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April 20, 2011

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12th Street Southwest  
Washington, D.C. 20554

*MB*  
*Retransmission*  
*525*

Dear Julius:

I write to express my support for a recently published Notice of Proposed Rulemaking on proposals to streamline and clarify the FCC's rules regarding retransmission consent agreements.

When retransmission consent provisions were first introduced in 1992, Congress's intent was to ensure that the public would retain access to local broadcast programming as cable television gained in power and influence. Today, it is clear that our original intent has been adapted by broadcasters, who now use these provisions to claim that they may pull their signals from video providers unless these providers agree to pay rapidly escalating fees.

I am confident that you will ensure that the all proposals to improve the retransmission consent agreement system will promote its original intent. However, I would ask that in your examination, you consider how the current retransmission consent market affects smaller operators. It concerns me that smaller cable providers often pay significantly higher retransmission consent fees than larger providers for the same broadcast signals. I urge you to take the concerns of smaller providers into account as you develop new rules to promote a more equitable market that will discourage undue price discrimination.

Specifically, it has been brought to my attention that broadcasters are increasingly agreeing to jointly negotiate retransmission consent for multiple affiliates in the same market when the stations are not commonly owned. Additionally, broadcast networks and local broadcast stations are increasingly interfering in the negotiations of rural cable operators who seek retransmission consent from adjacent market stations that historically have been available to their customer base. These practices increase carriage fees and disruption for consumers during negotiation impasses.

The Honorable Julius Genachowski

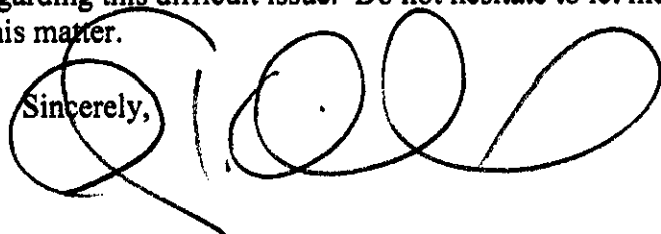
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Finally, I urge you to complete this rulemaking in time for any adopted rule changes to govern this year's carriage talks. With more than a thousand carriage deals set to expire by the end of this year, it is essential that these new rules be in place to help avoid the types of carriage disruptions for consumers that we have seen occur in increasing frequency.

Again, I appreciate your efforts regarding this difficult issue. Do not hesitate to let me know if I can be of further assistance in this matter.

Sincerely,

A handwritten signature in black ink, consisting of several large, overlapping loops and a long horizontal stroke extending to the right.

Peter J. Visclosky  
Member of Congress

PJV:en