



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 06-2274

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## MEDIA BUREAU ACTION

### COMMENT SOUGHT ON MEDIACOM COMMUNICATIONS CORPORATION'S EMERGENCY RETRANSMISSION CONSENT COMPLAINT; ESTABLISHMENT OF "PERMIT-BUT-DISCLOSE" *EX PARTE* PROCEDURES

#### (CSR 7058-C)

On October 31, 2006, Mediacom Corporation ("Mediacom") filed an Emergency Retransmission Consent Complaint ("Complaint") and a Request for Order Permitting Interim Carriage of Sinclair Stations and Request for Expedited Treatment ("Request for Interim Carriage"). Mediacom's Complaint alleges that Sinclair Broadcast Group, Inc. violated its duty to negotiate retransmission consent in good faith for carriage of twenty-two Sinclair owned and/or operated local broadcast television stations (the "Stations"). Mediacom's Request for Interim Carriage asks that if, for any reason, the Commission cannot act on an expedited basis, that it issue injunctive relief beginning December 1, lasting for at least three months and having the effect of a temporary restraining order, to preserve the *status quo* cable retransmission of the Sinclair stations pending resolution of Mediacom's complaint. By this Public Notice, we assign the file number CSR-7058-C to Mediacom's Complaint and Request for Interim Carriage and seek comment on these matters. Pursuant to Section 76.7, answers to Mediacom's Complaint are due within 20 days after the date of issuance of this public notice and replies to answers must be filed within 10 days after submission of the responsive pleading.<sup>1</sup>

On November 2, 2006, Mediacom filed an Emergency Request for Designation as "Permit-But-Disclose" Proceeding and for *Ex Parte* Contacts in connection with its Complaint. On November 3, 2006, Sinclair filed an Opposition to Emergency Request for Designation as "Permit-But-Disclose Proceeding and for Ex Parte Contacts. Although a retransmission consent complaint pursuant to Section 76.65 is ordinarily treated as a "restricted" proceeding in which *ex parte* presentations are generally prohibited pursuant to Section 1.1208 of the Commission's rules,<sup>2</sup> the Commission, or its staff pursuant to delegated authority, under Section 1.1200(a), may adopt modified *ex parte* procedures in particular proceedings "where the public interest so requires."<sup>3</sup> Mediacom's Complaint raises time sensitive policy issues as to the carriage of the stations on Mediacom's systems. In view of this and in order to assure the staff's ability to discuss and obtain the information needed to resolve these issues expeditiously, adoption of modified *ex parte* procedures is appropriate. We shall therefore treat Mediacom's Complaint and its Request for Interim Carriage as "permit-but-disclose" for *ex parte* purposes subject to the procedural requirements of Section

<sup>1</sup> 47 C.F.R. § 76.7. We decline Mediacom's request for expedited review of its Emergency Retransmission Consent Complaint.

<sup>2</sup> 47 C.F.R. § 1.1208

<sup>3</sup> 47 C.F.R. § 1.1200(a)

1.1206.<sup>4</sup> The modified *ex parte* procedures permit both Mediacom and Sinclair to make *ex parte* presentations regarding any issue arising under Mediacom's Complaint or Request for Interim Carriage.

Two copies of any written *ex parte* presentation made or, if oral, two copies of a written summary of such oral *ex parte* presentation, as well as a copy to the person or persons to whom the oral communication was made, must be filed in each of the proceedings with the Secretary.<sup>5</sup> All filings should be clearly captioned as *ex parte* presentations and should reference the appropriate file number of Mediacom's proceeding (CSR-7058-C).

Copies of the Complaint and any subsequently filed documents in these matters are available for inspection in the Commission's Reference Information Center.

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Alternate formats of this Public Notice (computer diskette, large print, audio recording, or Braille) are available to persons with disabilities by contacting Consumer and Government Affairs at (202) 418-0530 or (202) 418-7365 (TTY).

For further information, contact Karen Kosar of the Media Bureau, (202) 418-1053. Press inquires should be directed to Rebecca Fisher of the Media Bureau, (202) 418-2359. TTY: (202) 418-7172 or (888) 835-5322.

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<sup>4</sup> 47 C.F.R. § 1.1206.

<sup>5</sup> 47 C.F.R. § 1.1206(b)(1)&(2).