



August 21, 2003

Notice of Ex Parte Communication

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

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

Dear Ms. Dortch:

On August 19, 2003, Kelly Williams, Karen Kirsch and Larry Walke of the National Association of Broadcasters (“NAB”), Victor Tawil of the Association for Maximum Television, Andy Bater of the Tribune Company, Craig Strom of ABC, David Otey of the Society of Broadcast Engineers (“SBE”), and Christopher Imlay, SBE General Counsel, met with Bruce Franca of the Office of Engineering & Technology, to discuss issues related to the above-captioned proceeding.

Specifically, the parties introduced the Ad Hoc 2 GHz Reallocation Committee, and described this committee’s efforts to, among other things, devise a technically feasible, economic, 2 GHz reallocation scheme that will provide both broadcasters and prospective Mobile Satellite Services (“MSS”) providers with the certainty needed to negotiate and implement a one-phase relocation of Broadcast Auxiliary Services (“BAS”). Most importantly, the committee emphasized that its approach would preserve continuous BAS service during the transition, as well as parity among broadcasters, and not cause any decrease in the broadcasting services currently enjoyed by viewers.

The committee also explained that the Commission’s proposed 2 GHz reallocation plan will cause substantial interference among broadcast stations within top 30 markets where such markets are located adjacent to markets outside the top 30 markets (see attached maps). As a result, broadcast service to Americans will be severely reduced, particularly during emergency situations, when coordination among stations is impossible. The committee noted that during the recent blackout in the Northeast, the

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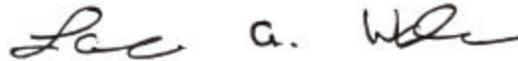
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first BAS pictures were on-air within 15 minutes of the start of the blackout, enabling broadcasters to quickly allay American's concerns that terrorism was involved (see attached). Under the Commission's proposed 2 GHz reallocation scheme, this sort of rapid delivery of vital emergency information via BAS service will be impossible.

Finally, the committee clarified 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, and described how the committee's 2 GHz reallocation plan will facilitate fair and timely negotiations among broadcasters and the MSS providers.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,



Lawrence A. Walke

Attachments

cc: Bryan Tramont (Chairman Powell)
Jennifer Manner (Commissioner Abernathy)
Paul Margie (Commissioner Copps)
Sam Feder (Commissioner Martin)
Barry Ohlson (Commissioner Adelstein)
Bruce Franca

Ad Hoc 2 GHz Reallocation Committee

NYC 2 GHz Usage during 8/14/03 Blackout

Immediacy

The blackout in the Northeast occurred about 4:11 PM. The NY stations had ENG shots operational almost immediately, with the first hitting the air within 15 minutes of the blackout. 2 GHz ENG was of critical importance for keeping the public informed during this event.

Locations Served

Live shots were aired from City Hall, Times Square, Bellevue Hospital, LaGuardia Airport, Port Authority Bus Terminal, Suffolk County (Long Island), Fairfield County (Connecticut), Westchester County, Weehawken (New Jersey), other 5 borough locations, etc. One station reports that some locations in Brooklyn, lower Manhattan and all of Westchester and Fairfield Counties could only be served with the use of 2 GHz equipment.

Most stations also had helicopters on the air covering a radius of about 35 miles from Manhattan. A few report that these helicopters were on the air almost continuously during the first 8 hours of the blackout.

Facilities

As many as 14 remote trucks were in the field per station as well as one helicopter each. (One station had two helicopters in the air.)

Receive sites used were located at the Empire State Building, North Shore Towers (Long Island), Valhalla (NY), West Orange (NJ), GE Building, Alpine Tower, other LI & NJ sites, etc. (Some receive sites were unusable due to power loss.)

Frequency Use

All stations report that they were on the air with more than one simultaneous ENG shot per channel. This was accomplished by the use of frequency offsets, narrower IF filters, receive site diversity, and digital operation. One station reports that using these techniques they had 4 shots on the air simultaneously including a helicopter.

Number of ENG Shots

Stations that maintained continuous coverage of the event aired as many as 100 to 120 live shots.

