

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

APR 27 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of  
  
Implementation of Section 4(g) of the  
Cable Television Consumer Protection  
Act of 1992  
  
Home Shopping Station Issues

MM Docket No. 93-8

To: The Commission

REPLY COMMENTS OF VALUEVISION INTERNATIONAL, INC.

William R. Richardson, Jr.  
Julia C. Buchanan

Wilmer, Cutler & Pickering  
2445 M Street, N.W.  
Washington, D.C. 20037  
(202) 663-6000

April 27, 1993

No. of Copies rec'd  
List ABCDE

244

TABLE OF CONTENTS

Summary of Argument . . . . .	ii
Introduction . . . . .	1
Argument . . . . .	2
I. Ensuring Must Carry Rights For Home Shopping Stations Will Foster, Not Undermine, Competition For Television Home Shopping Viewers . . . . .	5
II. If The Commission Does Restrict Must Carry Rights Of Home Shopping Stations, It Should Retain Its Interim Definition Of Those Stations . . . . .	12
Conclusion . . . . .	15

## SUMMARY

ValueVision International Inc. ("ValueVision") is a television home shopping network that began operation in October 1991. ValueVision broadcasts its programming over owned and affiliated low power television stations, delivers its programming to home satellite dish owners, and also leases access from cable operators to nearly 4.7 million cable subscribers.

ValueVision strongly disagrees with the suggestion of NCTA and others that home shopping stations should be denied must carry eligibility even if they meet the public interest standard of the Communications Act. That view ignores the intent of the Cable Act, disregards the Commission's well established position concerning the dangers of entertainment format regulation, is inconsistent with Section 326 of the Communications Act, and is fundamentally at odds with First Amendment principles recently underscored by the Supreme Court.

Moreover, contrary to the arguments of NCTA and others, must carry eligibility for home shopping stations would increase, not decrease, competition in the highly concentrated and vertically integrated television home shopping industry. Today, that industry is overwhelmingly dominated by QVC and HSN, two networks that are now affiliated with each other and in both of which major cable MSOs have significant economic and voting interests. In these circumstances, must carry rights are essential to afford new home shopping programmers, such as

ValueVision, meaningful opportunities to gain and maintain competitive access to the substantial majority of television viewers who are now cable subscribers.

If the Commission does restrict the must carry rights of home shopping stations, however, it should retain its interim definition of home shopping stations as stations that devote more than 50% of their programming week to sales presentations or program length commercials. This standard both comports with the plain meaning of the term "predominant" and reflects the specific intent of the drafters of the Cable Act. Moreover, it would foster significant improvements in local informational programming, by permitting stations to obtain the revenue base necessary to permit them to devote much if not all of the remaining period to in-depth coverage of matters of direct interest to local viewers.

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

APR 27 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

\_\_\_\_\_  
In the Matter of )

Implementation of Section 4(g) of the )  
Cable Television Consumer Protection )  
Act of 1992 )

Home Shopping Station Issues )  
\_\_\_\_\_ )

MM Docket No. 93-8

To: The Commission

REPLY COMMENTS OF VALUEVISION INTERNATIONAL, INC.

ValueVision International, Inc. ("ValueVision") submits the following reply comments in connection with the Commission's Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding.<sup>1/</sup>

Introduction

ValueVision, which commenced operations in October 1991, is a television home shopping network. As noted by commenters in this proceeding,<sup>2/</sup> ValueVision competes directly with HSN and QVC, the two predominant -- and now affiliated -- home shopping networks.

\_\_\_\_\_  
<sup>1/</sup> FCC 93-35 (released Jan. 28, 1993).

<sup>2/</sup> See Comments of Continental Cablevision, Inc. at 5; Comments of Home Shopping Network, Inc. at 40.

