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Lowell W. Paxson / Chairman

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August 29, 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Eighth Floor  
Washington, D.C. 20554

Re: Digital Must Carry  
CS Docket No. 98-120

Dear Chairman Powell:

I am writing to you as Chairman of Paxson Communications Corporation ("Paxson") to urge you to consider the issue of full digital must carry at the FCC's scheduled September 12, 2002 agenda meeting. While numerous press reports have indicated that it is your intention to consider digital must carry at that meeting, I believe that it is imperative that the FCC understand the importance of adhering to that schedule. By October 1, 2002, all commercial television stations in the country are required to elect between must-carry and retransmission consent to govern their cable carriage for the next three years until December 31, 2005. In fact, in order to be in full compliance with the FCC's election rules, television stations must effectively transmit their elections to the cable systems during the last week of September, 2002. As you noted in July, "[2003] may prove to be a watershed for the digital television transition." I agree with your prognosis **but only if** the FCC adopts full digital must-carry in time for television stations to make an intelligent and effective election by the October 1, 2002 deadline.

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Mr. Chairman, you have challenged all industries to participate in speeding up the DTV transition and on the issue of digital television cable carriage, I do not think that there is any disagreement that the matter is ripe for FCC decision.

➤ **There is no reason for further delay.**

As you know, the FCC released its initial Report and Order on digital must-carry on January 23, 2001 and Petitions for Reconsideration have been pending since April of 2001. At the same time the FCC initiated a further rulemaking on digital must-carry and comments have been before the FCC since May of 2001. Since that time, and for over a year, parties have filed voluminous factual and legal documents with the FCC regarding this matter and the record before the FCC could not be more complete.

➤ **Delay would be disastrous.**

In addition to the October 1, 2002 election date noted above, the FCC's resolution of digital must-carry is crucial to turning the faltering DTV transition around. Free, over-the-air digital broadcast television is in dire straits and immediate and comprehensive FCC action is needed. There is also a critically important governmental interest at risk here and that is preservation of free, over-the-air television which, as you know, the Supreme Court has already determined is a vital governmental interest.

➤ **No further proceedings are necessary.**

The FCC has compiled a thorough record on this matter and the recent filings of the National Association of Broadcasters and the Association of Public Television Stations have carefully and diligently outlined the legal basis for full digital must carry. In fact, those filings represent the FCC's brief in any court challenge to its adoption of full digital must-carry and, conversely, will represent the legal basis for the court reversal of any FCC decision not to adopt full digital must carry.



Hon. Michael K. Powell  
Federal Communications Commission

August 29, 2002  
Page 3 of 3

You have articulated how important it is for many steps to be taken in order for the digital transition to be successful. I think it is fair to say that for over-the-air broadcasting, **full digital must-carry is the critical linchpin to success** and must be promptly adopted so that intelligent elections can be made by the Nation's 1300 plus commercial television stations by October 1. In doing so, we ask only that the FCC follow the mandate of Congress as articulated in the 1992 Cable Act and the law of the land as stated by the Supreme Court in its 1997 decision in Turner Broadcasting.

Very truly yours,

Lowell W. Paxson  
Chairman  
Paxson Communications Corporation

cc: Commissioner Kathleen Q. Abernathy  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin