



**National Cable & Telecommunications Association**  
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November 16, 2007

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming; MB Docket No. 06-189**

Dear Ms. Dortch:

The individuals listed below, along with myself, met as a group representing the Board of Directors of the National Cable & Telecommunications Association (“NCTA”) with Commissioner Robert M. McDowell and his Legal Advisor Cristina Pauzé, on Thursday, November 15, 2007. The group, which included large and small cable operators and independent programming network executives, discussed competitive issues facing both cable operators and cable programmers. It emphasized the \$100 billion investment by the industry in upgraded plant to provide competitive residential phone service and broadband service.

In particular, the group questioned published reports that the industry has reached both of the thresholds under the “70/70” test of Sec. 612 of the Cable Act of 1984. It emphasized that, for each cable operator, penetration of its service area lies well below 70 percent, and it is unlikely that other operators’ penetration levels differed markedly with these results. The group also urged the Commissioner, given the robust competition in both the video distribution and video programming markets, to take sufficient time to consider market facts before re-regulating aspects of the cable business.

Respectfully submitted,

/s/ **Daniel L. Brenner**

Daniel L. Brenner

Glenn Britt, Time Warner Cable  
Robert Miron, Advance/Newhouse Comm.  
Neil Smit, Charter Communications  
Rocco Commisso, Mediacom Communications  
Amy Tykeson, BendBroadband

Abbe Raven, A&E Television Networks  
Gary Shorman, Eagle Communications  
James Pearson, U.S. Cable Corporation  
George Bodenheimer, ESPN, Inc. & ABC Sports

cc: Commissioner McDowell  
Cristina Pauzé