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Community Broadcasters Association **FCC MAIL ROOM**

Sherwin Grossman, Pres.  
1520 N.W. 79th Ave  
Miami, FL 33126  
(305)592-4141

Mike Sullivan, Exec. Director  
1600 Aspen Lane  
St. Cloud, MN 56303  
(320)656-5942

April 2, 1997

William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M. St. N.W.  
Washington, D.C. 20554

Re: Report of Ex Parte Communication  
MM Docket No. 87-268, Sixth Notice of Proposed  
Rulemaking

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to report in writing that ex parte phone conversation was held with Ms. Marsha McBride, Legal Advisor to Commissioner Quello, on April 2, 1997 .

During the phone conversation, we discussed the functions of the Frequency Coordinating Committees and the fact, which Ms. McBride confirmed, that LPTV licensees are now "affected parties" and participants in this committee process. We also discuss the critical need for the Commission to become a **final arbiter** in this process should the committee itself not be able to reach agreement on a spectrum related issue.

I noted that competition in the market place for advertising revenues can become a very real factor in the position one or a group of licensees may take on another licensees proposal. LPTV licensees, in particular, need a short, straight path to an administrative remedy versus a legal remedy or a stand-off from a failed process. With proposed 18 month DTV build outs

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in major markets we can't await further rulemaking or a protracted administrative process to seek reasonable and technically sound solutions to LPTV displacements, even in the major markets.

I have also placed calls to Ms. Jane Mago, Mr. David Siddall and Mr. Julius Genachowski for the purpose of discussing the same subject with them. For that reasons, I am coping them on this letter.

Sincerely,



Mike Sullivan  
CBA Executive Director

CC (By Fax)

Mr. Julius Genachowski  
Ms. Marcia McBride  
Ms. Jane Mago  
Mr. David Siddall  
Mr. Peter Tannenwald & Ms. Beth Sims