



1726 M Street NW, 10th Floor • Washington, DC 20036 • 202-348-6880



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 12<sup>th</sup> Street, SW  
Washington, DC 20554

October 19, 2007

Dear Commissioners:

**The undersigned organizations wish to reiterate 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 support 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

Kelsey Zahourek  
Property Rights Alliance

Derek Hunter  
Media Freedom Project

Michelle Korsmo  
Americans for Prosperity

Michael Flynn  
Reason Foundation

Jim Martin  
60 Plus Association

Chuck Muth  
Citizen Outreach

Jeff Mazzella  
Center for Individual Freedom

Jason Wright  
Institute for Liberty

Ryan Ellis  
American Shareholders Association