ValueVision is a publicly traded company. While ValueVision has been in operation for only a year and a half, its principals have had substantial prior experience in the television home shopping business. A number of them were formerly employed by Cable Value Network ("CVN"), a television home shopping network that began operation in 1986.<sup>3/</sup> Ten of ValueVision's thirteen on-air hosts have previously served as hosts for either CVN or Home Shopping Network ("HSN") programs. ValueVision currently broadcasts its programming over a network of seven owned or affiliated low power television ("LPTV") stations in major markets, as well as to home satellite dish owners. Since 1992, ValueVision has also distributed its programming by leasing access from cable operators. Its cable program service is currently provided, primarily on a part-time basis, through 48 cable systems in 46 cities to an aggregate of nearly 4.7 million cable subscribers. ValueVision had net sales of \$14.5 million for the year ending January 31, 1993.

#### Argument

As the Commission observed in its Notice (§ 2), the Cable Act requires it to qualify home shopping stations for must carry eligibility upon a finding that they serve the public interest. Pub. L. No. 102-385, 106 Stat. 1460, 1475 (to be

---

<sup>3/</sup> As noted below, CVN was acquired by QVC in 1989 and thereafter essentially eliminated.

codified at 47 U.S.C. § 614(g)(2)). Certain of the cable industry commenters in this proceeding have suggested, however, that stations with home shopping formats may be currently meeting the public interest standard of the Communications Act and Commission programming rules and policies thereunder, but nevertheless not be entitled to must carry status.

As a number of other commenters have noted,<sup>4/</sup> this view should be flatly rejected. It would ignore clear congressional intention to the contrary.<sup>5/</sup> It would also make arbitrary distinctions between commercial programs and commercially-sponsored programs, disregard the Commission's 1976 determination that entertainment program format regulation "would be . . . unconstitutional as impermissibly chilling innovation and experimentation in radio programming,"<sup>6/</sup> and violate

---

<sup>4/</sup> See e.g., Comments of National Association of Broadcasters at 10-11; Comments of Association of Independent Television Stations, Inc. 2-7. See also Comments of Home Shopping Network, Inc., Silver King Communications, Inc., and National Infomercial Marketing Association.

<sup>5/</sup> See, e.g., Comments of NAB at 4-5, 10-11; Comments of INTV at 4-6. As NAB notes, for example, the conference report on the Cable Act makes clear that if home shopping stations satisfy the public interest standard, the Act "requires the Commission to qualify such stations as local commercial television stations for purposes of must-carry." H.R. Rep. No. 862, 102d Cong., 2d Sess. 75 (1992).

<sup>6/</sup> Changes in the Entertainment Formats of Broadcast Stations, 60 F.C.C.2d 858, 865-66 (1976), rev'd sub nom. WNCN Listeners Guild v. FCC, 610 F.2d 838 (D.C. Cir. 1979) (en banc), rev'd, 450 U.S. 582 (1981). See Notice ¶ 4.

Section 326 of the Act<sup>7/</sup> and the requirements of the First Amendment. Cincinnati v. Discovery Network, Inc., 61 U.S.L.W. 4272 (U.S. 1993).<sup>8/</sup>

---

<sup>7/</sup> 47 U.S.C. § 326 (1988) (Commission has no "power of censorship" and shall not "interfere with the right of free speech"). Recently, for example, the Commission relied upon Section 326 in rejecting a challenge to the assignment of license for WTXN(TV), Waterbury, Connecticut, based upon the assignee's proposal for a home shopping format. See Letter from Chief, Television Branch to David E. Dwyer, January 15, 1993 (File No. BALCT-921016KI).

The Center for the Study of Commercialism nevertheless seeks statutory support for its contrary views by reference (at 6-7) to colloquy on the Wagner-Hatfield Amendment to the 1934 Act -- an amendment that never passed. See 78 Cong. Rec. 8846 (1934). In fact, the debate on that amendment reflects that, both in 1934 and in 1927, Congress deliberately refrained from assigning to the Commission the duty to "establish priorities as to character of service," because "of the fear . . . that that did confer something akin to censorship." See Hearings on S. 2910 Before the Senate Comm. on Interstate and Foreign Commerce, 73d Cong., 2d Sess. 191 (1934); Hearings on H.R. 5589 Before the House Comm. on the Merchant Marine & Fisheries, 69th Cong., 1st Sess. 39-40 (1926).

