

Commission has no familiarity with nor expertise concerning copyright matters, the federal courts are the only forum for construing the statute and applying conventional tools of statutory construction.”⁴¹ But, as pointed out above, the statute plainly granted authority to the Commission in a narrow, specific area – the critical definition of “unserved households” – precisely because the Commission (and not the Copyright Office) has “familiarity with and expertise concerning” broadcast propagation standards. While it is true that the Commission does not administer the Copyright Act, it should not shrink from the authority it *does* have under the SHVA because of the broadcasters’ mischaracterizations about how copyright law works.

In the face of this delegation of authority, the broadcasters go to unprecedented lengths in an effort to handcuff the Commission. They suggest that the Commission should stay its hand because the SHVA expresses a congressional monopoly grant to cable systems, attempting to throw into doubt the mandate of the Commission from Congress to combat the evils of the cable monopolies and promote effective competition to cable from distributors such as satellite carriers. According to the broadcasters, not only did Congress “expressly designate cable as the preferred delivery system for network stations”; the SHVA “generally *prohibits* satellite companies from competing with cable.”⁴²

Both Congress and the Commission have been searching for a number of years for ways to loosen the grip that the cable monopolies have over the multichannel video market.

⁴¹ NASA Comments at 28. Indeed, NASA takes its point even further. Because Congress incorporated a technical standard adopted by the Commission into a copyright statute, NASA argues, “Congress, plainly, did not intend to delegate the issue of how to define an ‘unserved household’ to *any* administrative agency – Congress itself expressly defined the term in the statute.” *Id.*

⁴² NAB Comments at 13, 14 (emphasis in original).

Indeed, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 after finding that cable exercises “undue market power . . . as compared to that of consumers and video programmers.”⁴³ The broadcasters are now suggesting that Congress was undoing its work in the 1992 Cable Act when it renewed in 1994 a law that, in their view, “prohibit[s] satellite companies from competing with cable.”⁴⁴ The Commission should not let its hands be tied by this imaginary grant of a monopolistic concession to cable operators. While it is true that the satellite compulsory license is narrower than the cable compulsory license, this difference in scope must be interpreted so as to avoid the grant of a statutory monopoly.⁴⁵

Courts have always construed statutes against the granting of a monopolistic privilege. In the words of Justice Stevens, “[e]ven though the Federal Government is the proprietor of the monopoly, this Nation’s tradition of opposition to monopolistic privileges supports a policy of strict construction.”⁴⁶

That rule is of long and distinguished lineage. In the late nineteenth and early twentieth centuries, the Supreme Court decided a number of cases on whether utility franchise agreements conferred monopoly rights. The Court consistently ruled against the franchisees, holding that “[g]rants of rights and privileges by state or municipality are strictly construed and

⁴³ See Cable Act § 2(a)(2).

⁴⁴ NAB Comments at 13.

⁴⁵ *Piedmont Power & Light Co. v. Town of Graham*, 253 U.S. 193, 194 (1920); see also *City of Mitchell v. Dakota Central Telephone Co.*, 246 U.S. 396, 410 (1918); *Blair v. City of Chicago*, 201 U.S. 400, 463, 473 (1906); *Knoxville Water company v. Mayor and Alderman of the City of Knoxville*, 200 U.S. 22, 33-34 (1906); *City of Groton v. Yankee Services Company*, 620 A.2d 771, 775 (Conn. 1993).

⁴⁶ *Regents of the University of California v. PERB*, 485 U.S. 589, 604 (1988) (Stevens, J., dissenting).

whatever is not unequivocally granted is withheld; nothing passes by implication.”⁴⁷ This set of rulings became known as the “unmistakability doctrine,” under which the court allowed competition even when there was general exclusivity language – and sometimes even specific exclusivity language – in a franchise agreement.⁴⁸ Here, there is no need to abrogate any exclusivity language because there is no such language. Certainly, however, the Commission should not be swayed by arguments for the “narrow construction of a compulsory license,” which would *create* exclusive rights out of thin air.⁴⁹ Indeed, if that reading had been intended

⁴⁷ *Piedmont Power & Light Co. v. Town of Graham*, 253 U.S. 193, 194 (1920); see also *City of Mitchell v. Dakota Central Telephone Co.*, 246 U.S. 396, 410 (1918); *Blair v. City of Chicago*, 201 U.S. 400, 463, 473 (1906); *Knoxville Water company v. Mayor and Alderman of the City of Knoxville*, 200 U.S. 22, 33-34 (1906); *City of Groton v. Yankee Services Company*, 620 A.2d 771, 775 (Conn. 1993).

