



Federal Communications Commission  
Washington, D.C. 20554

January 18, 2009

Joseph Van Eaton  
Miller & Van Eaton, P.L.L.C.  
1155 Connecticut Avenue, NW  
Suite 1000  
Washington, DC 20036

Re: City of Dearborn et al., v. Comcast of Michigan III, Inc., and Comcast of the South, Inc., Case No. 08-10156

Mr. Van Eaton:

This letter informs the court that the Commission has received and reviewed the Petition for Declaratory Ruling filed by the Plaintiffs in the above-captioned case, pursuant to the court's November 26, 2008 Order Referring Seven Questions to the Federal Communications Commission Pursuant to the Primary Jurisdiction Doctrine.

As chief of the Bureau that is responsible for implementing the policy decisions of the Commission related to the questions raised by the Order, I have submitted draft answers to the Commission with my recommendations regarding the Commission's course of action.

I recently testified regarding this topic in front of the House of Representatives Committee on Appropriations, Subcommittee on Financial Services and General Government, and have attached a copy of that testimony for your convenience.

Consistent with this testimony, it is my view that Congress contemplated only one basic service tier, to be provided on a non-discriminatory basis to all subscribers, and that if a provider chooses to convert PEG channels, it must convert the entire basic service tier, whether or not the cable system is subject to effective competition.

Should you have any questions, please feel free to contact me at (202) 418-7200.

Sincerely,

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Chief, Media Bureau

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