

EX PARTE OR LATE FILED

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W.

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

FACSIMILE: (202) 662-6291

JONATHAN D. BLAKE

DIRECT DIAL NUMBER  
(202) 662-5506

jblake@cov.com

LECONFIELD HOUSE  
CURZON STREET  
LONDON W1Y 8AS  
ENGLAND

TELEPHONE: 44-171-495-5655  
FACSIMILE: 44-171-495-3101

BRUSSELS OFFICE  
KUNSTLAAN 44 AVENUE DES ARTS  
BRUSSELS 1040 BELGIUM  
TELEPHONE: 32-2-549-5230  
FACSIMILE: 32-2-502-1598

FILE COPY ORIGINAL

June 4, 1997

RECEIVED

JUN - 4 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W. - Room 222  
Washington, D.C. 20554

re: **Ex Parte Notification**  
In the Matter of Advanced  
Television Systems and  
Their Impact Upon the  
Existing Television  
Broadcast Service  
Docket No. 87-268

Dear Mr. Secretary:

WGBH Educational Foundation, licensee of WGBY-TV, Channel 57, Springfield, Massachusetts ("WGBY-TV"), notifies the Commission that Deborah Onslow, General Manager of WGBY-TV, and Steve Bass, Vice President & Manager for TV Stations, met with Gretchen Rubin, Esquire, Counsel to Chairman Reed E. Hundt; Jane Mago, Esquire, Senior Legal Advisor to Commissioner Rachelle B. Chong; Marsha McBride, Esquire, Special Counsel to Commissioner James H. Quello; and David R. Siddall, Esquire, Legal Advisor to Commissioner Susan Ness, on June 3, 1997. Ellen P. Goodman also attended the David Siddall meeting, Jonathan D. Blake the other three meetings, and Lonna M. Thompson, Esquire, Director of Legal Affairs, of the Association of America's Public Television Stations, the David Siddall and Jane Mago meetings.

The purpose of the meetings was to discuss the Channel 58 DTV allotment for WGBY-TV. WGBY-TV is eager to be and has planned to be an early implementer of DTV because of its strong tradition of technology innovation and to provide a model for other small market public television stations. In furtherance of this goal, six years ago it successfully undertook a capital campaign to purchase and install transmission facilities that could be readily adapted to the DTV environment. The Channel 58 DTV allotment creates two

No. of Copies rec'd 0+1  
List ABCDE

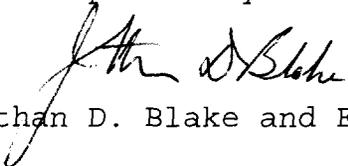
Mr. William F. Caton  
June 4, 1997  
Page 2

problems. First, the 50 KW power level associated with it is too low for the existing transmitter facilities and could require the purchase of substitute transmission facilities at substantial expense if a modest power increase is not permitted. Second and most important, WGBY-TV will not be able to raise the funds, in the neighborhood of \$250,000 or more, to pay for a second move that will be necessary because both its NTSC and DTV channels are outside the core. The realities of funding for public television would mean that instead of being an early DTV implementer, WGBY-TV would have to be a laggard and would face enormous challenges in implementing DTV even on that basis.

WGBY-TV, which will set forth its position in greater detail in a petition for reconsideration that it intends to file Friday, June 13, offered a number of suggestions, including the possibility of the assignment of a different DTV channel. This option is problematic because of the heavy congestion of channels in the Massachusetts/Connecticut region. The most likely, wholly fair and eminently practical solution would be an early decision by the Commission on reconsideration, ahead of and apart from other DTV reconsideration issues, that stations, which have DTV channels outside of the proposed core (or at least those with both NTSC and DTV channels outside the core) and would therefore be required to make a second move, will be compensated for actual costs of the second move by the winners of the auctions for vacated spectrum at the end of the transition. Various details about these issues were discussed.

Pursuant to the ex parte rules, two copies of this notice are being submitted.

Respectfully submitted,

  
Jonathan D. Blake and Ellen P. Goodman

Attorneys for  
WGBH Educational Foundation

cc: Gretchen Rubin, Esquire  
Jane Mago, Esquire  
Marsha McBride, Esquire  
David R. Siddall, Esquire