

JOHN D. DINGELL  
15TH DISTRICT, MICHIGAN

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COMMITTEE ON  
ENERGY AND COMMERCE

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TASK FORCE

MEMBER

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CONSERVATION COMMISSION

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2215**

May 13, 2010

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**0787**

The Honorable Julius Genachowski  
Chairman  
U.S. Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dear Chairman Genachowski:

I write with regard to two recent Commission Media Bureau decisions in which a cable operator was ordered to remove broadcast programming from two Detroit, Michigan, television stations under the Commission's network non-duplication rules. In both cases, the cable operator had carried the broadcast stations' programming for decades, which consumers have also traditionally been able to receive over the air.

As you may be aware, Buckeye Cablevision is a cable television operator whose system serves Monroe County, Michigan, in my congressional district, as well as Lenawee County, Michigan, and several Ohio communities in Lucas and Wood Counties, including Toledo. Buckeye has carried Detroit, Michigan, television stations WXYZ-TV and WJBK-TV since it began operating in the mid-1960s, including to subscribers in Toledo. Moreover, Ohio residents are still able to receive these stations' signals over the air.

In 2006 and 2008, respectively, two Toledo television stations, WTVG, owned by ABC-Disney, and WUPW, a Fox affiliate owned by LIN TV Corp., requested the Commission require Buckeye to remove Detroit network programming to its customers in Toledo. As noted above, the Media Bureau granted these requests in March 2010. I am concerned that eliminating cable carriage of Detroit television programming, which can be viewed over the air and has been carried on Buckeye's cable system without dispute for more than forty years, could limit consumer choice, while at the same time increasing costs for the Buckeye system both in my congressional district and throughout the Buckeye system. This result also appears inconsistent with the Commission's network non-duplication and syndicated exclusivity rules, which ensure cable television subscribers continue receiving broadcast stations they can otherwise receive over the air in their communities.

I understand Buckeye has petitioned the Commission for a stay and review of the Media Bureau's March 2010 order. I hope the Commission will strongly consider the concerns I have outlined above when determining if it is appropriate to review the order

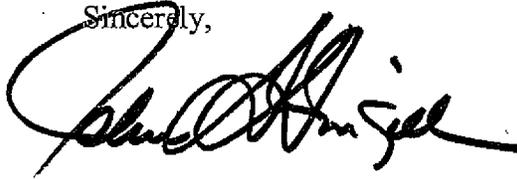
The Honorable Julius Genachowski

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in question. Thank you for your kind attention to this matter, and should you require further information, please feel free to contact me directly or have a member of your staff contact Andrew Woelfling in my office at 202-225-4071.

With every good wish,

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Dingell". The signature is fluid and cursive, with a large initial "J" and "D".

John D. Dingell  
Member of Congress