ORIGINAL ORIGINAL

ANN BAVENDER*
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
RICHARD J. ESTEVEZ
PAUL J. FELDMAN
RICHARD HILDRETH
FRANK R. JAZZO
ANDREW S. KERSTING
EUGENE M. LAWSON, JR.
SUSAN A. MARSHALL*
HARRY C. MARTIN
GEORGE PETRUTSAS
RAYMOND J. QUIANZON
LEONARD R. RAISH
JAMES P. RILEY
KATHLEEN VICTORY
HOWARD M. WEISS
ALISON J. SHAPIRO
* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.
ATTORNEYS AT LAW
11th FLOOR, 1300 NORTH 17th STREET
ARLINGTON, VIRGINIA 22209-3801

(703) 812-0400
TELECOPIER
(703) 812-0486
INTERNET
www.fhh-telcomlaw.com

FRANK U. FLETCHER
(1939-1965)
ROBERT L. HEALD
(1956-1983)
PAUL D.P. SPEARMAN
(1936-1962)
FRANK ROBERSON
(1936-1961)
RUSSELL ROWELL
(1948-1977)
EDWARD F. KENEHAN
(1960-1978)
CONSULTANT FOR INTERNATIONAL AND INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)
OF COUNSEL
EDWARD A. CAINE*
MITCHELL LAZARUS*
EDWARD S. O'NEILL*
JOHN JOSEPH SMITH
WRITER'S DIRECT

EX PARTE OR LATE FILED

RECEIVED
FEB 15 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

February 15, 2000

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
Room TW-B204
445 12th 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.

No. of Copies rec'd 0+5
List A B C D E

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.