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December 6, 2001

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Magalie R. Salas, Esquire
Secretary

Federal Communications Commission

9300 East Hampton Drive

Capitol Heights, MD 20743

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: The WB Television Network
Notice of *Ex Parte* Presentation
*Reallocation and Service Rules for the 698-746
MHz Spectrum Band (Television Channels 52-59)*
GN Docket No. 01-74

Dear Ms. Salas:

Submitted herewith pursuant to Section 1.1206(b)(2) of the Commission's rules are an original and one copy of this notice regarding a permitted oral *ex parte* presentation in the above-referenced proceeding. On December 5, 2001, a representative of The WB Television Network ("The WB") had a telephone conversation with Stacy Robinson, legal advisor to Commissioner Kathleen Abernathy, in which certain matters pertaining to the FCC's treatment of pending proposals for new NTSC stations to operate on channels 52-58 were discussed. The WB proposed the following:

- The proposed NTSC stations to operate on channels 52-58 should be permitted to operate in analog mode until December 31, 2006, at which time they may be required to convert to digital operation.
- In order to help facilitate the transition to digital television, the proposed channel 52-58 stations should be permitted to commence digital operation on their assigned channel at any time prior to December 31, 2006, regardless of whether they are operating on an analog or DTV allotment.
- The Report and Order in this proceeding should make clear that with respect to any pending proposal for a new TV station that was filed on or before September 20, 1996 (regardless of whether the original proposal was an application or petition for rulemaking), the proposal may be amended to seek a DTV allotment in the range from Channel 2 to Channel 58. Thus, an

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amended NTSC proposal may seek a DTV allotment on channels 52-58 regardless of whether the amended proposal (i) seeks to substitute a DTV channel for an existing analog allotment, or (ii) amends a pending rulemaking petition to propose the allotment of a DTV channel in lieu of the originally proposed analog channel.

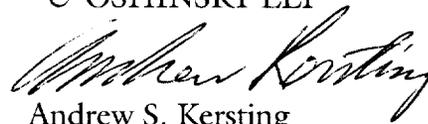
- In the event the FCC were to adopt an expedited construction period for the proposed new NTSC stations which are to operate on channels 52-58, the construction period should be no shorter than two years.

Finally, in *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, *Notice of Proposed Rule Making*, FCC 01-91 (released March 28, 2001), the Commission elicited comments concerning whether the proponents of new NTSC stations to operate on channels 52-58 “should be allowed to amend their pending applications through a channel allotment rule making petition to specify a new digital channel in the core that may become available later.” *Id.* at ¶24. In an effort to help reduce the number of NTSC stations on channels 52-58 and facilitate the transition to digital television, the proposed new NTSC stations should be permitted to file rulemaking petitions seeking an in-core DTV allotment as they become available, and should not be required to wait until December 31, 2006 or the end of the transition period.

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,

DICKSTEIN SHAPIRO MORIN
& OSHINSKY LLP



Andrew S. Kersting
Counsel for The WB Television Network

cc: Mr. Bryan Tramont (FCC) (by hand)
Ms. Stacy Robinson (FCC) (by hand)
Mr. Peter Tenhula (FCC) (by hand)
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