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DOW, LOHNES & ALBERTSON, PLLC
ATTORNEYS AT LAW



M. ANNE SWANSON
DIRECT DIAL 202-776-2534
aswanson@dla.com

WASHINGTON, D.C.

1200 NEW HAMPSHIRE AVENUE, N.W. · SUITE 800 · WASHINGTON, D.C. 20036-6802
TELEPHONE 202-776-2000 · FACSIMILE 202-776-2222

ONE RAVINIA DRIVE · SUITE 1600
ATLANTA, GEORGIA 30346-2108
TELEPHONE 770-901-8800
FACSIMILE 770-901-8874

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AUG 22 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

August 22, 2001

VIA HAND DELIVERY

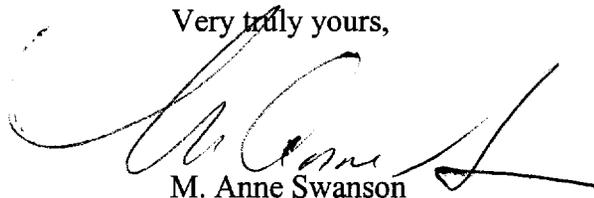
Magalie R. Salas, Esquire
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

Re: **Notification of Ex Parte Communication**
WT Docket No. 99-168; CS Docket No. 98-120; MM Docket No. 00-39

Dear Ms. Salas:

This is to advise you, in accordance with Section 1.1206 of the FCC's rules, that on Wednesday, August 22, 2001, I, as counsel for Paxson Communications Corporation, met with Bryan Tramont, Senior Legal Advisor to Commissioner Kathleen Q. Abernathy, regarding the March 16, 2001 Petition for Clarification and Reconsideration filed by The Spectrum Clearing Alliance. The discussions involved various issues raised in the Petition for Clarification and Reconsideration including the need for the FCC to act promptly on the Petition and the mechanics of broadcaster band-clearing in the Channels 59-69 band. The attached material was provided at the meeting. As required by Section 1.1206(b), two copies of this letter are being submitted for each of the above-referenced dockets.

Very truly yours,



M. Anne Swanson

Enclosures
cc w/encls. by hand delivery:
Bryan Tramont, Esquire

DOW, LOHNES & ALBERTSON, PLLC
ATTORNEYS AT LAW

WASHINGTON, D.C.

1200 NEW HAMPSHIRE AVENUE, N.W. • SUITE 800 • WASHINGTON, D.C. 20036-6802
TELEPHONE 202-776-2000 • FACSIMILE 202-776-2222
DIRECT DIAL:

MEMORANDUM

DATE: August 21, 2001
RE: Spectrum Clearing Alliance

The following outlines various scenarios for band-clearing pursuant to the proposals of the Spectrum Clearing Alliance.

Single Station.

Station A operates on analog Channel 20 and has been allocated DTV Channel 60. This station relinquishes its DTV Channel 60 and continues to operate on analog Channel 20, converting to digital operation on Channel 20 before December 31, 2005 or when 70% of the television households in its market are capable of receiving digital broadcast signals over-the-air using either a digital television set or an analog set equipped with a receiver to convert the digital signal ("DTV Transition Date").

A slightly different scenario involves Station B operating with analog Channel 60 and allocated DTV Channel 20. Station B relinquishes its analog Channel 60, converts to analog operation on Channel 20 and will then convert to digital operation on Channel 20 on the DTV Transition Date.

Two Station Band-Clearing

Station A operates on analog Channel 20 and has been allocated DTV Channel 60. Station B operates on analog Channel 30 and has been allocated DTV Channel 40. Station A relinquishes its DTV Channel 60 in return for receiving Station B's DTV Channel 40. Station B is left with a single channel operation and will make the DTV conversion on Channel 30 on the DTV Transition Date. Station A will follow the normal DTV conversion deadlines.

This band-clearing procedure is essentially the same whether Station A has an analog or digital channel in the Channel 59-69 band.

