



Federal Communications Commission
Washington, D.C. 20554

March 14, 2011

Angela Campbell
Guilherme Roschke
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Re: Petition for Declaratory Ruling Regarding *Zevo-3*
MB Docket No. 10-190.

Dear Counsel:

This responds to your complaint on behalf of the Campaign for Commercial-Free Childhood (CCFC) that Viacom, Inc. and MTV Networks (Viacom) failed to comply with the Commission's ex parte rules.¹ CCFC's complaint concerns a notice of ex parte presentation, filed by Viacom, reporting that on February 7, 2011, its representatives and a representative of Skechers USA, Inc. met with Commission staff to discuss matters relating to MB Docket No. 10-190.² CCFC alleges that the notice did not conform to the standards for reporting oral ex parte presentations in permit-but-disclose proceedings, set forth in 47 C.F.R. § 1.1206(b)(2). Viacom responded to CCFC's complaint.³

CCFC contends that Viacom's notice did not adequately summarize the substance of the matters discussed, inasmuch as it stated only that: "[t]he meeting covered subjects already set forth in the parties' comments and other written materials in this proceeding." According to CCFC, the rule required a more detailed summary, and Viacom should be directed to file a fuller summary. Section 1.1206(b)(2) provides that:

A person who makes an oral ex parte presentation subject to this section that presents data or arguments not already reflected in that person's written comments, memoranda or other filings in that proceeding shall . . .

¹ See Letter from Angela Campbell, Guilherme Roschke, and Khalia Barnes to Austin Schlick, General Counsel (Feb. 18, 2011).

² See Letter from Jared S. Sher to Marlene H. Dortch, Secretary (Feb. 8, 2011).

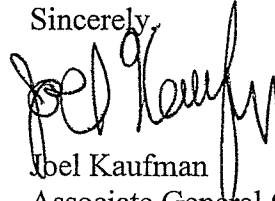
³ See Letter from Antoinette Cook Bush and Jared S. Sher to Austin Schlick, General Counsel (Feb. 21, 2011).

submit to the Commission's Secretary . . . a memorandum which summarizes the new data or arguments.⁴

Thus, under the rule in effect at the time of the meeting, if an oral ex parte presentation covered only matters already reflected in the presenter's written filings, the section did not require the presenter to summarize the substance of the presentation, or to file any notice.

Viacom's notice indicates that the matters discussed were limited to those already covered by the parties' written filings. The Office of General Counsel consulted with the Commission staff who participated in the meeting, and they confirm that the subject matter of the meeting was so limited. Accordingly, there has been no violation of section 1.1206(b)(2) and no reason for us to direct Viacom to file a more detailed summary.

Sincerely,



Abel Kaufman

Associate General Counsel and
Chief, Administrative Law Division
Office of General Counsel

cc:

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⁴ The section recently was amended to require a summary of all oral presentations by *Amendment of the Commission's Ex parte Rules and Other Procedural Rules*, FCC 11-11, GC Docket No. 10-43 (rel. Feb. 2, 2011). That amendment has not yet become effective, however, and Viacom's notice is governed by the rule in effect at the time of the meeting.