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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

October 18, 1996

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

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Re: Report of Ex Parte Communication

**MM Docket No. 92-266
CS Docket No. 96-60**

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to report that an *ex parte* meeting was held on October 17, 1996, attended by the following Staff members associated with the Cable Television Bureau:

Meredith Jones, Chief
William H. Johnson, Deputy Chief (Policy)
JoAnn Lucanik, Chief, Policy and Rules Division
Edward C. Gallick, Senior Economist
Rick Chessen
Julia Buchanan

The meeting was held with representatives of the Community Broadcasters Association (CBA), the trade association of the low power television (LPTV) broadcasting industry. Representing CBA were:

Sherwin Grossman, President
Peter Tannenwald, Counsel

The meeting was requested by CBA to discuss the pending rule making on leased access to cable channels, MM Docket No. 92-266 and CS Docket No. 96-60. CBA noted its approval as a general matter of the most recent Commission proposals in that proceeding in the *Notice of Proposed Rule Making* released April 4, 1996, and its concern about any "watering down" of those proposals as a result of lobbying by the cable television industry.

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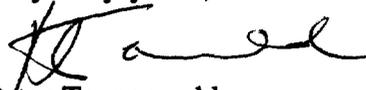
CBA also urged the Bureau to complete the rule making as quickly as possible, in light of the importance of leased access to the substantial part of the LPTV industry that does not enjoy must-carry rights and the impending threat of loss of over-the-air channels by LPTV stations during the transition to digital over-the-air broadcasting by full power stations. CBA noted its earlier participation in court litigation seeking a writ of *mandamus* to obtain an early disposition of the rule making and stated that the Small Business Growth and Fairness Act of 1996 requires the Commission to take careful account of the impact of the leased access rules on LPTV, where most, if not all, stations are small businesses.

Mr. Grossman discussed the substantial amount of public service and highly rated entertainment station on his Station WJAN-LP, Miami, Florida, as well as the difficulties he has had in negotiating carriage on cable systems and the large sums of money his station is forced to pay for leased access. CBA also noted that the Commission's adoption of a requirement that cable operators respond in seven days to a request for leased access has done a great deal to open up dialog between LPTV stations and cable operators, who prior to the rule refused to return telephone calls.

The Staff asked questions about why some cable operators agree to carry LPTV stations and others do not. CBA was unable to state all the factors that motivate cable operators but indicated that cable operators are motivated by many different things, depending on the size of the market, the size of the cable system, ownership of the cable company, and other considerations.

As two pending rulemaking proceedings were discussed, an original and one copy of this letter are being furnished for each docket.

Very truly yours,



Peter Tannenwald

cc: Ms. Meredith J. Jones (hand delivery)
Mr. William H. Johnson (wjohnson@fcc.gov)
Ms. JoAnn Lucanik (jlucanik@fcc.gov)
Mr. Edward C. Gallick (egallick@fcc.gov)
Mr. Rick Chessen (rchessen@fcc.gov)
Ms. Julia Buchanan (jbuchana@fcc.gov)
CBA Board of Directors