

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

RICHARD R. ZARAGOZA
202-663-8266
richard.zaragoza@shawpittman.com

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June 19, 2002

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JUN 19 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILE

VIA HAND DELIVERY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW, TW3-A662
Washington, DC 20554

Re: Ex Parte Oral Presentations: "Petition for Inquiry into Network Practices"
filed by the Network Affiliated Stations Alliance, DA 01-1264; ;
MM Docket No. 98-35; MM Docket Nos. 01-235 and 96-197;
MM Docket Nos. 01-317 and 00-244; MM Docket No. 98-204; and
CSR Docket No. 5865-Z

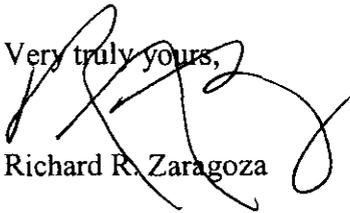
Dear Ms. Dortch:

On June 14, 2002, the undersigned provided your office with the substance of the oral presentations that had been made on June 10 and June 11 to Commissioner Kevin J. Martin and his staff. The persons in attendance and the subjects touched upon/discussed were specifically identified. However, through inadvertence, the docket numbers of particular proceedings, where applicable, were not supplied at that time. Accordingly, the purpose of this filing is to provide such docket numbers to assist the Office of the Secretary in relating such presentations to specific proceedings, where applicable.

Enclosed is a modified version of the June 14 filing identifying the specific proceedings. Six separate proceedings are identified. Accordingly, twelve copies of this filing, in addition to the two copies for the Office of the Secretary, are being provided.

If there are any questions concerning this matter, please do not hesitate to communicate with the undersigned.

Very truly yours,


Richard R. Zaragoza

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Enclosure

cc. Commissioner Kevin J. Martin
Legal Advisor Catherine C. Bohigian, Esq.

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Dear Ms. Dortch:

The purpose of this filing with the FCC is to place in the public record the substance of two very recent meetings held with Commissioner Kevin J. Martin and his staff.

On June 10, the following persons met with Commissioner Martin and his Legal Advisor Catherine C. Bohigian: B. Allan Sprague, the President of the New Hampshire Association of Broadcasters; Raymond R. Garon, President and General Manager of three Manchester, NH FM stations owned by Saga Communications of New England ("Saga") and Jeff Bartlett, President and General Manager of WMUR(TV), Channel 9, Manchester, NH owned by Hearst-Argyle, Inc.

On June 11, the following persons met with Commissioner Martin and his Legal Intern Matt Segers: B. Allan Sprague, the President of the Massachusetts Broadcasters Association; Lawrence D. Goldberg, Vice President of the Springfield, MA market radio stations owned by Saga; and Gary Marder, Vice President Northeast Region and General Manager of several Entravision Communications Corporation owned Spanish language television stations in the New England region.

The topics touched upon, and discussed in some instances, were as follows:

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At the June 10 meeting,

“Petition for Inquiry into Network Practices”
filed by the Network Affiliated Stations Alliance, DA 01-1264

1. Mr. Bartlett explained that the ABC Network's limitation on preemptions prevented WMUR(TV) from effectively competing to acquire the rights to air a significant number of Red Sox baseball games. He urged the Commission to take up and resolve the NASA Petition, pointing out that the petitioners were not asking that new regulations be developed, only that the current regulations be duly enforced.

MM Docket No. 98-35

2. Mr. Bartlett urged the Commission to develop a strong record in support of the 35% cap.

MM Docket Nos. 01-235 and 96-197

3. Mr. Bartlett urged the FCC to repeal or at least relax the newspaper-broadcast cross-ownership rule on the ground that newspaper/television consolidations will lead to better quality news and other informational programming as well as to the airing of more such programming.

MM Docket Nos. 01-317 and 00-244

4. Mr. Garon explained that radio consolidation was a marketplace response to the fact that advertisers have many avenues available to promote their goods and services. He urged the Commission to consider all forms of advertising by engaging in a real world view of competition for advertisers which he described as ever increasingly vigorous.

MM Docket No. 98-204

5. Mr. Zaragoza set forth the EEO proposal of the State Broadcasters Associations as contained in publicly filed documents. Mr. Martin asked for comment on the proposal that 395-B reports be filed but be kept confidential for 3-5 years. Mr. Zaragoza stated that the State Associations have responded to that position in their filings but that he would provide him with additional thoughts at a later time.

At the June 11 meeting,

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No Specific FCC Proceeding

6. Mr. Zaragoza praised the FCC's Alternative Broadcast Inspection Program operated in partnership with the State Broadcasters Associations. Messrs. Goldberg and Marder gave their reasons why the program was beneficial to their stations.

No Specific FCC Proceeding

7. Mr. Marder explained that as his station group targets the Hispanic viewer, it is very challenging from him to have to spend as much as a general market television on the build-out of DTV, particularly where his viewers may well be the last to convert their receivers from analog to digital.

CSR Docket No. 5865-Z

8. Mr. Marder thanked the Commission for its efforts to insure nondiscriminatory treatment of Spanish language and religious television stations which continue to be treated by local cable companies and EchoStar on a least favored basis.

MM Docket Nos. 01-317 and 00-244

9. Mr. Goldberg made the point that radio consolidation is a fact and there is no turning back. He urged the Commission to avoid adopting any new regulations or interpretations which might prevent an owner in a market from achieving truly competitive parity with another owner which may have benefited from the current ownership regulations and interpretations.

MM Docket Nos. 01-317 and 00-244

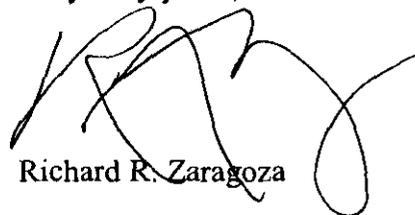
10. Mr. Goldberg also talked about the effects which vertical integration by one owner can have on other owners in a market. As an example, he said that it is one thing to compete head to head with another owner in the market for listeners, each with the ability to offer concert tickets to hear artists whose works are played in the station. However, it is another thing to have to compete with another owner in the market where that owner can deny you access to those tickets thereby hurting your promotional efforts and possibly putting in jeopardy your entire format.

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XM Satellite Radio and Sirius

11. Mr. Goldberg asked the Commission to be vigilant in order to prevent the satellite radio carriers from using their terrestrial repeaters for local origination.

Very truly yours,

A handwritten signature in black ink, appearing to be 'R. Zaragoza', written over the typed name.

Richard R. Zaragoza

cc: Commissioner Kevin J. Martin
Legal Advisor, Catherine C. Bohigian, Esq.