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Congress of the United States

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Washington, DC 20515-4320

August 19, 2010

The Honorable Julius Genachowski
Chairman
Federal Communication Commission
8-B201
445 12th Street SW
Washington, D.C. 20554

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SENIOR WHIP

Dear Chairman Genachowski:

We write today to express concern about the challenges independent programming networks face in securing distribution on cable and satellite television in the current regulatory environment. We request that the FCC move forward in a pending rulemaking, MB Docket No. 07-42, to streamline the carriage complaint rules and increase their effectiveness, thereby addressing some of the problems independent programming networks face.

Consumers benefit from the choices and competition provided by independent networks. These networks contribute to the diversity of programming that enriches the nation. Regulatory policy should ensure an avenue of distribution for media entrepreneurs and other independent voices who build and operate competing national networks and add to the range of voices the public can hear.

Since 2008, the Commission has addressed a number of carriage complaints, however, in no instance did it provide "expedited" review as mandated by Congress in the 1992 Cable Act, thus underscoring the FCC's continued failure to comply with 47 USC § 536. By failing to implement the "expedited review" process, the Commission has thereby failed to secure the protections sought by Congress for independent programmers in the 1992 Cable Act. We strongly recommend the Commission act to effectuate the will of Congress without further delay.

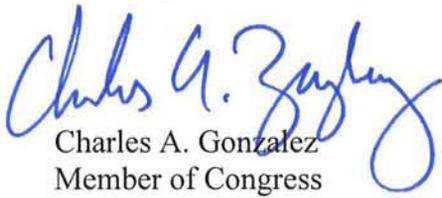
The absence of a strong, reliable complaint process has a significant impact on the marketplace. Independent programmers continue to leave the market place, partly because of the lack of a timely review of carriage complaints.

We urge you to provide more effective remedies and streamline the complaint process through MB Docket No. 07-42. Specifically, as we did in our 2008 letter to then Chairman Martin, we ask that the FCC consider adopting: a prompt and more reasonable deadline by which program carriage complaints by programmers be decided., such as a six-month "shot clock; a better defined and more reasonable definition of what constitutes discrimination, including protection against retaliation; and preservation of the status quo while the independent programmer's complaint is being adjudicated, preventing adverse re-tiering or dropping the carriage entirely.

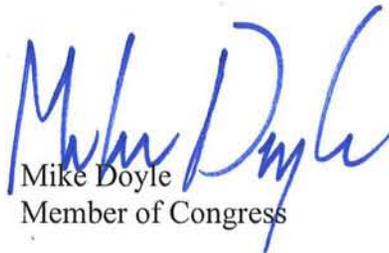
It is in the public interest to protect the few remaining independent programmers from possible discrimination. A timely procedure for addressing complaints would be a significant step toward this end.

We appreciate the Commission's attention to this matter, and urge you to move forward on MB Docket No. 07-42. Thank you in advance for your consideration of this request, and we look forward to your response. Should you have any questions or require additional information, please do not hesitate to contact our offices.

Sincerely,



Charles A. Gonzalez
Member of Congress



Mike Doyle
Member of Congress



Gene Green
Member of Congress