<sup>8/</sup> In Cincinnati, the Court invalidated a local ordinance banning commercial handbills -- but not newspapers -- from newsracks located on public property. Thus, the Center for the Study of Commercialism's reports of the demise of the First Amendment's application to commercial speech are greatly exaggerated. See Comments at 12.

Indeed, the Center's views demonstrate precisely the "potential for invidious discrimination of disfavored subjects" in a licensing scheme that concerned the Court in Cincinnati. 61 U.S.L.W. at 4275 n.19. The Center asserts that information about products "add[s] nothing to the public discourse on issues and ideas," and it seeks a government ukase that such programs, "[u]nlike entertainment programming, . . . have no artistic, social or literary value." Comments at 14. As the Supreme Court pointedly observed almost 50 years ago, ". . . a requirement that literature or art conform to some norm prescribed by an official smacks of an ideology foreign to our system." Hannegan v. Esquire, Inc., 327 U.S. 146, 158 (1946). Cincinnati flatly  
(continued...)

In these reply comments, ValueVision addresses two additional issues raised by the initial commenters. First, we respond to the misguided arguments of NCTA generally -- and Continental's argument concerning ValueVision in particular -- that depriving home shopping stations of must carry rights would somehow further competition in the highly concentrated and vertically integrated television home shopping industry. Second, and in any event, ValueVision urges the Commission to reject Continental's approach to the definition of a home shopping station as both inconsistent with the intent of Congress and unworkable -- and ultimately less likely to encourage the kind of local informational programming that Congress and the Commission have sought to foster.

**I. ENSURING MUST CARRY RIGHTS FOR HOME SHOPPING STATIONS WILL FOSTER, NOT UNDERMINE, COMPETITION FOR TELEVISION HOME SHOPPING VIEWERS.**

NCTA's comments essentially seek to relitigate the validity of must carry rights generally. In particular, NCTA argues that must carry rights would "destroy the competitive marketplace for [home shopping] services by conferring an

---

<sup>8/</sup>(...continued)  
rejected such government edicts, noting that in today's consumer age "commercial speech serves to inform the public of the availability, nature, and prices of products and services, and thus performs an indispensable role in the allocation of resources in a free enterprise system." 61 U.S.L.W. at 4275 n.17. See also Edenfield v. Fane, No. 91-1594 (U.S. April 26, 1993), slip op. at 4-5.

enormous advantage on broadcast stations over their cable network competitors." In NCTA's view, "[t]he best way to ensure . . . competition is to keep government out of carriage decisions." NCTA Comments at 9-10.

Congress, of course, concluded precisely the opposite. As the three-judge court rejecting NCTA's challenge to the must carry provisions of the Cable Act has recently found,<sup>9/</sup> Congress determined that cable operators are "bottleneck" monopolists with abundant economic incentives to carry cable programming rather than local broadcast stations.<sup>10/</sup> As noted below, these economic incentives are particularly acute in the home shopping area. In light of the extensive cable MSO ownership of and affiliation with ValueVision's only real

---

<sup>9/</sup> Turner Broadcasting System, Inc. v. FCC, Nos. 92-2247 et al., 1993 U.S. Dist. LEXIS 4399 (D.D.C. April 8, 1993), Application for an Injunction Pending Appeal, No. A798 (U.S. filed April 19, 1993).