⁴⁸ See *Tennessee Electric Power Co. v. Tennessee Valley Authority*, 306 U.S. 118, 139 (1939) (general language); *Fort Smith Light & Traction Co. v. Board of Improvement*, 274 U.S. 387, 390 (1927) (specific language overridden by legislature’s power to alter any corporate charter); *Sears v. City of Akron*, 246 U.S. 242, 249 (1918) (same).

⁴⁹ The broadcasters’ principle of narrowly construing compulsory licenses is less important than the fact that the license in question is parallel to another, broader compulsory licensing scheme – the right given to cable operators to retransmit network signals. See 17 U.S.C. § 111. The two provisions contain fundamental similarities which militate for careful narrow construction of the differences between the two regimes. The “unserved household” restriction is the most important such difference, and EchoStar submits that the need to avoid expanding the deviations between the two regimes overrides the narrow-construction principle.

The need to guard against over-expansion of Section 119’s additional restrictions is heightened because the two licenses apply to *competitors* – satellite carriers and cable systems respectively. Network signals are an important input for all multi-channel distributors – satellite carriers and cable systems alike. It is an extraordinary situation where a law gives one competitor a restricted right to such an input even as the other competitor enjoys a much broader right to it. Such restrictions are sometimes appropriately imposed by the antitrust and other competition laws to discipline the market power of a dominant competitor. Here, however, even more extraordinarily, the restriction burdens satellite carriers – the new entrants in the multi-channel video delivery market – even as they try to compete against the dominant cable incumbents. Such circumstances clearly militate against expanding the differences between the two compulsory licenses.

by Congress, it would mark an unprecedented and perverse milestone: to EchoStar's knowledge, it would be the first time that Congress would have granted a private party exclusive monopoly rights without that party requesting those rights. The restrictions in question were of course requested by the networks, not by cable operators. When courts strive to interpret statutes against the granting of exclusive privileges, it would be absurd to read this one as creating a privilege unsolicited by the grantee.

The inconsistencies in the broadcasters' positions become almost schizophrenic when they start explaining the reason for the purported congressional discrimination in favor of cable systems and against satellite carriers. The reason, they say, is that cable systems provide local signals and satellite carriers do not. Coming from the broadcasters, this argument is astounding. EchoStar can provide local signals to at least 20 metropolitan centers throughout the country. In fact, EchoStar does provide such service today to about 13 cities, except that it is limited mainly because of the broadcasters' effort to thwart EchoStar's plan at every turn.

EchoStar has requested, and the Copyright Office has initiated, a proceeding to confirm the extent of the compulsory license with respect to local-into-local retransmission.⁵⁰ It has also advocated the passage of legislation to confirm and expand the local retransmission rights of satellite carriers.⁵¹

The broadcasters, however, have devoted their vast resources to an effort to frustrate these initiatives. They say that they would support local-into-local retransmission

⁵⁰ See *Satellite Carrier Compulsory License: Definition of Unserved Household*, Notice of Inquiry, 63 Fed. Reg. 3685 (Lib. of Cong. Copyright Office, Jan. 26, 1998).

⁵¹ See *In the Matter of Rate Adjustment for the Satellite Carrier Compulsory License*, Lib. of Cong. Docket No. 96-3, CARP-SRA at 11 (Aug. 28, 1997).

subject to “appropriate” conditions.⁵² In reality, these “appropriate” conditions are a poison pill that would inter local-into-local retransmission in the name of allowing it. The broadcasters take the position that satellite carriers may not provide *any* local station signals in a market unless they provide *all* such signals in that market.⁵³ That would be technically infeasible as well as constitutionally indefensible, as satellite carriers lack both the market power and bottleneck characteristics that made must-carry appropriate for cable operators. The broadcasters should not now be heard to invoke the satellite carriers’ “failure” to provide local signals as a basis for contracting the satellite carriers’ ability to provide distant network signals to households that cannot receive a local signal.

B. The Requested Rulemaking Does Not Endanger the Network Affiliate Relationship

To dissuade the Commission from commencing a rulemaking, the broadcasters devote many of their pages to extolling the virtues of the network-affiliate relationship.⁵⁴ EchoStar respects the network-affiliate relationship, and has consistently recognized that it is one of the purposes behind the SHVA (although not the only one, as the broadcasters appear to

⁵² See, e.g., Belo Opposition at 11 (supporting “local-into local distribution with appropriate must-carry and retransmission consent rights for local stations”).