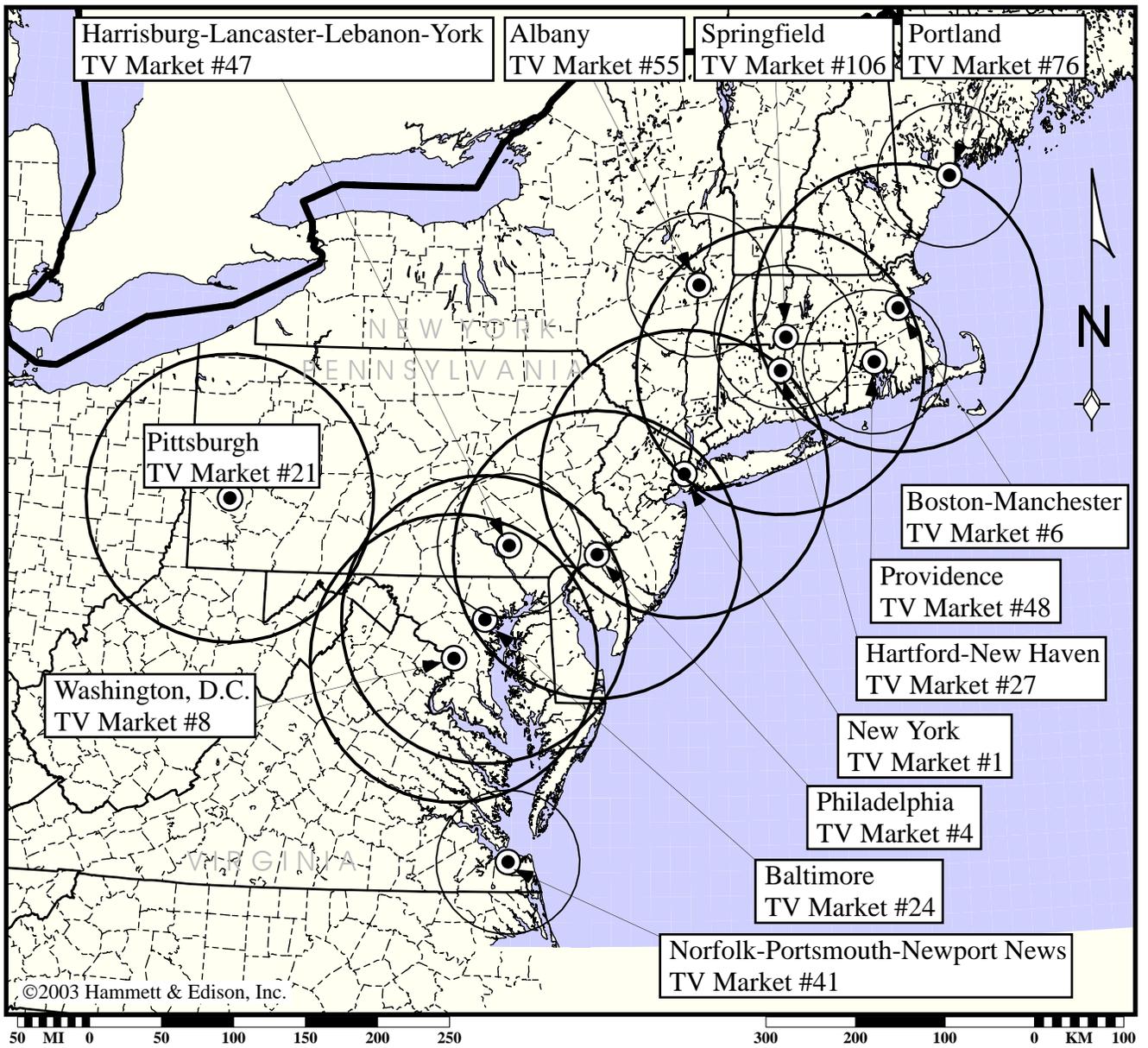
Alternatives

Unfortunately were limited during this event. Many common carrier facilities were out of service due to the power failure, and even some satellite facilities were unavailable due to scheduling problems caused by the power failure.

