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January 25, 2012

0091

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

Dear Chairman Genachowski:

Thank you for your letter addressing my concerns with the Commission's current retransmission consent regime and the reality of significant competitive changes in the video programming marketplace. While I was pleased to read that the Commission intended to move expeditiously in its proceeding on the matter, I am sincerely disappointed that the Commission failed to complete its review in time to inform recent carriage talks. As a result of the Commission's inaction on a proceeding whose public comment period closed almost seven months ago, the ability of tens of thousands of New Hampshire residents to watch the New England Patriots compete in this year's NFL Super Bowl has been jeopardized.

Beginning on January 14, 2012, the DIRECTV subscribers of six counties in New Hampshire (Belknap, Strafford, Rockingham, Merrimack, Hillsborough, and Cheshire) experienced a blackout of WHDH-TV (Channel 7). As you know, Boston-based WHDH-TV, an affiliate of NBC, will broadcast this year's Super Bowl. However, because WHDH-TV's owner, Sunbeam Television Corporation, is currently at a retransmission consent impasse with DIRECTV over retransmission consent fees, the current blackout threatens the ability of DIRECTV subscribers to watch the Super Bowl.

While I remain hopeful that current negotiations will lead to a timely agreement, had the Commission updated and clarified its rules, New Hampshire Patriots fans probably would not be unfairly caught in the middle of this dispute. This unfortunate situation is precisely the concern I raised in my letter of October 21, 2011, when I stated that "as a result of [] video marketplace changes, increasingly frequent negotiation breakdowns and rising retransmission consent fees result in both significant inconvenience and cost to consumers."

I urge the Commission to finally complete its proceeding, and to do what is within its existing statutory authority to move the ball forward in the current dispute. New Hampshire residents deserve better than to be caught in the middle.

Sincerely,

Charles F. Bass

Charles F. Bass
Member of Congress

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