⁵³ According to the latest formulation of the broadcasters’ position, which by the way was billed by the broadcasters as a major concession compared to prior even more recalcitrant versions, the NAB “shall consider [subject to other conditions] a delayed implementation of full must-carry until a specific date in the future, with an interim must-carry less than the carriage of all local stations in the market.” NAB Board Principles on SHVA Legislation (Sept. 29, 1998).

⁵⁴ See NAB Comments between pages 7 and 13; Joint Broadcasters’ Comments between pages 11 and 19; NASA Comments between pages 31 and 34.

suggest). At the same time, the rulemaking requested by EchoStar does not endanger the network-affiliate system. The purpose of that rulemaking is to ensure that people *without* access to local network service are eligible to receive distant service by satellite. Such satellite service to households that are not really served by a local network affiliate does nothing to threaten the network-affiliate system and does much to accomplish the fundamental policy objectives that the Commission shares with the drafters of the SHVA: ensuring network service for as many Americans as possible.

Ensuring such service was, after all, one of the basic goals of the SHVA. While the broadcasters maintain that the SHVA was intended only to secure satellite network service for a “few” Americans, Congress was fully cognizant that these “few” Americans numbered in the millions. Indeed, the House Energy and Commerce Committee, discussing the “Need for Legislation” stated:

Despite the explosion in recent years of new technologies and outlets delivering video programming, millions of Americans are not sharing in the programming bounty available from broadcasters or over cable systems. Presently, as many as one to six million households are in areas where the reception of off-air network signals is not possible or is of unacceptable quality. . . . [T]he Committee perceived a need to address an existing problem that may serve to deny millions of American households access to satellite delivered broadcast television signals.⁵⁵

⁵⁵ *Satellite Home Viewers Act of 1988*, H. Rep. No. 100-887 Part 2 at 15 (1988). See also 134 Cong. Rec. 28584 (1988) (remarks of Rep. Rinaldo) (“The basic purpose of the Satellite Home Viewer Copyright Act is to extend the reach of broadcast TV stations and programs to citizens who cannot receive them any other way.”); 104 Cong. Rec. H8419 (daily ed. Aug. 16, 1994) (remarks of Rep. Hughes) (“[Extension of the SHVA] ensures that millions of Americans who cannot receive over-the-air television signals or cable will have access to network signals.”).

The Commission should thus not be swayed by network-affiliate relationship arguments into refraining from protecting consumers who cannot receive a local signal of Grade B intensity.

C. The Commission's Authority is Narrow

EchoStar agrees with the broadcasters that the SHVA is essentially a copyright statute, and that the Copyright Office has much of the responsibility for administering the statute. Indeed, it is due to this realization that EchoStar limited its petition to the single issue delegated to the Commission: the definition of Grade B intensity.

Ironically, for all of the effort they put into denying the Commission's authority to administer copyright law, it is the broadcasters themselves who invite the Commission to act as a copyright court by levying unfounded accusations against EchoStar. Without offering any proof of such serious allegations, the broadcasters brand EchoStar as a "copyright infringer"⁵⁶ who has "consciously and lawlessly abused the narrow compulsory license granted by the SHVA."⁵⁷ Another commenter argues that, "[b]y acceding to EchoStar's request, the Commission would be establishing the dangerous precedent that agency 'bail outs' are available to those engaging in illegal activities from the consequences of their acts."⁵⁸

Determinations of alleged Copyright Act violations are outside the limited scope of the Commission's authority. EchoStar will therefore not dignify them with a response here, except to say that EchoStar is confident that its actions are lawful and undertaken in good faith.

⁵⁶ NAB Comments at 1.

⁵⁷ NAB Comments at 18.

⁵⁸ Belo Opposition at 9.

III. THE LONGLEY-RICE VARIANT USED IN THE DTV PROCEEDING IS NOT APPROPRIATE IN THE SHVA CONTEXT

EchoStar notes with some surprise that, after devoting so much energy in an attempt to show that *no* predictive model is appropriate under the SVHA, the broadcasters go on to argue that *their* preferred predictive model *is* appropriate. Perhaps by this inconsistency the broadcasters mean to argue in the alternative: either the Commission has no authority to develop a predictive model or it need not do so because it already has one that accurately predicts which households are “unserved.” In any event, the broadcasters are wrong on both counts – EchoStar has shown above that the Commission has ample authority to develop an appropriate predictive model, and has shown in its original Comments that the variant of the Longley-Rice model used in the *DTV* proceeding is far too broad to use for SHVA purposes.