Ad Hoc 2 GHz Reallocation Committee

ET Docket 95-18 • ET Docket 00-258 • IB Docket 01-185
 Rulemakings Affecting 2 GHz TV BAS Operations

Northeastern United States TV Markets



——— = 100 mile radius around Top-30 TV Markets
 ——— = 50 mile radius around Below-Top-30 TV Markets

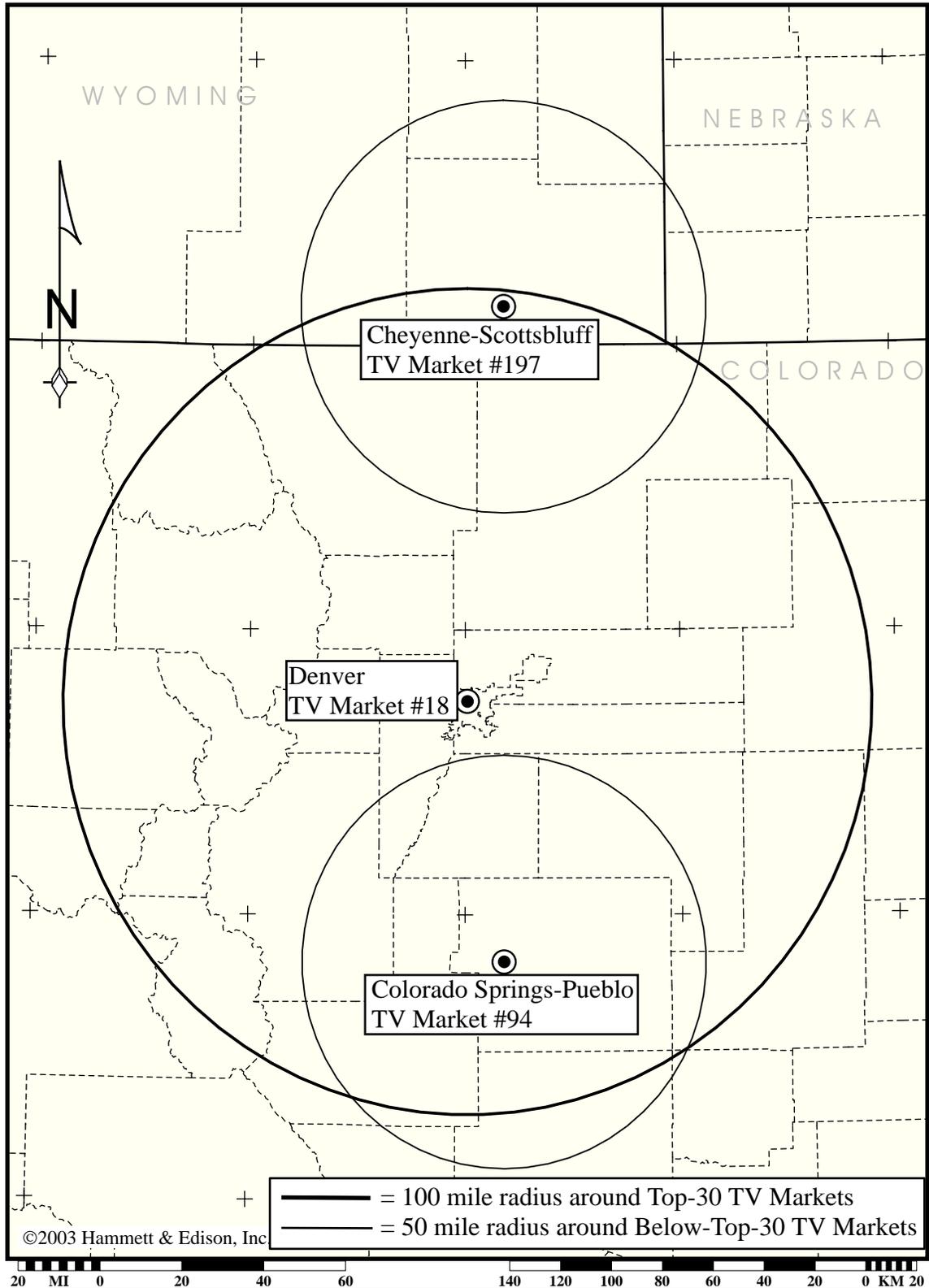
Azimuthal equidistant map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 300-minute increments. State and county lines shown taken from U.S. Census Bureau TIGER/Line 2000 data.



