



September 2, 2003

Notice of Ex Parte Communication

Ms. Marlene H. Dortch
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 29, 2003, Jack Goodman, Kelly Williams, Karen Kirsch and Larry Walke of the National Association of Broadcasters (NAB), and David Donovan and Victor Tawil of the Association for Maximum Television (MSTV), met with Sam Feder of Commissioner Martin's office, Jennifer Manner of Commissioner Abernathy's office, and Bryan Tramont of Chairman Powell's office, to discuss the above-captioned proceeding.

NAB and MSTV urged the Commission to implement a 2 GHz reallocation scheme that will provide broadcasters and Mobile Satellite Services (MSS) providers with the certainty needed to negotiate a one-phase relocation of Broadcast Auxiliary Services (BAS). The parties emphasized that any Commission approach must preserve continuous BAS service during the transition, and not cause any decrease in the broadcasting services currently enjoyed by viewers.

NAB and MSTV explained that the Commission's proposed reallocation plan will cause substantial interference among broadcast stations, particularly with respect to stations in markets below market 31 that are near a larger market. As a result, broadcast service to Americans will be severely reduced, especially during emergency situations when coordination among stations is impossible, which would be an unfortunate outcome in light of Chairman Powell's recently announced effort to foster localism. We stressed that, with respect to markets 31 – 100, the plan under consideration would be worse for broadcasters than the Commission's previous decision in that those markets would be reduced to five BAS channels, while under the Commission's earlier decision, these stations would have had no fewer than six BAS channels.

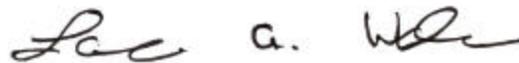
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The parties also highlighted its view that, under the Commission's *Emerging Technologies* (ET Docket No. 92-9) reimbursement policies, broadcasters are entitled to compensation for their actual reasonable costs of retuning or replacing BAS equipment. The Commission's long-standing policies require that incumbents be made whole -- both technologically and financially -- following the allocation of spectrum to a new entrant.

Finally, the parties urged the Commission to issue a separate Order extending the upcoming deadline for MSS providers to complete negotiations with broadcasters, and take additional time to resolve the many difficult and controversial that still surround the relocation of BAS.

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, slightly slanted style.

Lawrence A. Walke

cc: Bryan Tramont
Jennifer Manner
Sam Feder