The broadcasters claim that use of the Longley-Rice model would be appropriate in the SHVA context because the Commission has recently endorsed its use in the “similar” DTV context, where it was used to “ensure that broadcasters have the ability to reach the audiences they now serve and that viewers have access to the stations that they can not receive over the air.”⁵⁹ The broadcasters thus dispute EchoStar’s contention that that Longley-Rice variant is a prophylactic model, used in the allotment context, which must be informed by the goal of avoiding interference between stations.

At the outset, EchoStar notes that the broadcasters’ pointing to the DTV proceeding as a “similar context”⁶⁰ is a far cry from their representation to the Miami court that,

⁵⁹ NAB Comments at 24, quoting *Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service*, Sixth Report and Order, 12 FCC Rcd. 14588, 14605 (1997).

⁶⁰ NAB Comments at 24.

effectively, the Commission has directly spoken on the issue. Furthermore, the broadcasters do not deny that Longley-Rice has not been used outside of the DTV proceedings except on a case-by-case basis and upon a particularized showing.⁶¹ They also appear to admit that, *unlike even the maps used in the DTV proceeding*, the Longley-Rice maps presented by the broadcasters to the Miami court are not bounded by the Commission's more traditional Grade B contours – resulting in a far larger “exclusion zone” than the DTV Longley-Rice maps.⁶² Instead, the broadcasters argue that the Longley-Rice methodology should have broader application that transcends the DTV proceeding because of the “service replication” criterion that was one of the principles used by the Commission in that proceeding. Closer analysis of that criterion, however, reveals, first, that it has limited, if any, relevance outside the DTV transition issues and thus should not be invoked to parlay the 50%-50%-50% Longley-Rice method into a model of broader applicability. Second, the Commission did not use the service replication principle to favor the Longley-Rice variants it chose over less-inclusive, more accurate predictive methodologies.

⁶¹ See EchoStar Petition at 14-18, *citing Amendments of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit*, 12 FCC Rcd. 12371, 12403 (1997) (noting that “supplemental methods,” such as Longley-Rice, are rarely used by the Commission); *Dennis F. Begley, Esq.*, DA-98-877 (Mass Med. Bureau, rel. May 8, 1998) (refusing to allow the selective use of Longley-Rice maps in determining relevant FM radio markets for its multiple ownership rules); *Channel 39, Inc.*, 13 FCC Rcd. 3108 (1998) (allowing the use of Longley-Rice *only* because of the unusual, flat terrain involved).

⁶² The broadcasters argue that the question of whether a particular household can receive a signal of Grade B intensity “is best addressed by Longley-Rice maps that are not constrained by the admittedly inaccurate traditional FCC contours.” NAB Comments at 30.

First, the "service replication" principle signified primarily an effort by the Commission to create DTV coverage areas, as predicted by the 50%-50%-50% Longley-Rice method, that replicate the coverage areas of existing analog TV areas, *again as predicted by the 50%-50%-50% Longley-Rice method*. That replication criterion helped determine which DTV frequencies would be allotted to which analog broadcaster.⁶³ The fact that the predicted coverage area of a DTV station closely replicates the coverage area of an analog station *predicted by the same method* does not necessarily speak to the appropriateness of using the attenuated probabilities used *on both sides of this comparison* for a completely different purpose. Nor does it change the fact that avoidance of interference (and the attendant bias for overbreadth) must be a cardinal consideration in any allotment effort, and was such a consideration in the DTV allotment proceeding.⁶⁴ And the service replication goal also does not alter the fact that, in

⁶³ See *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Sixth Report and Order, 12 FCC Rcd. 14588, 14595 (1997) ("*DTV Sixth Report and Order*") (Consistent with the comparable coverage objective, we would use the service replication approach to match DTV frequencies with existing NTSC frequencies to create channel pairings/assignments.). *Id.* at 14681 ("In general, existing broadcasters will be provided with a DTV allotment that is capable of providing digital TV coverage of a geographic area that is comparable to their existing NTSC coverage.").

