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March 7, 1996

RECEIVED

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William F. Caton, Acting Secretary
Federal Communications Commission
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: **Report of Ex Parte Communication**
MM Docket Nos. 92-266 and 93-215

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to report that *ex parte* meetings were held on March 6, 1996, attended by the following persons:

Office of Commissioner Quello
Commissioner James H. Quello
Maureen O'Connell, Esq.

Office of Commissioner Ness
David R. Siddall, Esq.

Representatives of the Community Broadcasters Association ("CBA")
Sherwin Grossman, President of CBA and of WJAN-LP, Miami, FL
Ronald Bruno, Secretary of CBA and President of TV25 and other stations
in Pennsylvania, Ohio, and West Virginia
Salvador Serrano, Asiavision (Channel 58), Greenbelt, MD
Ramon Korionoff, Asiavision (Channel 58), Greenbelt, MD
Peter Tannenwald, Counsel

CBA is the trade association of the nation's low power television stations. At these meetings, CBA representatives discussed positions that CBA has advocated in support of petitions for reconsideration in the above-referenced rule making proceedings.

With regard to leased access to cable channels, CBA pointed out that there has been little channel leasing because the rates permitted by the existing rules are beyond the means of low power TV stations wishing to lease channels; and there has been an absence of complaints from the low power TV industry because the rates quoted by cable operators, while unreasonably

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high, have in most cases been lawful within the scope of the rules as now written. The absence of leasing activity and complaints should not be construed as any satisfaction or acquiescence in the present rules by low power TV operators. On the contrary, CBA believes that the existing rules do not comply with the statutory requirement that the maximum rates established by the Commission be "reasonable," as that word is defined in any standard dictionary.

With regard to the "Going Forward" rules, CBA representatives urged that the Commission grant the petition for reconsideration filed by Engle Broadcasting and supported by CBA, which would allow cable operators to raise their subscriber rates by 20 cents if they added a local low power TV station that did not have must-carry rights, without regard to the existing cap of six additional signals. The number of low power TV stations that may be added should not be limited, and cable systems should not be able to transfer low power stations already being carried to the new arrangement. CBA noted that the de-regulation of cable rates by the Telecommunications Act of 1996 signifies a change of attitude by Congress and should eliminate concerns by the Commission that allowing rate increases for adding local low power TV stations might be contrary to Congressional intent.

Two copies of this letter are being furnished for each of the two referenced dockets.

Very truly yours,



Peter Tannenwald
Counsel for the Community
Broadcasters Association

(by EAS)

cc: Commissioner James H. Quello
Maureen O'Connell, Esq.
David R. Siddall, Esq.
Mr. Sherwin Grossman
Mr. Ronald Bruno
Mr. Salvador Serrano