

RECEIVED

ABACUS COMMUNICATIONS COMPANY
 LEGAL AND ENGINEERING CONSULTANTS
 1801 COLUMBIA ROAD, N.W., SUITE 101
 WASHINGTON, DC 20009-2031
 TELEPHONE: (202) 462-3680
 FAX (202) 462-3781

MAR 15 1996

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF SECRETARY

Re: Ex Parte Meeting
MM Docket Nos. 92-266, 93-215 DOCKET FILE COPY ORIGINAL
MEETING WITH ROY STEWART

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to report in writing that an ex parte meeting was held on March 13, 1996, attended by the following persons:

Bejamin Perez, Abacus Televsion
 Gwendloyn Christopher, Moore Broadcasting Services
 Salvador Serrano, Asiavision
 Ramon Koronoff, Asiavision
 Rudy Guernica,
 Victoria Leonard, Channel 44, Brentwood Long Island

The following issues were discussed:

1. How the Commission can Accommodate LPTV Broadcasters in the "Going Forward" Rules.

With regard to leased access to cable channels, there is substantial demand for leased access by non-must carry LPTV stations. However, there has been little leasing in practice because the rates permitted by the existing rules are beyond the means of LPTV stations wishing to lease channels from cable operators.

It is the view of the LPTV industry that leased access rates cannot be deemed to meet the statutory standard of reasonableness unless they result in significant leasing activity in the marketplace. With this in mind, the Commission should set a straightforward low beginning flat rate, based on the rate the cable operators receive for their three lowest cost channels.

No. of Copies rec'd
 List ABCDE

044

- a. Impact of the Commission's ATV Proposal on Programming and Ownership Diversity.

The LPTV television medium is a niche broadcasting service with an established track record of providing specialized programming to specialized markets, particularly underserved and ethnic communities. Approximately 42% of LPTV stations provide the public with programming for specialized demographic populations such as that of minorities and ethnics, and rural communities. Elimination of LPTV services is tantamount to stating that the Commission is not adopting its standard of diversity in ownership and hence diversification of programming and service content in the next generation of broadcast ownership.

2. Impact of Protecting the LPTV Service on Spectrum Recovery and Creation of Contiguous Blocks of Spectrum.

The unstated but unavoidable result of the Commission's spectrum repacking proposal is the destruction of the LPTV service in the near future. The 4th FNPRM (FCC 95-315) uses the term "broadcasters" to mean full power broadcasters only and proposes future spectrum repacking and the opening of filing windows for new UHF services without accounting for use of this spectrum by over 1,600 LPTV broadcasters.

- a. How the Commission can Accommodate LPTV Broadcasters in the Transition to ATV.

LPTV stations should be displaced only when an alternative is not available. Adequate notice of any proposed allotment table should be given, along with disclosure of all technical standards to all LPTV broadcasters. The Commission should recommend changes in individual allotments so that its Table of ATV Allotments will minimize any adverse impact upon LPTV broadcasters.