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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20541

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February 13, 1998

**ORIGINAL**

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Washington, DC 20554

**Re: Report of Ex Parte Communication  
Docket No. 87-268**

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to report that **oral ex parte meetings** were held on **February 12, 1998**, attended by the following persons:

Sherwin Grossman, President, **Community Broadcasters Association (CBA)**  
Vernon Watson, Member of Board of Directors, CBA  
Peter Tannenwald, Counsel for CBA  
Elizabeth Sims, Counsel for CBA

There were three meetings. The first was attended by Messrs. Grossman, Watson, Tannenwald, and:

**Commissioner Michael K. Powell**  
Paul A. Jackson, Special Assistant to Commissioner Powell  
Jane E. Mago, Senior Legal Advisor to Commissioner Powell

The second meeting was attended by Messrs. Grossman, Watson, and Tannenwald, and was held with:

Roy J. Stewart, Chief **Mass Media Bureau**  
Keith Larson, Assistant Chief for Engineering, Mass Media Bureau

The third meeting was attended by Messrs. Grossman, Watson, and Tannenwald and Ms. Sims and was held with:

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Magalie Roman Salas, Secretary  
February 13, 1998  
Page 2

**Chairman William E. Kennard**

Roy J. Stewart, Chief, Mass Media Bureau

Susan L. Fox, Senior Legal Advisor to the Chairman

Bruce Franca, Deputy Chief, **Office of Engineering and Technology**

At these meetings, CBA representatives urged the Commission not to curtail the **core spectrum for television** broadcasting to anything smaller than **Channels 2-51**, at least until the Commission has sufficient experience with digital television and enough opportunity to determine the need for spectrum to accommodate displaced low power television stations.

CBA noted that in light of the **unique local services** provided by many low power television stations and the **new and entry-level jobs** they create, it would be **wrong -- morally, legally, and otherwise -- to wipe out the industry** summarily. With the federal budget now in balance, the need for raising revenue in the short term has been lessened; and if too much spectrum is put on the market too quickly, or if auctioned too much in advance of its actual availability, the value of the spectrum will be reduced significantly, as will revenue to the government, defeating the intent of those who seek to maximize auction revenues. The Commission may always revisit the core issue, if necessary in the future to provide for other services or to meet budgetary objectives. However, if the core is truncated to Channel 46 now, it will be difficult, if not impossible, to recoup spectrum later if needed for low power television or other broadcasting activities; whereas if the core includes Channels 2-51 now, it can always be reduced later.

The critical objectives must be **not to lose the service** provided by low power stations, **not to tie the Commission's hands** in dealing with that issue in the future, and to find a **permanent, primary spectrum home** for qualifying low power television stations.

Very truly yours,



Peter Tannenwald

cc: Chairman William E. Kennard  
Commissioner Michael K. Powell  
Commissioner Susan Ness  
Commissioner Harold Furchtgott-Roth  
Commissioner Gloria Tristani  
Roy J. Stewart, Esq. (e-mail)  
Mr. Keith Larson (e-mail)  
Mr. Bruce Franca (e-mail)

Susan L. Fox, Esq. (e-mail)  
Paul A. Jackson, Esq. (e-mail)  
Jane E. Mago, Esq. (e-mail)  
Mr. Sherwin Grossman (CBA)  
Mr. Vernon Watson (CBA)  
Mr. Michael Sullivan (CBA)  
CBA Board Members