

# COVINGTON & BURLING

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March 5, 2004

## *Filed Electronically*

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

**Re: CS Docket Nos. 98-120 & 00-96 and MB Docket No. 02-277**  
**Notice of *Ex Parte* Presentation**

Dear Ms. Dortch:

Submitted herewith pursuant to Section 1.1206(b)(2) of the Commission's rules is a notice regarding permitted oral *ex parte* presentations in the above-captioned proceedings. On March 4, 2004, Paul McTear, President & CEO; Rebecca Bryan, General Counsel; and Robert Thurber, Director of Engineering, of Raycom Media, Inc., together with the undersigned of Covington & Burling met with Rick Chessen and Eloise Gore and with Erin Dozier, Molly Fitzgerald, Judith Herman, Barbara Kreisman, Clay Pendarvis, Robert Ratcliffe, Royce Sherlock, and Roy Stewart, all of the Media Bureau.

The parties discussed with Mr. Chessen and Ms. Gore Raycom's stations' present uses of and ideas for future uses of their digital spectrum to provide innovative, locally-oriented multicast programming to better serve their viewers. They also discussed the importance to broadcasters of adoption of a multicast digital carriage requirement both during and after the transition, as explained in pleadings filed in the pending digital must carry proceeding in January by the CBS and NBC network affiliate associations. The parties spoke with Mss. Dozier, Fitzgerald, Herman, Kreisman, and Sherlock and Messrs. Pendarvis, Ratcliffe, and Stewart about the issues raised by Raycom concerning local ownership in its petition for reconsideration in the Commission's multiple ownership proceeding. We also distributed the attached handouts.

COVINGTON & BURLING

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Kindly address any questions to the undersigned.

Sincerely,



Kurt A. Wimmer

Amy L. Levine

*Counsel to Raycom Media, Inc.*

Attachments

cc: Rick Chessen  
Erin Dozier  
Molly Fitzgerald  
Eloise Gore  
Judith Herman  
Barbara Kreisman  
Clay Pendarvis  
Robert Ratcliffe  
Royce Sherlock  
Roy Stewart

# RAYCOM Media

**KXRM FOX**  
**KXTU LP UPN**  
Colorado Springs 93

**KSFY KPRY KABY**  
Sioux Falls ABC 113

**KWWL NBC**  
Waterloo 88

**KTVO ABC**  
Kirksville 197

**WLUC NBC**  
Marquette 178

**WPBN WTOM NBC**  
Traverse City / Cadillac 112

**WNWO NBC**  
Toledo 69

**WOIO CBS**  
**WUAB UPN**  
Cleveland 16

**WSTM NBC**  
**WSTQLP UPN**  
Syracuse 79

**WXIX FOX**  
Cincinnati 32

**WTVR CBS**  
Richmond 58

**WTNZ FOX**  
Knoxville 61

Charlotte, NC

**WECT NBC**  
Wilmington 142

**WACH FOX**  
Columbia 84

**WAFF NBC**  
Huntsville 83

**WTOC CBS**  
Savannah 98

**WTVM ABC**  
Columbus 125

**WFLX FOX**  
W. Palm Beach 39

Sacramento, CA  
**RDG**  
Raycom Design Group

**KOLD CBS**  
Tucson 71

**KASA FOX**  
Albuquerque 49

**KFVS CBS**  
**WQWQ LP UPN**  
Cape Girardeau 76

**WMC NBC**  
Memphis 43

**KSLA CBS**  
Shreveport 81

**WDAM NBC**  
Hattiesburg 168

**WAFB CBS**  
**WBXH LP UPN**  
Baton Rouge 95

Mobile, AL

**RAYCOM MEDIA**  
Montgomery, AL

**WDFX FOX**  
Dothan 172

**WPGX FOX**  
Panama City 158

**WFXL FOX**  
Albany 147

**KFVE WB**  
Honolulu 72

**KHNL KOGG KHBC**  
Honolulu NBC 72



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Puerto Rico

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Paul H. McTear, Jr.  
President & CEO

**Raycom Media, Inc.**  
**Issues of Immediate Importance to Broadcasters**

**Who we are.** Raycom Media, Inc., headquartered in Montgomery, Alabama since its founding in 1996, now is the ninth-largest non-network broadcasting company in the United States. It serves 10.2 percent of the U.S. public through 35 television stations in 21 states and more than 2,800 employees. It is one of the top owners of NBC-affiliated television stations in the country, but also owns stations affiliated with the CBS, ABC, UPN and WB networks as well as independent stations. It also owns Raycom Sports, which produces ACC Basketball and other events. Raycom's stations are integral parts of their local community, taking editorial positions on key community issues, seeking out divergent points of view, and broadcasting excellent local news and programming.

**Issues of concern.** Broadcasting is in a state of transition -- digital broadcasting, ownership changes and satellite carriage issues are of continuing importance to permitting local broadcasters to truly serve their local communities. In particular:

- **Digital cable carriage.** Broadcasters are investing billions in building digital plants, and stations in small- and medium-sized markets face costs that are just as high as big-market broadcasters. To make the digital transition a reality, *we need cable companies to carry our digital signals.* Continuing claims by the cable industry that cable systems do not have capacity are a smokescreen. Digital multiplexing will be the first great local programming boon of the digital era, but it will not be possible if the gatekeepers that control access to the majority of our audience's households continue to refuse to carry them. The FCC should mandate digital carriage, as required by Congress' will in the 1992 Cable Act.
- **Ownership Relief.** Small-market broadcasters are facing the most difficult financial times in history. Many have been forced to cut back local news and programming. The obvious answer is to permit greater ownership flexibility. The FCC got it backward -- it permitted more *national* consolidation, but refused to liberalize *local* television rules meaningfully. Congress fixed the first problem. If the Third Circuit does not fix the second problem, Congress should insist that the FCC establish rules that can give local television the breathing space it needs to survive -- and thrive.
- **Satellite Home Viewer Improvement Act.** The "distant signal" compulsory license, under which network signals from New York and Los Angeles are provided to "unserved households" in local communities rather than their local affiliates, expires at the end of this year. We agree it should be extended for another five years because there are a few legitimately unserved households. But *it should not be expanded for so-called "digital white areas."* Expanding a license that the satellite industry has abused to high-definition signals would jeopardize the digital transition because satellite companies want to serve those customers *permanently* -- even after local affiliates build out a full digital plant. Congress should enact a "plain vanilla" extension, but should close the loophole that allows satellite carriers to provide *distant* signals even to subscribers who could receive their *local* signals by satellite.