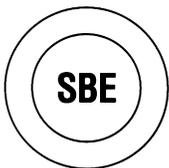
SOCIETY OF BROADCAST ENGINEERS, INC.
 Indianapolis, Indiana

ET Docket 95-18 • ET Docket 00-258 • IB Docket 01-185
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Denver TV Market

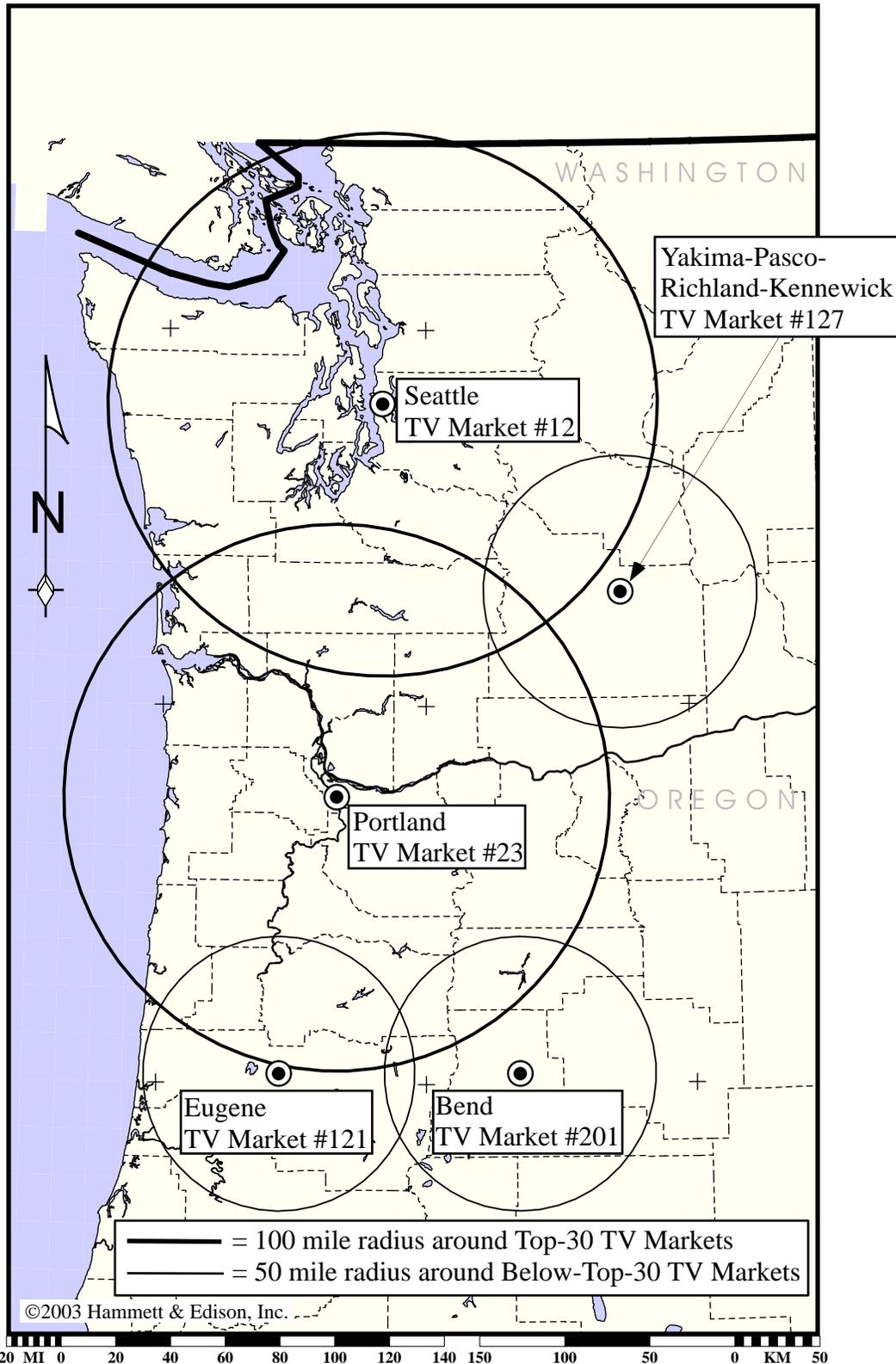


Albers equal area map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 60-minute increments. State and county lines shown taken from U.S. Census Bureau TIGER/Line 2000 data.



