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April 1, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, DC 20554

**Re: Report of *Ex Parte* Communications
MB Docket No. 03-185; RM-10335; RM-10803**

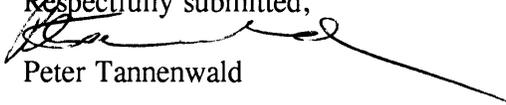
Dear Ms. Dortch:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to report that on **March 31, 2004**, representatives of the **Community Broadcasters Association** ("CBA") attended oral *ex parte* meetings with the following Commission personnel, at which meetings issues in the three above-captioned rule making proceedings were discussed.

Office of the **Chairman**: Jonathan Cody
Commissioner Kathleen **Abernathy** and Stacy R. Fuller
Commissioner Michael J. **Copps** and Jordan Goldstein
Commissioner Jonathan **Adelstein** and Johanna Mikes Shelton
Office of Commissioner **Martin**: Catherine C. Bohigian
Media Bureau: Roy J. Stewart and Keith Larson
Media Bureau, Video Division: Barbara Kreisman
Media Bureau, Industry Analysis Division: Royce D. Sherlock, Mania K. Baghdadi,
Roger Holberg, Eric J. Bash, and other Division staff members

The points made by the CBA representatives are summarized on the attached two pages. In addition, the CBA representatives discussed the local services provided by Class A and Low Power Television stations with representatives of the Industry Analysis Division.

Respectfully submitted,


Peter Tannenwald

Attachment

cc: (by e-mail) Commissioners' Staff and Media Bureau Staff listed above

**COMMUNITY BROADCASTERS ASSOCIATION
PRESENTATION TO FCC COMMISSIONERS AND STAFF
March 31, 2004**

Participants

Warren L. Trumbly, CBA President - Broadland Properties, LLC, San José, CA
Ronald J. Bruno, CBA Secretary, Bruno-Goodworth Network, Pittsburgh, PA
Gregory J. Herman, WatchTV, Inc., Portland, OR (stations in OR and WA)
Glenn R. Plummer, Chairman and CEO, National Religious Broadcasters Assn.,
CEO, Christian Television Network
Sandra Woodworth, CBA Vice Pres., Affiliate Sales Manager, Home Shopping Network
Louis A. Zanoni, CBA Board Member, WZBN-TV, Inc., Trenton, NJ
Peter Tannenwald, Irwin Campbell & Tannenwald, P.C., Counsel to CBA

**Digital Transition for Class A, Low Power TV, and TV Translator Stations,
MB Docket No. 03-185**

We need a **second channel** as much as full power broadcasters -- even more because most of us do not have cable carriage. We cannot lose half or more of our audience.

Class A second channels must have **primary status**. The Community Broadcasters Protection Act of 1999 requires it.

The **first filing opportunity** must be given to existing stations before applications for new stations are permitted. Existing service has always been preferred over new service.

Channels 52-69 must remain open on a secondary basis. Secondary avoids follow spectrum and does not preclude use by any auction winner when they are ready.

Sophisticated interference standards should be used, including the OET Bulletin 69 methodology proposed in the NPRM. This is a simple question of spectrum efficiency. Actual interference is always prohibited.

Where no second channel is available, **flash-cut should not be required**. Survival requires case-by-case judgment by the licensee as to when to terminate analog service, even after the nominal end of the transition. Second channels should have **three years** to construct.

Flexible technical standards will foster experimentation and innovation and should be permitted for everyone, or at least secondary stations, including multiple transmitter sites and unconventional non-program services.

Network and Syndicated Network Exclusivity for Class A/ LPTV Stations - RM-10335

Petition pending since October 2001, despite many visits to Commission.

FCC left the issue open in 1988 and said that the loophole should be closed.

This is a matter of respecting privately negotiated contract and property rights, which are currently violated with impunity by MVPDs. There is no reason for regulation to interfere with the marketplace in this instance.

Andrew Bopp, Executive Director
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