



Walter Liss
President
ABC Owned Television Stations

November 20, 2003

The Honorable Michael Powell
The Honorable Kathleen Abernathy
The Honorable Michael Copps
The Honorable Kevin Martin
The Honorable Jonathan Adelstein

Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Update on ABC's Owned Stations' Multicasting Plans
Ex Parte Presentation in CS Docket Nos. 98-120, 00-96, and 00-2¹

Dear Chairman Powell and Commissioners Abernathy, Copps, Martin and Adelstein:

As we have previously discussed with you or your staff, ABC owned station KFSN-TV Fresno, California, has been multicasting enhanced local TV service for more than a year. Specifically, KFSN's DTV service includes three primary video streams – (1) one video stream that replicates KFSN's analog signal including prime time and sports HDTV, (2) a second full time video stream consisting of repurposed local news and public affairs programming including political debates, and (3) a third video stream with local weather information. On election night in California a few weeks ago, KFSN's second video stream was used to provide viewers with continuous, real time election results.

We are pleased to advise you that the multicasting effort ABC has pioneered in Fresno will be extended in the near future to the other nine markets in which ABC owns stations. Those markets are Los Angeles, San Francisco, Chicago, Flint-Saginaw-Bay City, New York, Raleigh-Durham-Fayetteville, Toledo, Philadelphia, and Houston. While generally following the Fresno model, each of our other stations will customize their DTV multicast offerings to fit the unique characteristics of their market. In the future, we expect that DTV multicasts can serve a variety of additional public interest

¹ Pursuant to Section 1.1206 of the Commission's rules, an original and one copy of this letter are being filed with the Secretary's Office. The proceeding at issue is not restricted and therefore presentations are permitted, but must be disclosed.

benefits. For example, multicast offering may provide a solution to the issue of early football and basketball telecasts causing preemption of educational children's programs.

ABC and its corporate siblings are doing everything possible to help speed the DTV transition. All ABC scripted, prime time programming and theatrical films are broadcast in HDTV. Also, ABC's Monday Night Football is produced and broadcast in HDTV. Together with ESPN's recently announced HDTV channel, these high quality ABC HDTV offerings provide a strong incentive for consumers to purchase digital television sets thereby speeding the DTV transition. Similarly, ABC's multicast DTV offerings will provide even further incentive for consumers to buy new digital sets. Of course, since so many consumers receive their television service via cable, these HDTV and multicast incentives to speed the DTV transition will be effective only if cable operators provide these HDTV and multicast services to their subscribers.

As a large media company, ABC has enjoyed success in negotiating marketplace agreements for cable carriage of ABC HDTV and multicast services. However, we remain concerned that many of our affiliates may not be as successful in negotiating such arrangements. That is why ABC has sought reconsideration of the Commission's prior interpretation of cable's statutory DTV carriage obligations. We believe that when cable operators carry a DTV signal (whether pursuant to must-carry or retransmission consent arrangements), the cable operator should not block the customer's reception of any portion of the DTV signal that the customer otherwise could receive for free. For all of the reasons outlined in ABC's written submissions in this proceeding, this policy result is fully consistent with the language of the statute.

In the interest of clarity and for the avoidance of doubt, I want to emphasize that ABC has not advocated, and does not here advocate, so-called "dual must-carry."

Thank you for this opportunity to update you regarding ABC's HDTV and multicast efforts to help speed the DTV transition.

Sincerely,



Walter Liss
President, ABC Owned Television Stations

Cc: Jon Cody
Stacy Robinson Fuller
Jordan Goldstein
Catherine Bohigian

Johanna Mikes
Ken Ferree
Bill Johnson
Rick Chessen
Mary Beth Murphy
Steve Broeckart
Eloise Gore
Ron Parver
Ben Bartolome
Peter Corea