Barbara and Joyce -- I appreciate your willingness to talk the PSIP situation through, but I would agree that if your minds are made up on this, then it would be a waste of all of our time. As I indicated, though, I think there are both technical issues and legal issues that could profitably be aired. Here are the items that merit discussion:

Technical. (i) Proper application of Annex B. We actually would welcome the opportunity to walk through the way Annex B of ATSC A/65 is supposed to work with your PSIP experts since our PSIP experts (including the people who wrote Annex B) seem to disagree. I feel like technical people should be able to reach a common conclusion if we go through that exercise. The fact that overlapping identical PSIPs exist all over the country without any problem is something the technical people need to account for.

(ii) Other reasons beyond Annex B to leave us on 3. Hossein's letter the other day left open as a possibility putting us on Channel 3 even if you sincerely believe that Annex B does not directly require it. We could usefully go through why, even if Annex B does not put us on major Channel 3, there are very solid reasons to assign us Channel 3 anyway. The fact that nobody in the real world is being harmed by our use of Channel 3.10 while we would be severely damaged by changing to a different channel, should be considered.

(iii) It continues to appear to us that a favorable ruling on Meredith's declaratory ruling request would to a greater or lesser degree muddy the Incentive Auction repacking process. Alison said at our meeting that that was not so, but the implications there are certainly significant enough to warrant further examination.

Legal. (i) On the legal side, as we just pointed out in our response to the original comments, there is a statutory prohibition on involuntarily changing a station's channel prior to the Incentive Auction. The objecting stations seem to be arguing, and there are some Bureau cases that seem to agree, that a station's "channel" is now its PSIP number. If that is true, the Commission is barred from assigning us a new PSIP because that would mean changing our channel. We haven't talked with you or Joyce about the implications of this.

(ii) We also have not talked about how using a PSIP rather than one's over the air channel to determine cable carriage rights complies with Section 534 of the Act. We are frankly hoping we do not have to go down that route, but we probably should talk about that too.

Other options. (i) We continue to try to come up with ideas that would accommodate the needs of all parties. We appreciated Joyce's suggestion of Channel 14, but there may be other approaches that we can discuss as alternatives.

We would not propose to discuss the issue of ION's continued occupation of Channel 3 on Cablevision. For all we know, if we are allowed to operate on 3, Cablevision may put us there as it has indicated it will, so the issue may become moot.

A meeting next week on the afternoon of Wednesday or Thursday (i.e., the 5th or 6th) would be best for us, but we can make almost any time work except Friday morning. Tuesday is election day so that day impairs McAllan's ability to vote.

Thanks,

Don