<sup>10/</sup> Id., slip op. at 14. See S. Rep. No. 92, 102d Cong., 2d Sess. 20, 29 (1991). NCTA asserts that "the effect of vertical integration on carriage decisions by cable operators is attenuated at best." NCTA Comments at 10-11. Once again, Congress found otherwise -- as reflected not only in Section 4 but also in Sections 12 and 19 of the Cable Act. (to be codified at 47 U.S.C. §§ 614, 616, 628). As Congress concluded:

" . . . cable operators have the incentive and ability to favor their affiliated programmers. . . . There is a substantial likelihood that absent the reimposition of [must carry], additional local broadcast signals will be deleted, repositioned, or not carried." Pub. L. No. 102-385, 106 Stat. 1460, 1462 §§ 2(a)(5), 2(a)(15).

competitors, QVC and HSN, the argument that these predominant firms would be operating at a disadvantage under a must carry regime is difficult to follow.

Continental's comments with respect to ValueVision are particularly misguided. In opposing must carry rights for home shopping stations, Continental argues (at 4-5) that such stations "will have an unfairly advantageous position," and thus "the fledgling ValueVision service . . . would be forced to adopt a 'broadcast strategy' of either affiliating with or purchasing stations." This seems to be nothing more than an argument that ValueVision is and ought (apparently for its own good) to remain a captive program supplier of what Congress found to be bottleneck monopolists. To state such a proposition is to refute it.

In fact, ValueVision believes that must-carry rights for home shopping stations are critical to enable new home shopping programmers, like itself, to gain and maintain access to the substantial majority of television viewers who are now cable subscribers. Without sufficient cable access, many small home shopping programmers have failed.<sup>11/</sup> Yet the LPTV stations in large markets that ValueVision owns or with which it maintains affiliation agreements are not afforded must-carry rights under

---

<sup>11/</sup> Tel-Shop, The Fashion Channel, The Value Club of America, and America's Shopping Channel are all examples of television home shopping services that were unable to survive.

the statute, and cable operators are not presently carrying these stations. On the other hand, leased cable access is expensive, and dependent upon ValueVision's ability to negotiate acceptable agreements with different cable operators. ValueVision may wish to expand its program distribution by making significant investments to acquire or affiliate with full power stations. Given the substantial costs of such investments, however, the absence of must carry eligibility would deter this type of expansion. Ensuring must carry rights would thus further the Commission's stated objective to "promote programming diversity and market competition in the context of the carriage of home shopping stations." Notice ¶ 10.

Indeed, given the highly concentrated and vertically integrated state of the television home shopping industry, immunizing cable-affiliated program services from the competition of "fledgling" services such as ValueVision should be of particular concern. Over recent years, QVC and HSN have substantially increased their shares of the market. QVC acquired CVN in 1989 and essentially eliminated it,<sup>12/</sup> and QVC's cable subscribers have almost quadrupled from 11 million in 1987 to

---

<sup>12/</sup> QVC, SEC 10K at 5 (April 21, 1992) (CVN "discontinued and the QVC Service was transmitted in its place on those cable systems not already transmitting the QVC Service to their subscribers"). See also Minneapolis Star Tribune, Sept. 29, 1992, at 1A (closing of CVN base of operations).

43.2 million in 1991.<sup>13/</sup> Similarly, 23.9 million households, via cable or satellite, receive HSN's original programming network, HSN 1.<sup>14/</sup> HSN 2 is broadcast to 27.5 million households.<sup>15/</sup> An additional 14.3 million homes receive HSN 2 via cable or satellite.<sup>16/</sup>

Now QVC and HSN have significant common ownership -- by large cable MSOs with the obvious power and incentive to disfavor unaffiliated home shopping networks. In February 1993, Liberty Media, Inc. ("Liberty"), a former subsidiary of TCI in which TCI continues to have a "significant economic interest,"<sup>17/</sup> acquired control of HSN.<sup>18/</sup> Liberty also holds an option to acquire control of the twelve HSN affiliates recently spun off by

---

<sup>13/</sup> QVC, SEC 10K at 4 (April 21, 1992).

<sup>14/</sup> HSN, SEC 10K at 3 (Nov. 25, 1992).

