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September 6, 2002

Ex Parte Notice

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: **Carriage of Digital Television Broadcast Signals, CS Docket No. 98-120**

Dear Ms. Dortch:

On September 5, James R. Coltharp of Comcast Corporation and I met with Catherine Bohigian, Legal Advisor to Commissioner Martin, to discuss the above-captioned proceeding. Alan Dannenbaum, Vice President, Programming, Comcast Cable Communications, Inc., participated by telephone.

Messrs. Coltharp and Dannenbaum reiterated major points made in Comcast's reply comments, filed August 16, 2001. In addition, Mr. Dannenbaum described Comcast's effort to arrange for carriage of broadcasters' HDTV programming in major markets, consistent with the company's voluntary commitment in conjunction with Chairman's Powell's plan to accelerate the digital transition. In that regard, he noted that some major market broadcasters are still not yet transmitting digital signals, others have declined to consent to carriage of their signals except in exchange for additional consideration, and still others are just not sufficiently interested in the digital transition to pursue discussions regarding carriage on cable systems.

Mr. Dannenbaum also noted that, while some commercial broadcasters are reportedly contemplating multicasting, none that Comcast has encountered are currently doing so, and none has articulated to Comcast any particular plans for the programming that they would wish to have carried. He explained that programming carriage agreements must be approved at the highest levels of the company and that such approval requires an understanding of the nature of the programming involved, its target demographics, its similarities to and differences from other programming that Comcast has available to it, and other factors. He also noted that, to the extent that certain broadcast programming has mandatory carriage rights, Comcast's ability to find capacity for other new cable-based programming services is inevitably reduced. Finally, he questioned whether, when Congress enacted must-carry requirements in 1992, it intended to expand must-carry rights beyond then-existing notions of traditional single-stream broadcast television station programming.

Pursuant to section 1.1206(b)(2) of the Commission's rules, a single copy of this letter is being filed through the Commission's electronic comment filing system. Please let me know if you have any questions.

Sincerely,

James L. Casserly

cc: Catherine Bohigian

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