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*OBC*  
*Ex parte*  
*096*

January 14, 2010

The Honorable Julius Genachowski  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: Notice of Ex Parte Presentation  
MB Docket Nos. 07-29 and 07-198

Dear Chairman Genachowski:

I am writing in regards to an important issue that is currently being considered by the Commission.

According to the tentative agenda of the Commission's most recent meeting notice, on January 20<sup>th</sup> the Commission will meet to discuss the creation of a process under which a video provider can petition the FCC to compel another video provider that owns a programming service to share that programming, even if the programming is delivered terrestrially. As prescribed in the law, a video provider must prove that its competitor's withholding of the programming is "unfair or deceptive" and "significantly hinders" or "prevents" the complaining party from providing service. I urge you to ensure that the test used to assess the validity of such a claim is fair to both parties and does not contain any presumptions.

It is particularly critical that during these challenging economic times that no public entities, including the FCC, enact new processes that would effectively prohibit or jeopardize investment in innovative content, new technology, and local programming given their positive impacts on the local economy in New Jersey and across the nation.

Sincerely,

*Albio Sires*  
Albio Sires

Member of Congress

25 JAN 2010 RCUD