

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re:

Petition for Rulemaking To Amend the)
Commission's Rules To Extend its Network)
and Non-Network Territorial Exclusivity,) **RM-10335**
Syndicated Exclusivity, and Network)
Non-Duplication Protection Rules to)
Low Power, Class A, and Noncommercial)
Broadcast Stations)

To: The Commission

INFORMAL COMMENTS OF FIREWEED COMMUNICATIONS CORPORATION

Fireweed Communications Corporation (FWCC) is the licensee of full service station KYES-(TV) channel 5, Anchorage Alaska, KYEX-LP Anchorage Alaska, and several LPTV and translator stations in South Central Alaska.

The television broadcast business is, in many ways, like the movie theatre business. In exchange for consideration to the movie studio or distributor, theatres get exclusive rights to exclusive display a picture within a certain geographic area. Without exclusivity, theatres might face competition from tens, or even hundreds of competitors. Imagine what would happen to movie theatres if video rental stores had compulsory license from movie studios allowing public display and rental of all pictures released by movie studios. Would attendance at movie theatres be reduced? Of course.

As the licensee of KYES, FWCC spends a considerable portion of its revenue acquiring programming for KYES. The essence of our programming acquisitions are copyright protections and exclusivity. Attendance at our "theatre" would be threatened if Cable TV or any other operator happened to be able to show the same pictures for which we pay dearly. If FWCC were to pay the copyright holder for a program, and a competitor were legally allowed to "steal" the same program without paying the copyright holder, we could be less inclined to invest in programs in the future.

As we pointed out above, FWCC is also the licensee of a class A TV. FWCC believes the class A TV has population coverage nearly equal to the 100 kW ERP full service VHF TV station, but it cannot risk investment in programming for KYEX without copyright protection.

Copyright protection should depend upon the class of FCC license a broadcaster holds. It is a matter of free trade in the marketplace. FWCC believes the Commission should extend copyright protections in the form of syndicated and network exclusivity to all Commission licensees regardless of license type or class.

Jeremy Lansman
President Fireweed Communications Corp.
December 26, 2001