

Congress of the United States  
House of Representatives  
Washington, DC 20515-3213

December 23, 2009

2099

Chairman Julius Genachowski  
Federal Communications Commission  
445 12th St, SW  
Washington, DC 20554

Dear Chairman Genachowski,

I am writing to express my 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 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 programs.

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. It is my understanding that some independent affiliate groups were prepared to enter into retransmission consent agreements with cable operators but were unable to do so under the negotiated terms once parent companies demanded a change in terms. I ask that the Commission investigate these allegations fully and take prompt action to protect the public interest.

The Communications Act and the Commission's rules require broadcast stations to negotiate *in their own right* for retransmission consent – and for a good reason. Maintaining separation between the national networks and their local affiliates is vital to preserving competition, localism, and a diversity of viewpoints.

Given the seriousness of these allegations, including the significant threat that millions of consumers would 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.

Thank you for your prompt attention, and I would appreciate a written response describing your intended actions.

Sincerely,

A handwritten signature in blue ink that reads "Michael E. McMahon". The signature is written in a cursive style with a large initial "M".

Michael E. McMahon  
Member of Congress