



1726 M Street NW, 10th Floor • Washington, DC 20036 • 202-349-5880



The Honorable Kevin Martin, Chairman
The Honorable Deborah Taylor Tate
The Honorable Robert McDowell
The Honorable Michael Copps
The Honorable Jonathan Adelstein

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

June 8, 2006

Re: CS Docket No. 98-120; Carriage of Digital Television Broadcast Signals

Dear Commissioners:

The undersigned organizations would like to express their strong opposition to proposals to extend “must carry” rules for cable operators to include the multiple streams of programming broadcasters may offer following the transition to digital television. To do so would impose what is an unreasonable and likely unconstitutional burden on cable operators.

Currently, cable operators are required to carry certain commercial and public television stations - already a government mandated taking of cable operators’ privately built property. However, following the upcoming digital transition, broadcasters will be able to divide their digital

spectrum to offer multiple streams. A multicast must carry requirement could increase the amount of property seized from cable providers by six times or more, with no just compensation from broadcasters – a likely violation of the takings clause of the Constitution.

A requirement that cable providers carry every single stream on separate channels might also impede those companies from offering additional services including high-speed Internet, HDTV and Internet phone service – services on the cutting edge that have been developed to meet the needs and desires of subscribers.

Cable operators have built large private infrastructures at enormous costs, and depend upon private subscribers for their survival and success, while broadcasters already enjoy free license to use public airwaves. To give broadcasters a free ride on cable operators' private infrastructure would represent the worst sort of government mandate, and would fly in the face of the property rights protections found in the Constitution.

We strongly urge the Commission not to adopt a multicast must carry rule for cable, and instead to allow the free market to determine the programming offered to cable subscribers.

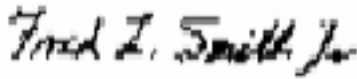
Sincerely,



Grover Norquist
Americans for Tax Reform



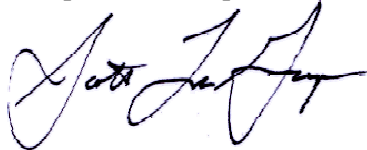
David Keene
American Conservative Union



Fred Smith
Competitive Enterprise Institute



Kristina Rasmussen
National Taxpayers Union



Scott LaGanga
Property Rights Alliance



Tom Readmond
Media Freedom Project



Michelle Korsmo
Americans for Prosperity



Geoffrey Segal
Reason Foundation



Jim Martin
60 Plus



Chuck Muth
Citizen Outreach



Jeff Mazzella
Center for Individual Freedom



Jason Wright
Institute for Liberty



Daniel Clifton
American Shareholders Association



Karen Kerrigan
Small Business Entrepreneurship Council

Cc: Marlene H. Dortch, Secretary