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February 15, 2000

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**FEB 15 2000**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

Magalie Roman Salas, Esquire  
Secretary  
Federal Communications Commission  
Room TW-B204  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: CS Docket No. 98-120  
Carriage of the Transmissions  
Of Digital Television Broadcast Stations

MM Docket No. 99-25  
Creation of Low Power Radio Service

MM Docket Nos. 98-204 and 96-16  
Review of the Commission's Broadcast  
And Cable Equal Employment Opportunity  
Rules and Policies and Termination of the EEO  
Streamlining Proceeding

Dear Ms. Salas:

Pursuant to Section 1.1206(b)(2) of the FCC's Rules, I am filing the original and five copies of this letter to report oral *ex parte* communications in the above-referenced proceedings.

Yesterday, a delegation from the New Mexico Broadcasters Association ("NMBA") met with Commissioner Gloria Tristani and her Senior Legal Advisor Rick Chessen. Representing the NMBA were Paula Maes, Mike Burgess, Allen Lumeyer, Bill Burt, Sandi Bergman, Jerry Danziger, Steve Henderson, Mary Ellen Merrigan, George Malti, Matt Martinez and the undersigned counsel.

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FLETCHER, HEALD & HILDRETH, P.L.C.

Magalie Roman Salas, Esquire  
February 15, 2000  
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A written summary of NMBA's oral communications concerning the above-referenced proceedings is attached hereto.

Please date-stamp and return the attached courtesy copy of this submission.

Should any questions arise concerning this matter, please contact this office.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.

  
Frank R. Jazzo  
Counsel for New Mexico Broadcasters Association

FRJ/bll

Enclosure

cc: Honorable Comm. Gloria Tristani (w/enc.) (*By Hand Delivery*)  
Rick Chessen, Esquire (w/enc.) (*By Hand Delivery*)

**SUMMARY OF ORAL *EX PARTE* PRESENTATION**  
**BY NEW MEXICO BROADCASTERS ASSOCIATION (NMBA)**  
**TO COMMISSIONER GLORIA TRISTANI AND**  
**SENIOR LEGAL ADVISOR RICK CHESSEN ON**  
**FEBRUARY 14, 2000**

**CS Docket No. 98-120 (DTV Must Carry)**

The NMBA delegation urged expedited action in this proceeding. The oral communications urged adoption of DTV must-carry requirements. The NMBA delegation observed that DTV must-carry is a necessary ingredient for the timely transition to DTV broadcasting.

**MM Docket No. 99-25 (Low Power Radio)**

The NMBA delegation expressed concerns regarding the FCC's recent adoption of rules to establish a low power FM ("LPFM") broadcast service. The potential for harmful interference from LPFM stations to existing full power broadcasters was discussed extensively. Concern was also expressed with respect to the FCC's ability to enforce LPFM technical rules. Finally, the economic impact of LPFM on the ability of existing small market radio stations to provide local service was emphasized.

**MM Docket Nos. 98-204 and 96-16 (Adoption of New Broadcast EEO Rules and Policies)**

The NMBA delegation discussed BEDA's proposal to adopt an Internet-based system for dissemination of job-opening information. Concern was expressed regarding the administrative burden the new EEO rules and policies will place on broadcast stations, particularly small market stations. The need to widely recruit for job openings in small market stations raises practical concerns because such stations do not have staffing levels which permit job vacancies to remain unfilled for extended periods.