⁶⁴ *DTV Sixth Report and Order* at 14671-72 ("We also proposed to perform the engineering evaluations for determining service coverage area *and interference* using the terrain dependent Longley-Rice point-to-point propagation model, technical planning factors recommended by the Advisory Committee and the measured performance characteristics of the ATSC DTV system. *We indicated that these evaluations consider the potential for interference between stations, particularly between stations operating on the same channel (co-channel interference) and stations operating on channels one frequency apart (adjacent channel interference).*") The Commission also noted that "[its] new approach for allotting digital TV channels will better meet our policy objectives of full accommodation, spectrum recovery and service replication/maximization." *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Sixth Further Notice of Proposed Rule Making, 11 FCC Rcd 10968, 11001 (1996) ("*DTV Sixth FNPRM*"). Indeed, the Commission specifically based its *interference* calculations in the DTV proceedings on the Longley-Rice propagation model. *DTV Sixth FNPRM*, 11 FCC Rcd. at 11106 n.95 ("The [interference] estimates are based on terrain-

(Continued ...)

an allotment proceeding, over-inclusion does not carry the penalty of disqualifying certain consumers from receiving network service. The risk of such a penalty is present in drawing up a predictive model for SHVA purposes, and militates for a radically different method that relies on realistic probabilities of receiving service and takes account of morphological obstructions.⁶⁵

Second, in the *DTV* proceeding, the Commission was faced with two separate sets of objections to the Longley-Rice variant accepted there. Some broadcasters argued that the maps created by Longley-Rice were too narrow, and that using the Longley-Rice method “may cost some stations the rights they currently have to provide service to their entire Grade B contour as predicted under standard prediction methods.”⁶⁶ The Commission rejected this underbreadth argument – correctly in EchoStar’s view.⁶⁷ Other broadcasters argued that the methodology was *too broad*, and did not adequately take into account errors and interference. One of these parties proposed instead use of the Terrain-Integrated Rough Earth Model, “a more sophisticated propagation loss algorithm of which the Longley-Rice routine is only a part.”⁶⁸

In response to these complaints, the Commission chose not to modify the Longley-Rice model, but *not* because Longley-Rice was better at service replication (even in the dependent Longley-Rice propagation models and assume that all NTSC and DTV stations are in operation.”).

⁶⁵ EchoStar would not oppose a Longley-Rice variant that does use such probabilities and does take account of morphological obstructions.

⁶⁶ *DTV Sixth Report and Order*, 12 FCC Rcd. at 14675, citing Comments of Sunbelt Television, Inc.

⁶⁷ *DTV Sixth Report and Order*, 12 FCC Rcd. at 14676.

⁶⁸ *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, 13 FCC Rcd. 7418 (1998) (“*DTV Sixth Order on Reconsideration*”).

broad sense the term is used here by the broadcasters) than that other proposed model. If anything, to the contrary, the Commission seemed to acknowledge that the alternative model would be better at service replication, and only noted that, overall, the Longley-Rice variant it accepted provided a “*sufficiently* accurate measure of service and interference” for purposes of that complex proceeding.⁶⁹ Thus, the broadcasters cannot take from this proceeding an “endorsement” of Longley-Rice’s accuracy for SHVA purposes. This is especially true when one considers the different priorities at stake under the SHVA than the DTV context. Thus, what is “sufficient” for allotment purposes is no longer good enough when the consequence of excessive breadth is disqualification of consumers from any network service. Thus, what is “sufficient” for allotment purposes is no longer good enough when the consequence of excessive breadth is disqualification of consumers who cannot actually receive local signals from *any* network service.

Indeed, because eligibility of consumers for distant network signals was plainly *not* at issue in the DTV proceeding, most of the comments and positions expressed in that proceeding came from broadcasters with internally conflicting views informed by concerns that are inapposite here. On the other hand, no comments whatsoever came from satellite carriers, who plainly had no notice that broadcasters would one day try to use the predictive methodology accepted in the DTV proceeding for purposes of eligibility to distant signals. It would be inappropriate for the Commission to adopt wholesale a model developed in that proceeding without the benefits of the satellite carriers’ view in a separate rulemaking.

⁶⁹ *Id.* at 7488 (emphasis added).

The broadcasters also refer to data collected by their litigation expert purporting to show that Longley-Rice is “remarkably accurate in predicting actual field intensity measurements.”⁷⁰ But the broadcasters do not include the lowest – of five – success rate in their glowing description of Longley-Rice’s accuracy. Instead, they relegate the 73% accuracy achieved in Pittsburgh to a footnote, and describe the results as “high.”⁷¹ As EchoStar has pointed out, single measurements using the Commission’s antiquated measurement methodology result in systematic overestimation of who can receive adequate television signals. But, even apart from this, the broadcasters’ cannot pull the worst results from their data, present the rest to the Commission, and then claim that their data shows anything useful at all.

