

DONALD M. PAYNE  
10TH DISTRICT, NEW JERSEY



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ELEMENTARY AND SECONDARY EDUCATION

AT-LARGE WHIP

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 the Commission's pending plan to adopt an Order on program access next week. This is a matter of importance to my constituents and I would appreciate your consideration of my concerns.

I understand from recent press reports that the Commission may conclude that 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. If you do proceed with such an approach, I urge you to create a balanced process that is fair to both parties to assess complaints, with no presumptions as to when programming should be shared.

In these challenging economic times, many media companies have been working hard to avoid lay-offs, including in my District. It is important that the public sector, including the FCC, does not do anything that effectively prohibits or jeopardizes investment in innovative content, new technology, and local programming given their positive impacts on the economy.

Thank you for considering this important request.

Sincerely,

Donald M. Payne  
Member of Congress

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*OCC*  
*Ex parte*  
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