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Congress of the United States
House of Representatives

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FCC Mail Room

April 4, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

The Federal Communications Commission (FCC) is encouraged to consider the unique needs of small and medium sized broadband, video and voice providers as it reviews rules governing retransmission consent. These providers serve an important constituency given the geographic challenges in providing services to the small and rural areas of our home state of West Virginia.

On September 2, 2015, the FCC announced *Notice of Proposed Rulemaking 15-109* that examines the "totality of the circumstances test" when determining whether or not broadcast television stations and multichannel video programming distributors (MVDs) are negotiating retransmission consent agreements in good faith.

Since Congress created the retransmission consent regime in 1992, significant technological changes in the marketplace have altered the negotiation dynamics between all parties. As a result, the number of programming blackouts has steadily increased from 12 in 2010 to over 100 in 2014. These blackouts only serve to harm the customer who faces a loss of programming through no fault of his/her own.

Small and medium-sized broadband, video and voice providers play an important role in providing broadcast services to consumers across West Virginia. The FCC is urged to ensure their concerns are heard and addressed as the Commission reviews the totality of the circumstances test and considers additional action.

Sincerely,


David B. McKinley, P.E.
Member of Congress