<sup>15/</sup> Id.

<sup>16/</sup> Id.

<sup>17/</sup> TCI, SEC 10K at I-12, II-21 (Mar. 30, 1993). TCI owns 5% of Liberty's outstanding Class A common stock and 3% of its outstanding Class B stock, and is entitled to elect 20% of its board of directors. The President of TCI is the Chairman of the Board of Liberty and holds 50.42% of Liberty's voting power. The Chairman of the Board of TCI is also a director of Liberty and holds an additional 19.16% of Liberty's voting power. See id. at II-20, III-1; Liberty, Notice of 1993 Annual Stockholders Meeting at 5 (Mar. 26, 1993).

<sup>18/</sup> See SEC Schedule 13D with respect to HSN, filed by Liberty on February 16, 1993. More recently, Liberty has initiated a cash tender offer for up to 15 million additional shares of HSN. See HSN, SEC Schedule 14D-1 and 13D (Amendment No. 7) (April 23, 1993), at 1.

HSN in conjunction with Liberty's acquisition.<sup>19/</sup> Liberty also owns 41.8% of QVC's common stock, 24.6% of its Series B preferred stock, and 45.5% of its Series C preferred stock.<sup>20/</sup> The Chairman of the Board and the President of Liberty are also directors of QVC.<sup>21/</sup>

The Liberty-TCI interest in HSN and QVC is not the only vertical link between major cable MSOs and these now

competitive disadvantages faced by such large, cable MSO-dominated home shopping services have a rather hollow ring.

In recently approving Liberty's acquisition of HSN, the Department of Justice acknowledged "some failed attempts" at entry by other firms. However, it saw ValueVision as a significant potential competitor: ". . . a recent entrant has achieved considerable success within about a year of its inception . . . ."27/ The Commission should not stifle this nascent competition in the home shopping industry by eliminating opportunities for new home shopping networks such as ValueVision to compete with the dominant market players for access to millions of cable homes.28/

---

27/ Letter from Acting Assistant Attorney General John W. Clark to Hon. Howard M. Metzenbaum, Feb. 11, 1993, at 2.

28/ Fostering network affiliations between broadcasters and home shopping services by ensuring must carry status would also increase the financial resources available to independent broadcasters struggling to survive in an era of rising program costs. The Commission has expressed concern about the declining profitability of local television broadcasting. Review of the Commission's Regulations Governing Television Broadcasting, 7 FCC Rcd 4111, 4112 (1992). Several of the commenters in this proceeding have attributed the continued existence of their

**II. IF THE COMMISSION DOES RESTRICT MUST CARRY RIGHTS OF HOME SHOPPING STATIONS, IT SHOULD RETAIN ITS INTERIM DEFINITION OF THOSE STATIONS.**

---

As noted above, there are a wide variety of constitutional, statutory, policy, and competition considerations strongly favoring the extension of equivalent must carry status to home shopping stations. In the event that such stations are denied equivalent must-carry rights, however, the Commission should adopt its interim definition of home shopping stations. That definition would exclude from must carry eligibility only those stations that devote more than 50% of their programming week to sales presentations or program length commercials.<sup>29/</sup>

As the National Association of Broadcasters ("NAB") has noted in its comments, the Commission's interim 50% definition comports with the plain meaning of the term "predominant."<sup>30/</sup> The 50% standard would also conform to Congress' analogous use of the term "predominantly" elsewhere in the Cable Act, with respect to mandatory carriage for noncommercial educational ("NCE") stations owned by

---

<sup>29/</sup> See Broadcast Signal Carriage Issues, 7 FCC Rcd 8055, 8062 (1992); Report and Order, MM Docket Nos. 92-259, 90-4, 92-295, FCC 93-144 (released March 29, 1993) ("Must Carry Decision").

