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**Jeremy M. Kissel**  
Admitted in DC and Florida

July 17, 2008

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 No. 07-198**

Dear Ms. Dortch:

Under 47 C.F.R. § 1.1206(b), we electronically provide this notice of an ex parte presentation in the docket listed above. On July 16, 2008, the following persons met (in person or telephonically) with Elizabeth Andron, FCC Chairman Kevin J. Martin's Acting Legal Advisor for Media Issues:

Matthew M. Polka, ACA, President and CEO  
Patrick Knorr, ACA, Chairman  
Steve Friedman, ACA, Vice Chairman  
Martin Brophy, ACA, Executive Committee Member  
Ross J. Lieberman, ACA, Vice President of Government Affairs  
Steve Weed, ACA, Executive Committee Member  
Christopher C. Cinnamon, Cinnamon Mueller, Counsel for ACA  
Jeremy M. Kissel, Cinnamon Mueller, Counsel for ACA

The purpose of the meeting was to discuss ACA's concerns about wholesale programming and retransmission consent practices as set forth in ACA's comments in this proceeding, including the need to reform the Commission's regulations to require programmers and broadcasters to offer channels on a stand-alone basis on nondiscriminatory rates, terms, and conditions. ACA emphasized that retransmission consent price discrimination is escalating and will continue to increase the cost of basic cable provided by smaller distributors, absent Commission action.

ACA also provided feedback on the suggestion of a national pricing plan, which would eliminate all tying and require programming and broadcast channels to be sold at non-discriminatory wholesale prices. While ACA reiterated support for the unbundling proposal submitted in its comments, ACA expressed support for the national pricing plan. The proposed "75-cent opt-out" plan was also discussed, and ACA indicated adjustments would be necessary to the proposed plan to address more comprehensively the harms resulting from current wholesale programming and retransmission consent practices.

ACA also responded to questions concerning The Walt Disney Company's recent announcement of its new retransmission consent policy for ABC owned-and-operated stations dealing with smaller distributors. While Disney has refused to disclose the details of the policy, ACA

believes that it will provide only a limited measure of relief for a very small set of companies and their subscribers. ACA understands the policy will serve to extend for three years existing ABC O&O retransmission consent agreements for some set of small cable operators, which reportedly include obligations to distribute Disney-affiliated satellite channels and other content. ACA indicated that it will continue to gather information on Disney's implementation of the new policy and will keep the Commission informed of developments.

Sincerely,



Jeremy M. Kissel

cc: Elizabeth Andrion (*via email: Elizabeth.Andrion@fcc.gov*)  
Matthew M. Polka  
Ross J. Lieberman  
Christopher C. Cinnamon