

September 4, 2002

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

Re: **Ex Parte Notification**
CS Docket No: 98-120

Dear Ms. Dortch:

On August 28, 2002, Eddie Fritts, Jeff Baumann, Jack Goodman, Karen Kirsch, and Valerie Schulte of NAB met with Commissioner Kevin Martin and his legal advisor Catherine Bohigian to discuss and urge swift FCC action in favor of a broad reading of the “primary video” language in the must carry statute as it relates to carriage of broadcast DTV signals. We indicated our belief that the issues have been fully briefed to the Commission. We also discussed the purposes of must carry, as treated in the *Turner II* Supreme Court case, in relation to a broad definition of primary video. The issues and arguments discussed on “primary video” were as presented in NAB’s Petition for Reconsideration in the above-referenced docket. Constitutional issues concerning “primary video,” as discussed in NAB’s August 5, 2002 ex parte communication containing the constitutional analysis by Jenner & Block, were also covered.

Sincerely yours,



Valerie Schulte

cc: Catherine Bohigian