<sup>30/</sup> See NAB Comments at 2. NAB inadvertently describes the Commission's 50% proposal as based on a daily, instead of a weekly, calculation. As noted below, a weekly rule is fairer than a daily rule because it avoids penalizing stations whose overall programming is below the 50% benchmark.

municipalities.<sup>31/</sup> In that context, the House Report clarified that the term referred to the broadcast of "more than one half of a station's programming."<sup>32/</sup> The Commission endorsed that interpretation, and decided that a municipal NCE station will be deemed to transmit "predominantly" noncommercial programming if it broadcasts such programming for at least 50% of its programming week.<sup>33/</sup> The term "predominantly" should be given the same definition Congress intended throughout the statute.<sup>34/</sup> ValueVision opposes the suggestion by the Center for the Study of Commercialism that home shopping stations should be defined by reference to more than 50% of any broadcast day. That definition would be inconsistent with the flexibility afforded municipal NCE stations over their schedule. It would also operate unfairly to penalize stations that may exceed the 50% threshold on one day

---

<sup>31/</sup> Pub. L. No. 102-385, 106 Stat. 1460, 1481 (to be codified at 47 U.S.C. § 615(1)(1)(B)).

<sup>32/</sup> H.R. Rep. No. 628, 102d Cong., 2d Sess. 104 (1992).

<sup>33/</sup> Must Carry Decision ¶¶ 4-5.

<sup>34/</sup> 2A Sutherland, Statutory Construction § 46.06 (5th Ed. 1992). See Boise Cascade Corp. v. United States Environmental Protection Agency, 942 F.2d 1427, 1432 (9th Cir. 1991) (under accepted canons of statutory interpretation, words used more than once in the same statute are presumed to have the same meaning); S & M Investment Co. v. Tahoe Regional Planning Agency, 911 F.2d 324, 328 (9th Cir. 1990) ("When the same word or phrase is used in different parts of a statute, we presume that the word or phrase has the same meaning throughout."), cert. denied, 111 S.Ct. 963 (1991); Doctors Hospital v. Bowen, 811 F.2d 1448, 1452 (11th Cir. 1987) (the same words used in different parts of an act are presumed to have the same meaning).

but fall far below that threshold over the course of the broadcast week.

ValueVision also disagrees with Continental's suggestion that a station should be designated a home shopping station unless it carries sales presentations or program length commercials (1) for no more than eight hours per day between 6:00 a.m. and midnight; (2) for no more than 50% of its programming week; and (3) for no more than 50% of prime time. The Commission proposed these standards as three possible alternatives; it did

of television households who are cable subscribers for a substantial part of the broadcast week, the rule would secure a revenue base for independent stations that would obviate the need for significant expenditures to acquire syndicated programs.<sup>36/</sup> Much if not all of the remaining period could well be devoted to new and creative community access programs that would better serve the problems, needs and interests of local viewers. ValueVision believes, for example, that its owned or affiliated stations could offer continuing coverage of state and local government proceedings of direct interest to local viewers, as well as a variety of forum programs featuring local community leaders. To prevent these possibilities by disqualifying such stations from must carry rights would hinder, rather than foster, such programming.

#### CONCLUSION

Ensuring must-carry rights for home shopping stations would foster needed competition to QVC and HSN, the two predominant and affiliated television home shopping services that are vertically integrated with major cable MSOs. If home shopping stations are disqualified from mandatory carriage, however, the Commission should adopt a definition that encompasses only those stations whose programming week consists

---

<sup>36/</sup> See also supra note 28. As noted in Part I, this more secure financial base would ensure effective competition to the predominant cable services, QVC and HSN.

of more than 50% of sales presentations or program length commercials.

Respectfully submitted,  
VALUEVISION INTERNATIONAL, INC.

