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June 9, 2003

### Notice of Ex Parte Communication

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: IB Docket No. 01-185; ET Docket No. 95-18**

Dear Ms. Dortch:

On June 6, 2003, Jack Goodman, Kelly Williams and the undersigned of the National Association of Broadcasters ("NAB"), and David Donovan and Victor Tawil of the Association for Maximum Television ("MSTV"), met with Bruce Franca, Bruce Romano, Gary Thayer and Jamison Prime, of the Office of Engineering Technology, to discuss issues related to the above-captioned proceeding.

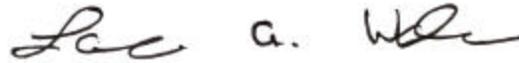
Specifically, the parties discussed the impact of the impending expiration on September 6, 2003 of the mandatory two-year negotiation period for relocation of Broadcast Auxiliary Services ("BAS") in the 30 largest television markets. NAB and MSTV noted that no negotiations have in fact occurred, due to certain obstacles including: (1) the unstable financial status of MSS licensees; (2) the lack of a conclusive band transition plan; and (3) uncertainty surrounding the ultimate users and use of the reallocated spectrum.

NAB and MSTV noted that, alone among all parties in this proceeding, television broadcasters have demonstrated consistent agreement with the Commission's goals and plans for implementing the proposed spectrum reallocation of spectrum at 2 GHz. However, NAB and MSTV expressed concern over how the Commission's inclusion of a "sunset" date beyond which MSS applicants are not required to compensate broadcasters for conversion of their BAS equipment may have enabled MSS applicants to manipulate the system to delay or avoid such payment. Finally, NAB and MSTV reiterated its view that, under the Commission's *Emerging Technologies* (ET Docket No. 92-9) reimbursement policies, broadcasters are entitled to compensation for their actual reasonable costs of retuning or replacing BAS equipment.

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Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence A. Walke". The signature is written in a cursive style with a large initial "L" and a distinct "W".

Lawrence A. Walke

cc: Bruce Franca  
Bruce Romano  
Gary Thayer  
Jamison Prime