

July 8, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 12th Street, SW
Washington, DC 20554



CS Docket No. 98-82
Notice of Ex parte presentation

Dear Ms. Dortch:

On July 2, 2003, Andrew Jay Schwartzman, President/CEO, Media Access Project ("MAP"), Harold Feld, Associate Director, MAP and Daniel Margolis, Intern, MAP met with Commissioner Adelstein, Johanna Mikes, Legal Advisor for Media Issues to Commissioner Adelstein and Nicole Serratore, Legal Intern for Commissioner Adelstein.

MAP representatives recounted the history of the FCC's failure to enforce section 613(f) of the Communications Act since its enactment in 1992. The presentation followed the discussion points also discussed in the *ex parte* notice MAP filed in this docket on April 15, 2003. A copy of the discussion points was left with Commissioner Adelstein and is attached to this *Notice*. MAP representatives also referred to their petition for writ of *certiorari* in *Consumer Fed'n of Am. v. FCC*, No. 01-223. A copy of the petition was left with Commissioner Adelstein.

Mr. Schwartzman noted that Commission staff have said on numerous occasions that the record supporting establishing firm horizontal limits were "thin." Mr. Schwartzman countered that a strong record does exist and that the Commission has ample basis to set a 25% or 35% cap. MAP also stated that as a matter of law, the Commission may not use the safe-harbor provision.

In accordance with section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Respectfully submitted,

Harold Feld
Associate Director
Media Access Project

cc: Commissioner Adelstein
Johanna Mikes