By Julia C. Buchanan  
William R. Richardson, Jr.  
Julia C. Buchanan

Wilmer, Cutler & Pickering  
2445 M Street, N.W.  
Washington, D.C. 20037  
(202) 663-6000

Its Attorneys

April 27, 1993

CERTIFICATE OF SERVICE

I, Julia C. Buchanan, hereby certify that on this 27th day of April 1993, I have caused copies of the foregoing reply comments to be served by first class mail, postage prepaid, to the following:

Chairman James H. Quello\*  
Federal Communications Commission  
1919 M Street, N.W., Room 802  
Washington, D.C. 20554

Commissioner Andrew C. Barrett\*  
Federal Communications Commission  
1919 M Street, N.W., Room 844  
Washington, D.C. 20554

Commissioner Ervin S. Duggan\*  
Federal Communications Commission  
1919 M Street, N.W., Room 832  
Washington, D.C. 20554

Roy J. Stewart\*  
Chief, Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 314

Barbara Kreisman\*  
Chief, Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 702

Judy Koenig  
Vice President and General Manager  
Blackstar Communications of Oregon, Inc.  
4923 Indian School Road, NE  
Salem, Oregon 97305

James J. Popham  
Vice President, General Counsel  
Association of Independent Television Stations, Inc.  
1200 18th Street, NW  
Suite 502  
Washington, DC 20036

Daniel L. Brenner  
Michael S. Schooler  
Diane B. Burstein  
National Cable Television Association, Inc.  
1724 Massachusetts Ave, NW  
Washington, DC 20036

Henry L. Baumann  
Jack N. Goodman  
National Association of Broadcasters  
1771 N Street, NW  
Washington, DC 20036

Jeffrey D. Knowles  
John F. Cooney  
Venable, Baetjer, Howard & Civiletti  
1201 New York Avenue, NW  
Washington, DC 20005  
Counsel for National Infomercial Marketing Association

Gigi B. Sohn  
Andrew Jay Schwartzman  
Media Access Project  
2000 M Street, NW  
Washington, DC 20036  
Counsel for the Center for the Study of Commercialism

John S. Neely  
Miller & Miller, P.C.  
P.O. Box 33003  
Washington, DC 20033  
Counsel for Video Mall Communications, Inc.

Ron Eikens  
General Manager  
KX Acquisition LP  
22727 176th Street  
Big Lake, MN 55309

Steven Roberts  
President  
Roberts Broadcasting Company  
1408 N. Kingshighway Blvd  
St. Louis, Missouri 63113

Celia Bachman, Esq.  
General Counsel  
Home Shopping Network, Inc.  
2505 - 118th Avenue, North  
St. Petersburg, FL 33716

John R. Feore, Jr., Esq.  
Suzanne M. Perry, Esq.  
Dow, Lohnes, & Albertson  
1255 - 23rd Street, NW  
Suite 500  
Washington, DC 20037  
Counsel for Silver King Communications, Inc.

Ashton R. Hardy  
Bradford D. Carey  
Marjorie R. Esman  
Hardy and Carey  
111 Veterans Boulevard  
Suite 255  
Metairie, LA 70005  
Counsel for The Long Family Partnership

Carmen Ponce Nicasio Briggs  
Ponce - Nicasio Broadcasting, Inc.  
1029 K Street  
Suite 23  
Sacramento, CA 95814

Julian P. Freret  
Booth, Freret & Imlay  
1233 20th Street, NW  
Suite 204  
Washington, DC 20036  
Counsel for Miller Broadcasting, Inc.

Barry D. Wood  
Jones, Waldo, Holbrook & McDonough, P.C.  
Suite 900  
2300 M Street, NW  
Washington, DC 20037  
Counsel for the Miracle Rock Church

Christopher J. Webb  
Vice President & General Manager  
Blackstar Communications of Michigan, Inc.  
3975 Varsity Drive  
Ann Arbor, Michigan 48108

James L. Winston  
Rubin, Winston, Diercks, Harris & Cooke  
Council for the National Association of  
Black Owned Broadcasters, Inc.  
1730 M Street, NW  
Suite 412  
Washington, DC 20036

William D. Silva  
Blair Joyce & Silva  
1825 K Street. NW