



Tony Cárdenas
Congress of the United States
29th District, California

September 28, 2016

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

Re: Notice of *Ex Parte* Communication
MB Docket 16-42, CS Docket 97-80

Dear Ms. Dortch,

On September 28, 2016, I had a telephone conversation with Commissioner Jessica Rosenworcel, calling on behalf of my constituents and the broad array of stakeholders who have voiced concerns on this proposal, including the AFL-CIO, the CWA, the Directors Guild of America, SAG-AFTRA, the IATSE, the American Federation of Musicians and the Motion Picture Association of America. During our call, we discussed the concerns expressed in a letter I led with 64 Members of Congress to the Commissioners and FCC Chairman Tom Wheeler on September 22, 2016. Specifically, we discussed the licensing board and standard license outlined in the set-top box Fact Sheet the FCC released on September 8, 2016. I communicated the alarm of the content community, particularly those small and minority-owned programmers in my district, in relation to the creation of the standard license that pay-TV providers and app developers would have to comply with. Agreements between pay-TV providers and programmers are comprehensive and extremely complex, and a standard license could encroach upon these carefully-negotiated contracts.

Additionally, I stated my concern that despite the FCC not having jurisdiction over copyright issues, some of the components of the FCC's most recent proposal, as detailed the September 8 Fact Sheet, suggest FCC copyright action. I shared with Commissioner Rosenworcel my concerns that the FCC does not have jurisdiction over these issues, and that this could expose the FCC to a lawsuit.


I voiced my unease and that of the content creators in my district regarding the differences between the proposal submitted in February 2016 by the Chairman during this proceeding's initial NPRM and the proposal outlined in the September 8 Fact Sheet. My concern is that the limited information on the revamped version will prevent stakeholders and the public from being able to voice informed concerns and assess how the rule would affect their businesses and experience as consumers.

Finally, I reiterated that the FCC has the option of issuing a Further Notice of Proposed Rulemaking and beginning an additional comment period, of the FCC's choosing, that would allow the public and stakeholders to weigh in on this important issue that has the potential to affect so many workers and

businesses. I thanked Commissioner Rosenworcel for being receptive to my concerns and those of the content community, and for thoughtfully working to improve the proposal in advance of the vote on September 29.

In accordance with Section 1.1206 of the rules of the Federal Communications Commission, this letter is being filed electronically with your office. Please do not hesitate to contact me with any questions or concerns.

Sincerely,



TONY CARDENAS
Member of Congress

Cc: Marc Paul