SOCIETY OF BROADCAST ENGINEERS, INC.
 Indianapolis, Indiana

Seattle & Portland TV Markets



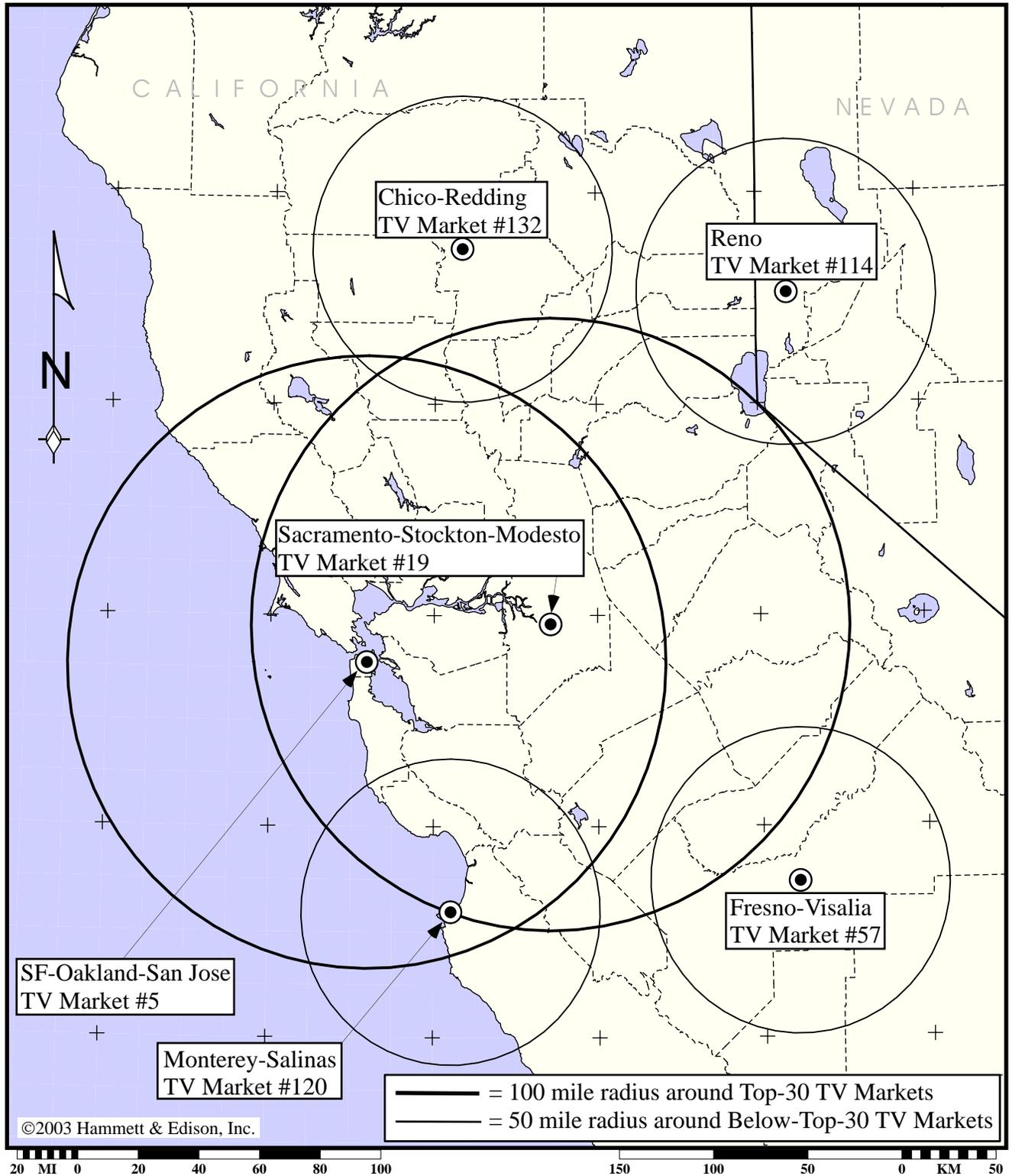
Albers equal area map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 120-minute increments. State and county lines shown taken from U.S. Census Bureau TIGER/Line 2000 data.