Again, EchoStar emphasizes that, *by definition*, the Longley-Rice model as used in the DTV proceeding (and much more as used in the Miami court) is *not* accurate. At the outer edge of the coverage area, the model is designed to predict with 50% confidence where 50% of households can receive a Grade B signal 50% of the time. The broadcasters do not deny this, but respond with the extraordinary argument that “relatively few people live there,” – implying that those “few” people are not important.⁷² Even if these people were “few” (which EchoStar believes is far from the case), they would not only be important – they are the very point of the SHVA. People who live down the street from a broadcast tower can receive adequate over-the-air signals regardless of how one defines, predicts, or measures signal intensity. By contrast, households on the outer edge of a local station’s service are the ones whose eligibility or non-

⁷⁰ NAB Comments at 3.

⁷¹ *See*; NAB Comments at 31-32 n. 20; Comments in RM 9335 at 36.

⁷² NAB Comments 30.

eligibility for distant network signals depends absolutely on these definitions, predictions, and measurements. On this, all parties should be in agreement with EchoStar: those people should not be barred from distant network signals unless they truly can receive local signals. They certainly should not be barred from distant network signals because of an artificially restrictive interpretation of the SHVA.

IV. CONCLUSION

For the foregoing reasons and those set forth in EchoStar's Petition, the Commission should expeditiously proceed with the rulemaking requested by EchoStar.

Respectfully submitted,

 MDM

Philip L. Malet
Pantelis Michalopoulos
Stephoe & Johnson LLP
1330 Connecticut Ave., N.W.
Washington, D.C. 20036
(202) 429-3000

*Counsel for EchoStar
Communications Corporation*

David K. Moskowitz
Senior Vice President
and General Counsel
EchoStar Communications Corporation
5701 South Santa Fe
Littleton, CO 80120
(303) 723-1000

Dated: October 13, 1998

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of October, 1998, I caused the foregoing pleading to be served by hand delivery or (for destinations outside Washington, D.C.) first-class mail:

Chairman William E. Kennard
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Commissioner Gloria Tristani
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Deborah Lathen, Chief
Cable Services Bureau
Federal Communications Commission
2033 M Street, N.W., Room 918
Washington, D.C. 20554

William H. Johnson
Cable Services Bureau
Federal Communications Commission
2033 M Street, N.W., Room 918-B
Washington, D.C. 20554

Margaret L. Tobey
Susan H. Crandall
Morrison & Foerster, LLP
2000 Pennsylvania Avenue
Suite 5500
Washington, D.C. 20006
Attorneys for the Satellite Broadcasting
& Communications Association

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Commissioner Michael K. Powell
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Regina Keeney, Chief
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 830
Washington, D.C. 20554

Richard M. Smith, Chief
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, N.W., Room 480
Washington, D.C. 20554

Andrew Z. Schwartz
Stephen B. Deutsch
Richard M. Brunell
Foley, Hoag & Eliot LLP
1747 Pennsylvania Avenue
Washington, D.C. 20006
Attorneys for PrimeTime 24 Joint Venture

Henry L. Baumann
Benjamin F. P. Ivins
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036

Eric E. Breisach
Christopher C Cinnamon
Lisa M. Chandler
Bienstock & Clark
5360 Holiday Terrace
Kalamazoo, Michigan 49009
Attorneys for The Small Cable
Business Association

Jack Richards
Paula Deza
Keller & Heckman LLP
1001 G Street, N.W., Suite 500 West
Washington, D.C. 20001
Attorneys for National Rural
Telecommunications Cooperative

Kurt A. Wimmer
Erin M. Egan
Covington & Burling
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20044-7566
Attorneys for the CBS Television
Network Affiliates Association

Antoinette Cook Bush
David H. Pawlik
Skadden Arps Slate Meagher
& Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2111
Attorneys for the NBC Television
Affiliates Association

James R. Bayes
Donna C. Gregg
Kenneth D. Katkin
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
Attorneys for A. H. Belo Corporation

Werner K. Hartenberger
Kevin P. Latek
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036
Attorneys for Cosmos Broadcasting, Inc.
and Cox Broadcasting, Inc.

Wade H. Hargrove
Kathleen M. Thornton
Brooks, Pierce, McLendon, Humphrey
& Leonard, LLP
First Union Capital Center
Suite 1600
P.O. Box 1800
Raleigh, N.C. 27602
Attorneys for the ABC Television
Affiliates Association



Pantelis Michalopoulos