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Jeremy M. Kissel
Admitted in Illinois, Florida and District of Columbia

September 10, 2009

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Via ECFS

RE: American Cable Association (“ACA”) Notice of Ex Parte Presentation; MB Docket Nos. 07-198 and 07-269; CS Docket No. 97-80; and GN Docket No. 09-51

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206(b), we electronically provide this notice of an ex parte presentation in the dockets referenced above. On September 9, 2009, the following persons met with Media Bureau Chief William T. Lake and Media Bureau Deputy Bureau Chief Robert H. Ratcliffe:

Matthew M. Polka, President and CEO, ACA
Steve Friedman, Chairman, ACA; Chief Operating Officer, Wave Broadband
Ross J. Lieberman, Vice President of Government Affairs, ACA
Ted Hearn, Vice President of Communications, ACA
Jeremy M. Kissel, Cinnamon Mueller, Outside Counsel for ACA

During the meeting, participants relayed their concerns with “closed Internet” business models such as The Walt Disney Company’s ESPN360 service, which ACA has described in detail in its comments in the National Broadband Plan proceeding. Participants also discussed issues relating to the bundling of video programming by programmers, referencing ACA’s comments in the pending program access proceeding.

Participants further discussed the escalating year-to-year increases in retransmission consent fees charged to smaller cable operators. Participants specifically noted a recent survey of ACA’s membership (submitted and detailed in the latest Video Competition Report proceeding), which showed a 271% increase in year-to-year retransmission consent fees.

Finally, meeting participants discussed the importance of set-top box waivers that allow smaller cable operators to transition their systems to all-digital at a much faster pace due to the availability of low-cost set-top boxes. Participants noted that such waivers will enable small cable

operators to offer the services that their consumers want, including more high-definition channels and faster broadband speeds.

Sincerely,



Jeremy M. Kissel

cc: William T. Lake (via email)
Robert H. Ratcliffe (via email)
Matthew M. Polka
Steve Friedman
Ross J. Lieberman
Ted Hearn