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March 10, 1993

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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**BY HAND DELIVERY**

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Notification Of Permitted Written Ex Parte  
Presentation -- MM Docket No. 92-265

Dear Ms. Searcy:

The Sunshine Network, by its attorneys, and pursuant to Section 1.1206(a)(1) of the Commission's Rules, hereby submits an original and one copy of this memorandum and attachment regarding a permitted written ex parte presentation to the Commission Staff regarding MM Docket No. 92-265.

On Wednesday, March 10, 1993, Burt Braverman, of Cole, Raywid & Braverman, counsel for the Sunshine Network, submitted a letter to certain staff of the Common Carrier Bureau, Mass Media Bureau and Office of General Counsel, including Mr. Bill Johnson, Ms. Alexandra Wilson, Ms. Diane Hofbauer, Ms. Rosalie Chiara, and Mr. Jim Coltharp. The letter corrects certain misstatements contained in the Reply Comments of WJB-TV, Fort Pierce, Limited Partnership ("WJB-TV"), in response to the Notice of Proposed Rulemaking in MM Docket No. 92-265, F.C.C. 92-543 (Rel. Dec. 24, 1992), which sought comment on the implementation of Sections 12 and 19 of the Cable Television Consumer Protection and Competition Act of 1992. Those provisions deal with the

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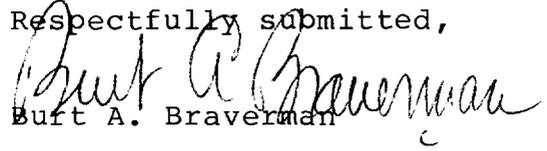
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Ms. Donna R. Searcy, Secretary  
March 10, 1993  
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development of competition and diversity in video programming distribution and carriage. WJB-TV's Reply Comments contain certain misstatements concerning access to the Sunshine Network's programming. Two copies of the letter are attached.

If you have any questions, please contact the undersigned.

Respectfully submitted,

  
Burt A. Braverman

Attachment

cc: Mr. Kenneth E. Hall (w/attachment)  
Mr. Bill Johnson (w/attachment)  
Ms. Alexandra Wilson (w/attachment)  
Ms. Diane Hofbauer (w/attachment)  
Ms. Rosalie Chiara (w/attachment)  
Mr. Jim Coltharp (w/attachment)

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Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Docket 92-265

Gentlemen:

This letter is submitted on behalf of the Sunshine Network, a Florida joint venture that operates a sports and public affairs cable television network in the state of Florida. The purpose of this letter is to correct a misstatement contained in the reply comments of WJB-TV, Fort Pierce, Ltd. Partnership, operator of a wireless cable system. At page 8, note 5 of its reply comments, WJB stated that "it has been denied access to ... the Sunshine Network, which apparently [is] not offered to any wireless cable operators." That statement is incorrect in two respects.

First, the Sunshine Network has no record of ever having received a request from, or having been contacted by any representative of, WJB-TV regarding carriage of Sunshine Network service. Neither the Sunshine Network nor anyone representing the Network has denied WJB-TV access to the Network's programming.

Second, it is the policy and practice of the Sunshine Network to make its programming available not only to cable television systems but also to SMATV and wireless cable operators as well, to the extent consistent with other contractual obligations. The Sunshine Network currently provides its programming to some, and is negotiating carriage rights with other, wireless cable operators in the State of Florida.1/

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Federal Communications Commission  
March 10, 1993  
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Please place this correspondence in the referenced Docket in order to make the record complete and accurate regarding the Sunshine Network's policy and practice regarding access to its programming.

Very truly yours,



Burt A. Braverman  
Attorney for the  
Sunshine Network

cc: Mr. Kenneth E. Hall  
Mr. Bill Johnson  
Ms. Alexandra Wilson  
Ms. Diane Hofbauer  
Ms. Rosalie Chiara  
Mr. Jim Coltharp

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[Footnote Continued]

Cable, a MMDS operator in St. Lucie County, with whom Sunshine Network is currently negotiating an affiliation agreement. Apparently, Coastal Cable is affiliated with WJB-TV. However, Coastal Cable never disclosed that relationship or indicated that it was seeking carriage rights for WJB-TV.