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Jeremy M. Kissel
Admitted in DC and Florida

August 13, 2008

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

VIA ECFS

RE: Notice of Ex Parte Presentation; MB Docket Nos. 07-42 and 07-198

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206(b), we electronically provide this notice of an ex parte presentation in the docket listed above. On August 12, 2008, the following persons met with FCC Commissioner Robert McDowell:

Glen Cooney, e-Copernicus, Representing Hispanic Information and Telecommunications Network, Inc.
Parul Desai, Media Access Project
Robert Herring, WealthTV
Jeremy M. Kissel, Cinnamon Mueller, Counsel for ACA
Ross J. Lieberman, Vice President of Government Affairs, ACA
Steve Pastorkovich, Business Development Director/Senior Policy Analyst, OPASTCO
David S. Turetsky, Dewey & LeBoeuf, Counsel for HDNet

At the meeting, participants expressed their support for Commission action in the wholesale unbundling rulemaking to address the various harms that result from the market abuses of programmers and broadcasters in their negotiations with multichannel video programming distributors (MVPDs), such as wholesale bundling. Independent programmers, including those that provide content of special interest to minority audiences, described how obligations on MVPDs to carry numerous undesired networks in exchange for the right to carry desired networks, can and reportedly do restrict severely the ability of independent programmers to gain and maintain carriage on capacity constrained systems. MVPDs, including small and competitive telecommunications operators, explained how wholesale programming practices raise their costs, harm their ability to compete, and erode resources available for the substantial capital and operating costs necessary to deploy broadband in their areas.

In order to address the numerous problems with the existing wholesale programming market, meeting participants were supportive of the American Cable Associations' proposal, as presented in their January 3, 2008 comments. It was explained that the Commission has the legal authority to implement the ACA recommendations.

Finally, during the meeting, the participants discussed the need for and encouraged adoption of Section 616 carriage complaint reform, and were supportive of the proposals previously presented

by NAIN and others, as reflected in a June 5, 2008 ex parte filing in MB Docket No. 07-42. As explained, those proposals include a discussion on the need for reforms to the Commission's program carriage rules, including the institution of a "shot clock" for the adjudication of program carriage access complaints, the necessity of a clearer definition in the regulations of the prima facie case standard, the introduction of an anti-retaliation clause, and a "stay" preserving the status quo before the allegedly discriminatory retiering or other violation, until the complaint is decided (or dismissed for not stating a prima facie case). Letters from Senators that support the goals of the participants were mentioned during the meeting, and a copy of Section 616 was provided.

Sincerely,



Jeremy M. Kissel

cc: Commissioner Robert McDowell
Glen Cooney
Parul Desai
Robert Herring
Ross J. Lieberman
Steve Pastorkovich
David S. Turetsky