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January 17, 2001

BY HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

EX PARTE OR LATE FILED

Re: **Carriage of the Transmissions of Digital Television
Broadcast Stations (CS Docket No. 98-120)**
Notice of Ex Parte Presentation

Dear Ms. Salas:

Pursuant to Section 1.1206(b)(2) of the Commission's rules, MSTV hereby files an original and one copy of this notice regarding permitted oral ex parte presentations in the above-captioned proceeding. On January 16, 2001, the undersigned counsel for MSTV had conversations with Commissioner Ness and her legal advisor David Goodfriend; Ben Golant, Legal Advisor to Commissioner Furchtgott-Roth; Peter Tenhula, Senior Legal Advisor to Commissioner Powell; Jay Friedman, Senior Legal Advisor to Commissioner Tristani; and Susan Fox, Deputy Chief of the Mass Media Bureau; and Mr. Blake and Ms. Goodman met with Kathy Brown, Chief of Staff to Chairman Kennard, and Bob Pepper of the Office of Plans and Policy regarding issues relating to the transition to digital television. Today, Mr. Blake had a brief conversation with Roy Stewart, Chief of the Mass Media Bureau, on the same subject.

We discussed the recently-released reports compiled by the VSB/COFDM Project regarding the DTV transmission standard. These documents report on the potential for improving the 8VSB standard, as well as the results of comparison testing of VSB and COFDM at 30 feet, six feet, and indoors. The VSB improvement report concludes that while progress continues to be made in improving 8VSB reception performance, particularly with respect to the better equalization required to handle complex dynamic multipath conditions, and while next-generation receivers available for testing to date show progress over their predecessors, the pace at which improved consumer products are reaching the market is disappointing. The VSB/COFDM comparison report shows that COFDM did not outperform VSB overall, although it did perform better under certain conditions and worse under others. The results of field testing 8VSB and COFDM indicate that 8VSB should be suitable for a broadcast service using a 30 foot outdoor antenna. However, the results of field testing 8VSB and COFDM for outdoor reception using a six foot antenna are far less optimistic, and at least in difficult RF environments, a minority of viewers will be able to enjoy indoor reception with either system.

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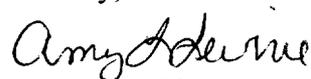
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Finally, we discussed how the Commission should define the term "primary video" with respect to the digital television stream and expressed that the Communications Act provides a bright line test whereby all programming streams except for ancillary and supplementary, or subscription, services are entitled to mandatory carriage on cable and satellite systems, because no one programming stream is more "primary" than any other programming stream. Thus, carried DTV content should include all services that are free to the viewer, meaning free over-the-air broadcast video, accompanying audio, closed-captioning, as well as program-related material. This position is supported by the Commission's approach to the analog definition of "primary video" in which the Commission recognized that the purpose of the rule is to ensure that viewers receive virtually the same material over cable that they might over the air. Failure to provide for the same result in DTV will mean, as Congress has noted in both the cable and satellite contexts, that all material that is not carried (e.g., multicast news programming, niche programming, special reports and services) is likely to disappear from the airwaves. A Commission interested in allowing the marketplace to choose among various DTV approaches (e.g., HDTV and multicast) should not be a Commission that skews the production of programming by its definition of "primary video."

Kindly address any questions to the undersigned.

Sincerely,



Jonathan D. Blake
Ellen P. Goodman
Amy L. Levine

cc: Chairman William Kennard
Commissioner Susan Ness
Commissioner Michael Powell
Commissioner Gloria Tristani
Commissioner Harold Furchtgott-Roth
Ms. Kathy Brown
Mr. David Goodfriend
Mr. Peter Tenhula
Ms. Susan Eid
Mr. Jay Friedman
Mr. Ben Golant
Ms. Deborah Lathen
Dr. Bob Pepper
Mr. Roy Stewart
Ms. Susan Fox