JOHN KERRY
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COMMITTEES:
COMMERCE, SCIENCE, AND TRANSPORTATION
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

United States Senate
WASHINGTON, DC 20510–2102

January 19, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Room 8B201
Washington, DC 20554

Dear Chairman Genachowski:

As you know, more than 200,000 DIRECTV customers in Greater Boston have been cut off from Channels 7 and 56 since last Saturday.

If the satellite provider and the stations' owner do not settle their dispute, then these consumers, through no fault of their own, could miss the chance to watch their hometown New England Patriots play in the Super Bowl if the Patriots prevail, as we hope they will, in this Sunday's AFC Championship Game.

As you know, the Sunbeam Television Corporation is the owner of WHDH-TV (Channel 7), WLVI-TV (Channel 56), and a sister Fox affiliate in Miami, and it has blacked out its stations on the DIRECTV service as it seeks an increase in retransmission consent fees. I take no position on what the proper rate is, and I do not know if the Sunbeam request is fair or in line with market rates or if the request is outside the norm. These are private negotiations and neither I nor the public can compare them against what other distributors are paying. What I do know is that none of us want to see subscribers to DIRECTV caught in the middle or used as pawns by either side at the time during which consumers most want to access the channels they normally receive. With my constituents in mind, I urge you to immediately and personally ask DIRECTV and Sunbeam Television Corporation to reach terms under which the signal will be restored.

I also want to urge you to bring the pending notice of proposed rulemaking on retransmission consent disputes to conclusion. This is the third year in a row that I have had to bring a significant retransmission dispute issue to the attention of the FCC. No one wants to see this trend continue, but I fear these confrontations will only continue to reach their peaks around the "must see" live events that matter so much to consumers. There must be a way to avoid having families and small businesses caught in the crossfire of understandably hardnosed bargaining between media corporations.

I continue to hear sad stories of families and businesses which become "collateral damage" during these corporate disputes. I'm particularly concerned about restaurant and bar owners who lose business during already difficult economic times. For example, during one of the last major disputes, the Associated Press reported on a restaurant owner who summed up the economic price he was paying rather succinctly: "I'm relying on (fans) to come in... and they're walking

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out, even though I pay for the football package." He went on to say that "regular, everyday people get caught in the middle."

I don't want to see this scene repeated in Boston with bar owners and families that subscribe to DIRECTV left in the dark. Please contact the companies, urge them to come to terms and restore the signal immediately, and please move forward with the authority that you have to discourage these disputes from recurring.

Sincerely,

John F. Kerry