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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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November 5, 1996

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

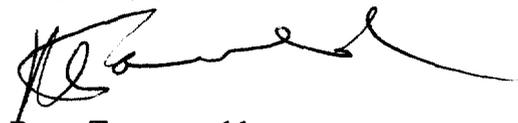
Re: Report of Ex Parte Communication

MM Docket No. 92-166 and CS Docket No. 96-60

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, I am submitting copies of two letters that have been mailed to the Chairman concerning leased cable access, the subject matter of MM Docket No. 92-166 and CS Docket No. 96-60. Two copies of this letter are being submitted for each docket file.

Very truly yours,



Peter Tannenwald

cc: Donna C. Gregg, Esq., Counsel for Lifetime Television
Meredith J. Jones, Chief, Cable Services Bureau
Mr. William Johnson
JoAnn Lucanik, Esq.
Julia Buchanan, Esq.
Mr. Edward Gallick
Lynn Crakes, Esq.
Jackie Chorney, Esq.
James R. Coltharp, Esq.
Suzanne K. Toller, Esq.
Anita L. Wallgren, Esq.
William Richardson, Esq., Counsel for ValueVision
Mr. Sherwin Grossman

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**COMMUNITY
BROADCASTERS
ASSOCIATION**
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Sherwin Grossman
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Miami, Florida

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Jud Colley
Treasurer
Beach-TV
Panama City, Florida

Robert Raff
Secretary
Station KBTR
Junction City, Kansas

Directors:
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Station W19AW
Baton Rouge, Louisiana

John Riplinger
South Central Communication Corp.
Evansville, Indiana

Lawrence Rogow
World Television
Los Angeles, California

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Washington, D.C.

November 4, 1996

Honorable Reed Hundt, Chairman
Mail Stop 0100
Federal Communications Commission
Washington, D.C. 20554

Dear Mr. Chairman:

On October 22, 1996, you addresses the Antitrust
Conference for Corporate General Counsels and said:

It is vital that we all push towards ending the current
regulatory monopoly model for local
telecommunications. Every day I read or hear about
some possible new service that would be 'on our
doorstep' if the current bottleneck were removed...It is
competition -- not monopoly --- that will replace
narrowband bottlenecks with low-cost, high quality, and
innovative broadband pipelines.

I know how excited you are about the advent of
competition in local telephone service and how important you
feel it is to compel incumbent local exchange carriers to resell
their bottleneck last-mile loops on an unbundled basis and at a
fair price that is intended to make it possible for competitors to
operate... Why don't you feel the same way about the bottleneck
created by a cable company when it disconnects an over-the-air
antenna and locks up the input to a television receiver? That is
no less a monopoly than the last-mile telephone drop top the
home. The cable is the only video wire in the home, and no
television program gets into the set except through that cable.

Congress mandated cable leased access in 1992 to make
sure that someone other than the cable company can get into



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that TV set. Think of all the "possible new service" that could be brought into people's homes if leased access were available at a fair price that is intended to make it possible for competitors to operate? Low power TV stations all over the country are starving because they can't get on that monopoly wire at a fair price, and cable companies don't want to let them on the wire because they constitute competition and will not let them at a fair price until the Commission orders them to do so, as Congress intended.

There is no difference between telephone and cable, is there? In each case, a monopoly last-mile wire drops into the home, and new and innovative services are on the doorstep if you just require the owner of that wire to sell capacity on it at a fair and reasonable price. Why can't you get one as the other? The cable wire has a lot more capacity than a twisted pair telephone wire, so let's open it up -- now, not months from now!

Sincerely yours,

Sherwin Grossman
President

cc: Meredith Jones, Chief, Cable Services Bureau
Secretary, Rm 222, for MM Docket 92-166 and CS
Docket 96-60

file: CABLEHUND

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Chairman Reed Hundt
Mail Stop 0101
Federal Communications Commission
Washington, D.C. 20554

Dear Mr. Chairman:

I recently had occasion to review *ex parte* filings by Lifetime Television, made on October 17 and 28, 1996, concerning presentations made to decision-making personnel on the subject of leased access on cable television. The point of these presentations is that Lifetime has difficulty obtaining access systems because of preferences given by cable operators to vertically integrated program services. Lifetime has that one right -- the public interest and the desires of the audience take second place to self-economic interest when it comes to channel choices made by cable operators.

However, Lifetime goes on to say that the Commission should not take action that would result in "drastically reduced, bargain rates" for leased access, because that would simulate demand for leased access and make it more difficult for Lifetime to secure channels. Lifetime fell off the edge of the cliff on that one.

Since when is wealth the proper test for deciding who gets access to leased channels? Congress mandated that editorial control of certain channels be given to entities other than the cable operator and that the rates be reasonable, not that the channels be kept dear so that only the wealthy can afford them.

Low power television stations seeking leased access are not rich, and they do not have the national revenue base that Lifetime has. But they provide local service, which is a highly

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values service in the public interest and is something that Lifetime does not provide. There are plenty of national programming services, but not enough local service. I do not mean in my way to denigrate the value of Lifetime's programming. The point is that their programming is not more valuable than locally-oriented LPTV programming and is not entitled to a de facto preference through artificially inflated leased access rates.

Sincerely,


Sherwin Grossman
President

- cc: Donna C. Gregg, Esq., Counsel for Lifetime Television
- Meredith J. Jones, Chief, Cable Services Bureau
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File: LIFETIME