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MAR 21 2001

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March 19, 2001

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Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., NW  
Washington, D.C. 20554

Re: Notice of Permitted Ex Parte Contacts, CS Dkt. No. 00-2

Dear Ms. Salas:

This letter is to advise the Commission of a permitted *ex parte* contact by the National Basketball Association, the National Hockey League, the National Football League, and the Office of the Commissioner of Baseball (the "Sports Leagues") in the above-referenced proceeding.

On March 15, 2001, the undersigned, representing the National Basketball Association and the National Hockey League, along with Neil K. Roman of Covington & Burling, representing the National Football League, Christopher Winters of Arnold & Porter, representing the Office of the Commissioner of Baseball, and Consultant Glenn Gurgiolo (by telephone), met jointly with the following representatives of the Cable Services Bureau: William Johnson, Eloise Gore, Ronald Parver, and Deborah Klein.

At this meeting, three issues were discussed dealing with the question of sports program exclusivity: the Commission's proposed 48-hour notice, a change in the cable blackout rules, and blackouts affecting U.S. border subscribers within 35 miles of Canadian teams.

After explaining the unique nature of game and telecast scheduling by various leagues, the Sports Leagues suggested that the Commission consider a compromise from the rule adopted in CS Docket No. 00-2. The Sports Leagues offered to consider providing to all satellite carriers,

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within a relatively brief time, a complete Master List of the Zip Codes of members of the Sports Leagues affected under the Commission's new rules. The Sports Leagues also suggested that in substitution for the Commission's recently adopted 48-hour rule, the Commission should simply adopt a requirement that regular season schedules be provided to satellite carriers for blackout purposes no later than 15 calendar days before the beginning of the season (as contrasted to cable's minimum six-day advance notice for regularly scheduled events).

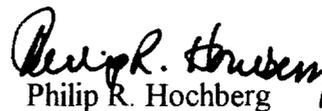
The Sports Leagues noted to the staff that the Commission had amended the cable sports blackout rules in a manner inconsistent with cable regulation for the prior 26 years, dealing with communities within 35 miles of a game site, but also within the Predicted Grade B contour of a distant station carrying the sporting event. See, e.g., Chicago Bulls at Milwaukee Bucks, carried by WGN-TV into the community of Racine, WI. Pointing out the change in the rules, but urging that such a change not be effected, the Sports Leagues indicated a belief that these situations were relatively few in number and offered to provide a list of markets where the rule change would have impact.

Finally, in dealing with question of U.S. border subscribers within 35 miles of Canadian sports teams, the Sports Leagues were asked to ascertain if Canadian viewers were blacked out of home games.

The Sports Leagues agreed to provide the information reflected herein in a timely manner to the staff.

Should you have any questions, please communicate directly with the undersigned.

Sincerely,

  
Philip R. Hochberg

- cc. William Johnson, Esq.
- Eloise Gore, Esq.
- Ronald Parver, Esq.
- John Seiver, Esq.
- Pantelis Michalopoulos, Esq.
- Gary M. Epstein, Esq.