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CONGRESS OF THE UNITED STATES
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Chairman Julius Genachowski
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

2082

Dear Chairman Genachowski:

I am writing to express my deep concerns about the apparent deterioration of the process for negotiating retransmission consent agreements between broadcast stations and video distributors. Press reports indicate that a significant number of agreements between broadcasters and cable operators expire at the end of this month, and aggressive demands for cash compensation are making the completion of deals difficult. If deals are not reached, it is consumers – my constituents – who will lose access to free over-the-air programming including local news, sports and weather programming.

I understand that a complaint proceeding involving Mediacom Communications Corp. and Sinclair Broadcast Group is pending before the Commission, and several additional parties have raised concerns in connection with that proceeding. While I am not writing to express a position on the merits of that particular dispute, I am troubled by allegations that parent companies may be interfering with negotiations that Congress intended to be conducted by independent affiliates of the network. Independent affiliate groups should be able to negotiate terms without pressure from parent companies.

The Communications Act and the Commission's rules require broadcast stations to negotiate *in their own right* for retransmission consent—and for good reason. Maintaining separation between the national networks and their local affiliates is vital to preserving competition, localism, and a diversity of viewpoints. Parent companies should not be dictating the terms of independent affiliates' retransmission consent agreements, it would circumvent the national cap on audience reach, which was designed to prevent just this sort of consolidation. In turn, stations that cede their core rights to the national network violate their own duty to negotiate in good faith and risk transferring control of their licenses without authorization.

Given the seriousness of these allegations, including the significant threat that millions of consumers could be left without access to free over-the-air broadcast programming as existing agreements expire on December 31, I urge you to take whatever steps are necessary to protect



the viewing audience as the Commission investigates these matters. In particular, the Commission should consider ordering carriage on an interim basis and should pursue alternative dispute resolution options, including using arbitration and other procedures to ensure reasonable rates.

I thank you for your attention to these issues and would appreciate a response describing the actions you intend to take to protect the public.

Sincerely,

A handwritten signature in blue ink that reads "Carolyn Mc Carthy". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Carolyn McCarthy
Member of Congress