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Indianapolis, Indiana

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San Francisco-Oakland-San Jose & Sacramento TV Markets

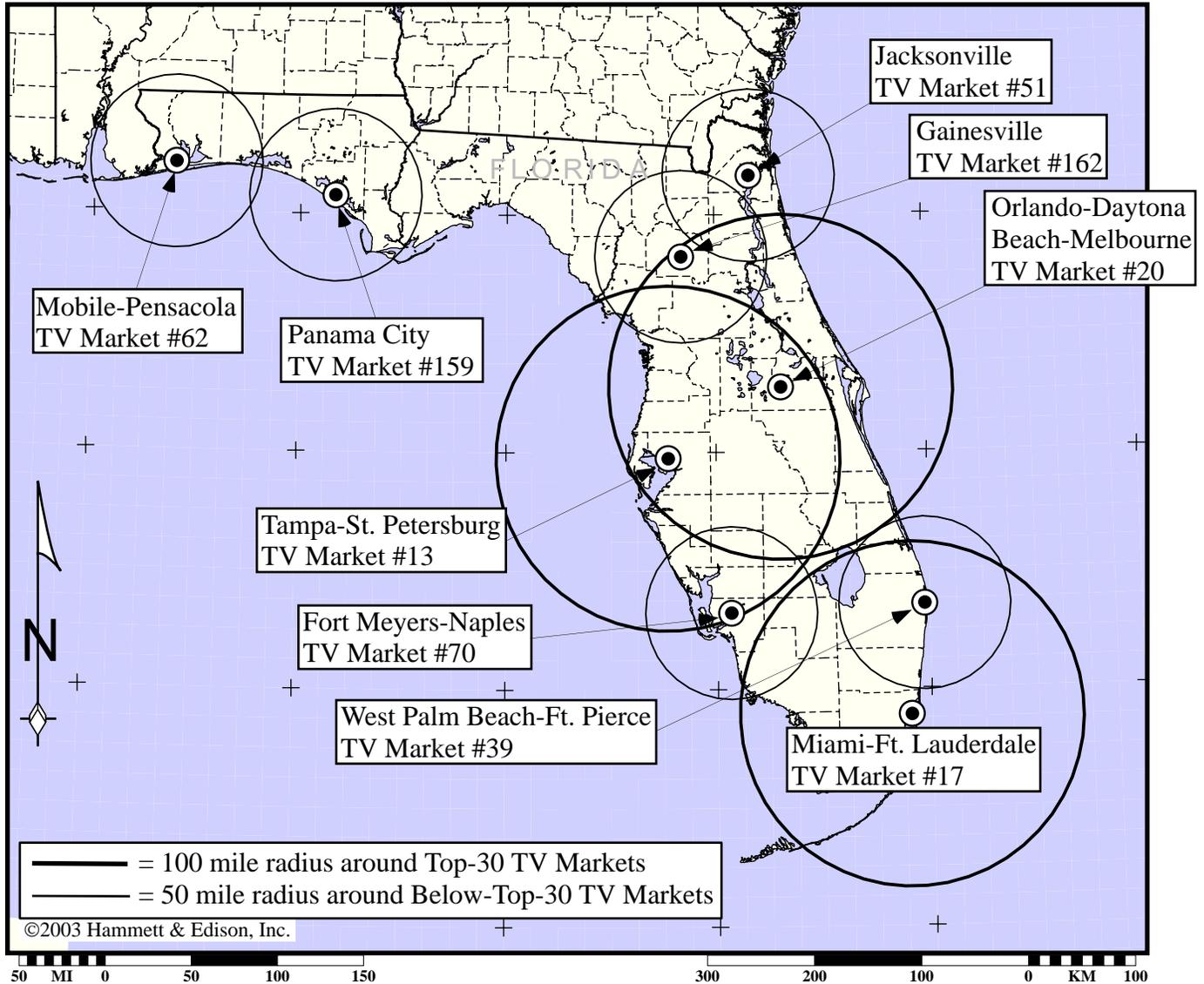


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 Indianapolis, Indiana

Tampa-Miami-Orlando TV Markets



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