Three Station Band-Clearing

Station A operates on analog Channel 20 and has been allocated DTV Channel 60; Station B operates on analog Channel 30 and has been allocated DTV Channel 50; and,

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Station C operates on analog Channel 40 and has been allocated DTV Channel 45. Station C enters into an agreement with Station A to give up its DTV allotment Channel 45 and Station A will clear its DTV allotment Channel 60. However, Station C then enters into an agreement with Station B to obtain one of its in-core channels (30 or 50) for its digital allocation. This leaves Station B with only a single channel which it would be permitted to operate in analog until the DTV Transition Date at which point it converts to digital operation on its channel. Both Stations A and Stations C would have analog and digital channels and would operate pursuant to the usual DTV transition.

In the band-clearing agreement involving three TV stations, the outcome is the same as a two-station agreement, but the third station's presence may be required in order to ensure that the band-clearing will occur.



STAMP & RETURN

Lowell W. Paxson / Chairman

June 5, 2001

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room 8-A204C
Washington, DC 20554

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JUN 6 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

Re: WT Docket No. 99-168

Dear Chairman Powell:

On March 16, 2001, the Spectrum Clearing Alliance filed a Petition for Clarification and Reconsideration with the Commission seeking certain changes in the band-clearing rules and policies adopted by the FCC in its Third Report and Order in WT Docket No. 99-168 released on January 23, 2001. Since that filing, the parties to the Spectrum Clearing Alliance's Petition have increased from 42% of the existing analog stations in the Channels 59-69 band to slightly more than 60% of the existing analog stations in that band. Members of the Alliance have also met with Commission personnel to brief them on the requested rule changes.

Among other things, the Alliance's Petition requests that any incumbent broadcaster clearing either its analog or digital allotment in the Channels 59-69 band be permitted to operate in an analog format (on a digital assignment if compatible with FCC technical requirements) and convert to digital at any time up until the end of the DTV transition. The broadcasters would construct their new analog facilities with dual purpose antennas so that they would be able to flash-cut from an analog to a digital operation upon making a few minor technical alterations.

As you know, the Balanced Budget Act of 1997 set a deadline of December 31, 2006 for broadcasters to complete the transition to digital broadcasting but further provided that a broadcaster would receive an extension of that deadline if it could demonstrate that less than 85% of the television households in its market are capable of receiving digital broadcast signals via either an over-the-air digital television set or an analog set equipped with a digital receiver to convert the signal to an analog set.

The Alliance continues to believe that permitting the band-clearing broadcasters to delay their transition to digital operations is appropriate and fully justified in these circumstances. First, such a station would have already returned its paired channel for potential use by



The Honorable Michael K. Powell

June 5, 2001

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telecos in the introduction of new 3-G services. Second, there would only be a limited number of affected stations (most likely 80-90 at most) and this would not have a significant negative impact on the conversion to digital. Third, these broadcasters would otherwise be reluctant to clear the band because of the absolute loss of their analog service long before their competitors would cease such analog operations. Finally, this accelerated band clearing will benefit the many public safety organizations eager to utilize the portion of the 700 MHz set aside for such use. The Alliance's band clearing plan will free up this spectrum at no cost to the public safety organizations.

Nevertheless, the Alliance is herein proposing that broadcasters clearing the Channels 59-69 band be permitted to operate in an analog-only format (if they should so choose) and not have to convert their stations to digital until December 31, 2005 or when 70% of the television households in their markets are capable of receiving digital broadcast signals over-the-air using a digital television set or an analog set equipped with a digital receiver to convert the signal to an analog set. This TV household penetration level would be reduced to 50% if full digital multicast must carry rules are implemented by the Commission providing that all free, over-the-air video programming services provided by a digital broadcast station, electing must carry, are carried by all multichannel video programming providers, i.e., cable, DBS, DSL, in its market.

We trust that this proposal of the Spectrum Clearing Alliance is responsive to the issues of the compatibility between the Alliance's band-clearing proposal and the transition to digital by the broadcast industry.

Very truly yours,

A handwritten signature in black ink that reads "Lowell W. Paxson".

Lowell W. Paxson

Chairman

Paxson Communications Corporation