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March 2, 2000

Notice of Ex Parte Communication

EX PARTE OR LATE FILED

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: ET Docket No. 95-18

Dear Ms. Salas:

Yesterday, Victor Tawil and Mary Newcomer Williams, representing the Association for Maximum Service Television, and Karen Fullum, Kelly Williams and the undersigned, met with Peter Tenhula of Commissioner Powell's office, to discuss issues relating to the reallocation of spectrum at 2 GHz. We made the following points:

- If the Commission chooses to have a market-by-market phased transition to a revised channel plan for BAS services, it needs to ensure that markets which have recently added new local television news services retain sufficient numbers of BAS channels to permit all stations offering local news to operate. We estimated that most of the top-75 television markets now have additional local television news operations.
- We further pointed out operational difficulties which would arise if stations in different markets are operating with different channelization plans if stations need to use ENG equipment to cover events outside their market, or if stations in closely located markets both cover the same event. For example, both Baltimore and Washington stations cover election night events from Annapolis, Maryland using their own ENG equipment and coordination would prove almost impossible if one set of stations were using 17 MHz channels and the other 15 MHz channels. We suggested as one way to ameliorate this problem that the MSS licensees be required to immediately retune at least one ENG transmitter and receiver for every station.
- We expressed concern over whether the inclusion of a "sunset" date beyond which MSS applicants would not be obligated to compensate broadcasters for conversion of their BAS equipment would encourage MSS applicants to "game" the system to avoid payment, particularly with respect to the ultimate conversion to 12 MHz channels. We argued that

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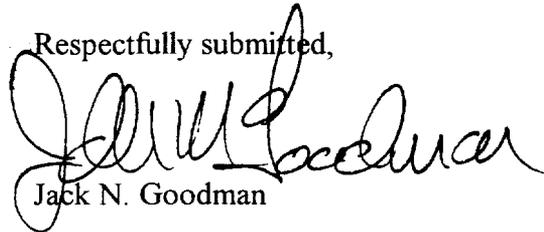
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the Commission should either not provide for a “sunset” date, or should require MSS applicants to complete the conversion prior to that date, or should tie any “sunset” date to the roll-out of MSS services.

- We argued that, in establishing transition policies, the Commission should be careful to avoid policies that would result in stations in smaller markets – who have the least ability to pay – having to shoulder themselves the cost of clearing spectrum for MSS.
- We argued that the Commission should apply its *Emerging Technologies* reimbursement principles to this proceeding and require compensation for broadcasters’ actual costs of retuning or replacing BAS equipment.

Please direct any questions concerning this matter to the undersigned..

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack N. Goodman", written in a cursive style.

Jack N. Goodman

cc: Peter Tenhula