

October 17, 2002



Marlene H. Dortch  
Secretary  
Federal Communications Commission  
TW-A325  
445 Twelfth St., SW  
Washington DC 20554

Re: *Ex Parte* presentation in MM Docket 95-31

Dear Ms. Dortch:

On October 17, 2002, Carol Pierson, President of the National Federation of Community Broadcasters ("NFCB"), Kai Aiyetoro, LPFM Director at NFCB, Brian Terhorst, Chair of the NFCB Board, and Kim Carroll Bosler member of the NFCB Board, met with the following staffers in the Media Bureau: Eric Bash, Jim Bradshaw, Peter Corea, Barbara Kreisman, Shaun Maher, Jemila Bess-Johnson, and Bob Ratcliffe.

We reviewed the position of NFCB in this proceeding as outlined in NFCB's comments. In addition to the information already contained in NFCB's comments, we explained that we believed a more generous reservation policy that the Commission's present policy is justified because implementation of Section 309 would eliminate, as a practical matter, many non-commercial applicants from utilizing the non-reserved spectrum. Whereas the prior policies were developed when both non-commercial and commercial applicants had equal access to the non-reserved spectrum, under the new system, non-commercial applicants would have less opportunity to obtain a station on the non-reserved band.

We also advocated for a settlement opportunity resulting in a noncommercial reservation at an early stage in the auction process, as suggested in comments submitted by Station Resource Group. In particular, NFCB supports allowing commercial applicants to withdraw their applications on the condition that the frequency go to a noncommercial applicant. We believe that if a commercial applicant merely applied for a frequency to prevent it from falling into a commercial competitor's hands, all applicants may agree to grant the frequency noncommercial status.

Finally, NFCB requested in the strongest terms for the FCC to schedule a non-commercial filing window. Members of NFCB have been waiting to apply for a license for many years and it is jeopardizing applicants' ability to obtain PTFP grants from NTIA.

Sincerely,

Cheryl A. Leanza

cc: Eric Bash