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May 3, 2002

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW B204
Washington D.C. 20554

via electronic filing

Re: American Cable Association; *Ex parte* oral presentation, CS Docket No. 98-120

Dear Ms. Dortch:

Under 47 CFR § 1.1206(b), we electronically provide this notice of an *ex parte* oral presentation on April 30, 2002.¹ On that date, members of the American Cable Association and attorneys with Cinnamon Mueller met with officials at the Media Bureau.²

The ACA members discussed a DTV transition concern that has not been reflected in the record to date. The issue is the potential for the "digital cliff effect" to result in consumers on the fringe of broadcast markets losing access to broadcast signals, either over-the-air or on small cable systems. By digital cliff effect, ACA members refer to the characteristic of digital broadcast signals to provide a very good quality signal down to a certain signal strength, after which the receiver loses sufficient data to produce a picture, the screen "tiles," then goes blank. In contrast, analog signals diminished by distance or terrain can still be cablecast or received by a television, albeit at a lower signal quality.

According to preliminary research by ACA members, small cable systems and consumers in communities on the fringe of broadcast markets risk losing broadcast television signals due to the digital cliff effect. Currently, small cable systems and consumers in these areas can receive analog broadcast signals, even at reduced signal strength and quality.

The concern of ACA members is that at the completion of the transaction, an entire class of small cable systems and consumers on the fringes of broadcast markets will lose all access to over-the-air broadcast signals, either by cable systems or over-the-air antennas. This is particularly acute for smaller and economically disadvantaged areas where the broadcasters will not have sufficient economic incentive to invest in additional transmission means to deliver sufficient signal strength.

ACA encourages the Commission to study this issue to avoid the loss of broadcast television to smaller market consumers and cable systems.

¹ Due to return travel from the ACA Legislative Summit, we were unable to file this Notice until May 3, 2002.

² See Appendix for list of attendees.

Sincerely,

_____/s/_____
Emily A. Denney

cc: Matthew M. Polka
Christopher C. Cinnamon

APPENDIX

Ronald Parver, Media Bureau
Steven Broeckaert, Media Bureau
Ben Golant, Media Bureau
Marcia Glauberman, Media Bureau
William Johnson, Media Bureau
Wayne Mckee, Media Bureau

Bruce Beard, Millennium Digital Media
Martin Brophy, Shen-Heights TV Association Inc.
Patrick Davis, Cedar Communications
Michael Drake, Milestone Communications
David Kinley, Sun Country Cable
Guinn Leverett, Belhaven Cable TV
Steve Neu, Mountain Zone TV Systems
Neal Schnog, Uvision, LLC

Christopher C. Cinnamon, Cinnamon Mueller
Emily A. Denney, Cinnamon Mueller