶ 8 (1998).

Filings are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th St., SW, Room CY-A257, Washington, DC 20554, telephone (202) 418-0270. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th St., SW, Room CY-B402, Washington, DC 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via email at fcc@bcpiweb.com.

Alternate formats of this Public Notice (computer diskette, large print, audio recording, or Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

For further information, contact Diana Sokolow of the Media Bureau, (202) 418-0588. Press inquiries should be directed to Janice Wise, (202) 418-8165.

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