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July 20, 2004

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

**Re: Report of Oral *Ex Parte* Communications
MB Docket No. 04-210
Status of Over-the-Air Television Viewing**

Dear Ms. Dortch:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to report that **oral *ex parte* meetings** were held on July 19, 2004, by Warren L. Trumbly, President, Andrew Bopp, Executive Director, several other representatives of the **Community Broadcasters Association** ("CBA"), and counsel for CBA, with the following Commission personnel:

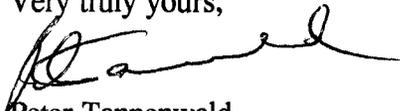
Commissioner Kathleen Q. Abernathy and Stacy Robinson Fuller
Commissioner Michael J. Copps and Jordan Goldstein
Commissioner Kevin J. Martin and Catherine Crutcher Bohigian
Commissioner Jonathan S. Adelstein and Johanna Mikes Shelton
Media Bureau: Roy J. Stewart, Chief, **Office of Broadcast License Policy**, and Barbara Kreisman, Chief, **Video Division**, and Mary R. Fitzgerald, Assistant Division Chief, Video Division

CBA made the following points: This proceeding may look toward accelerating the digital transition by concluding that cable distribution may be relied on to meet the 85% statutory penetration requirement for reception of digital signals. The Commission must not forget that Class A and LPTV stations usually do not have cable must-carry rights; so unless they are on cable, the Commission cannot reach a legal conclusion that they are accessible to the public other than by over-the-air delivery. Either cable cannot be deemed a complete delivery method or more incentives must be provided for cable systems to carry Class

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A/LPTV stations. Satellite delivery also is not relevant to viewing Class A/LPTV stations, as none of them have mandatory satellite carriage rights, and only a very few are on satellite.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter Tannenwald", written in a cursive style.

Peter Tannenwald
Counsel for the Community Broadcasters Assn.

cc: (by e-mail) All Meeting Participants