

IRWIN, CAMPBELL & TANNENWALD, P.C.

ATTORNEYS AT LAW
1730 RHODE ISLAND AVENUE, N.W.
SUITE 200
WASHINGTON, D.C. 20036-3101
(202) 728-0400
FAX (202) 728-0354
<http://www.ictpc.com>

PETER TANNENWALD
(202) 728-0401 EXT. 105
ptannenwald@ictpc.com

July 20, 2004

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

**Re: Report of Oral *Ex Parte* Communications
MB Docket 04-232
Retention by Broadcasters of Program Recordings**

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: The economic burden of the proposals in this proceeding on small businesses may be severe. Recording three months of radio programming may be feasible; but the cost of equipment, media, and storage for small TV stations may be a financial and operational problem.

There is no reason to require recording of programming delivered by a network or acquired from a syndicator. The suppliers should be required to provide copies if they are needed, thus avoiding having multiple stations record the same material (logs can indicate whether a specific program was aired on an individual station). If every station has to record

Marlene H. Dortch, Secretary

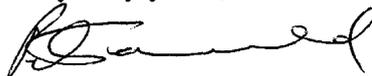
July 20, 2004

Page 2

its own local programming, the result could be a negative incentive to produce spontaneous live local shows, which should be contrary to the Commission's public interest goals and which may be an unconstitutionally overbroad approach.

If there is to be a recording requirement at all, it would be better to impose it only on stations against which at least one adverse finding has been made.

Very truly yours,



Peter Tannenwald

Counsel for the Community Broadcasters Assn.

cc: (by e-mail) All Meeting Participants