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The Honorable Michael Powell  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. 8<sup>th</sup> Floor  
Washington, D.C. 20554

Dear Chairman Powell:

In further reference to the FCC's January 18, 2001 ruling in CS Docket No. 98-120, we would ask you to reconsider requiring mandatory carriage of only the primary digital television signal of a broadcaster, or in the alternative redefine the term "primary video." Given the fact that this rulemaking has such a strong impact on local and independent broadcasters, affecting their ability to remain viable entries providing important diversity of programming and viewpoints within the current state of the industry, we would ask the FCC to reconsider this rulemaking.

As you know, prior to passage of the "1992 Cable Act", cable offered only limited, discretionary local broadcast station programming choices. In the "1992 Cable Act", Congress balanced public interest needs with industry competitiveness and designed a regulatory structure in which up to one-third of a cable operators channel capacity would be set aside for local broadcast signals. Congress further instructed that must-carry apply to future digital television operations. In 1997, the Supreme Court upheld the constitutionality of the must-carry provisions of the "1992 Cable Act", citing the one-third channel capacity allocation. Must-carry has been an essential element in promoting family friendly, spiritually, and local programming.

Given the fact that cable and broadcast are increasing channel capacity in correlating increments, the one channel rule should be reconsidered to include cable carriage of any free over-the-air broadcast signals contained in 6 MHz of spectrum based on the intent of the "1992 Cable Act" to provide an adequate voice for small, independent, and local voices. Cable carriage would be predicated on the broadcaster meeting the FCC licensing requirements for serving the public interest, and occupying up to only one-third of a cable operators capacity.

Thank you for your attention in this matter. We look forward to your response on this matter.

Sincerely,

Cc: Commissioner Kevin Martin  
Commissioner Michael Copps  
Commissioner Kathy Abernathy

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