

April 13, 2023

Ex Parte Notice

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

**Re: Amendment of the Commission’s Rules Related to Retransmission Consent
MB Docket No. 10-71**

Dear Ms. Dortch:

On April 11, 2023, Michael Romano, Jill Canfield and the undersigned from NTCA–The Rural Broadband Association (“NTCA”) met with Hannah Lepow from the office of Commissioner Geoffrey Starks, and on April 13, 2023, with Adam Cassady from the office of Commissioner Nathan Simington to discuss video pricing transparency. Additionally, on April 13, 2023, the undersigned met with David Strickland from the office of Chairwoman Jessica Rosenworcel and Ben Arden from the office of Commissioner Brendan Carr on the same topic.

During the meetings, NTCA staff discussed the video services rural providers offer in their service territories. NTCA’s latest Broadband/Internet Availability Survey¹ found that of those respondents who offer linear video service to customers, most offer IPTV, but slightly less than 1/3 offer cable TV. On average, survey respondents pass more than 10,000 homes with their video product. Due to topography, distance and other issues, many rural consumers have no access to an over the air broadcast signal and must rely on the rural provider’s video carriage to be able to view local news, sports, weather and emergency alerts.²

As the Commission considers a notice of proposed rulemaking with the stated aim of promoting video programming pricing transparency, NTCA urged the Commission to seek comment as part of that item on how to provide subscribers with a more complete picture of pricing dynamics to enable informed decision-making and to understand better the basis for prices and changes in them over time. In particular, NTCA observed that increased programming costs and retransmission costs are driving up prices for rural consumers, and transparency should dictate that consumers be aware of these impacts on the prices they pay for video programming. The Commission recently recognized that retransmission agreements are not purely private contracts between broadcasters and MVPDs

¹ The full NTCA Broadband/Internet Availability Survey Report can be found at <https://www.ntca.org/sites/default/files/documents/2022-12/2022%20Broadband%20Survey%20Report%20%28FINAL%2011-28-22%29.pdf> (“NTCA Broadband/Internet Availability Survey Report”)

² 18.9% of survey respondents indicated that more than 75% of service area households cannot receive an over-the-air broadcast signal. See NTCA Broadband/Internet Availability Survey Report, p. 27.

Marlene H. Dortch

April 13, 2023

Page 2 of 2

“since the resulting retransmission fees are effectively passed on to consumers who are not parties of those contracts” and that “[t]hese aren’t typical synergies achieved through increased efficiency or cost savings.”³ But contractual provisions between program providers and video providers prevent video providers from informing their customers about the cost of programming or how the cost of one desired channel is tied to other less popular channels that must be included within certain service tiers that the customer pays for.

Therefore, if the notice of proposed rulemaking moves forward, NTCA requests that the Commission seek comment on the following questions in the interest of promoting greater transparency with respect to what consumers pay for video programming service:

- Should the FCC permit or require MVPDs to list the retransmission consent fee paid for each individual channel on consumer bills?
- Should the FCC permit or require MVPDs to list the specific channels that are part of a content “tying” arrangement under which a content owner compels the MVPD to purchase additional channels and/or place them in certain content “tiers” in order to obtain access to “must have” programming desired by the MVPD?
- Under what legal authority can the FCC adopt these requirements?

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS.

Sincerely,
/s/ Brian Ford
Brian Ford
Vice President – Federal Regulatory
NTCA–The Rural Broadband Association

cc: Hannah Lepow
Adam Cassady
David Strickland
Ben Arden

³ See, Respondent Federal Communications Commission’s Opposition to Petition for Writ of Mandamus, *In re SGCI Holdings III LLC; TEGNA Inc.; CMG Media Corporation*, Petitioners on Petition for Writ of Mandamus, US Court of Appeals for the DC Circuit, No. 23-1084 (April 11, 2023).