

## COVINGTON &amp; BURLING

1201 PENNSYLVANIA AVENUE NW WASHINGTON, DC  
 WASHINGTON, DC 20004-2401 NEW YORK  
 TEL 202.662.6000 LONDON  
 FAX 202.662.6291 BRUSSELS  
 WWW.COV.COM SAN FRANCISCO

JENNIFER A. JOHNSON  
 TEL 202.662.5552  
 FAX 202.778.5552  
 JJOHNSON@COV.COM

ORIGINAL

October 5, 2004

By Hand Delivery

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

RECEIVED

OCT - 5 2004

Federal Communications Commission  
 Office of Secretary

**Re: Ex Parte Notice in CS Docket Nos. 98-120 and 00-96;  
 MM Docket No. 99-360; and MB Docket No. 03-15**

Dear Ms. Dortch:

On October 4, 2004, Bob Lee, Chair of the CBS Television Network Affiliates Association ("CBS Affiliates") and President and General Manager of WDBJ-TV; Doreen Wade, Vice-Chair of CBS Affiliates, President of Freedom Broadcasting, Inc., and Vice President and General Manager of WPEC; Bob Eoff, Secretary-Treasurer of CBS Affiliates and President of New York Times Broadcast Group; Scott Blumenthal, CBS Affiliates Board Member, President and General Manager of WISH-TV, and Vice President Regional Operations of LIN Television Corp.; Kirk Black, CBS Affiliates Board Member and Vice President and General Manager of KCTV-5; and Jonathan Blake and the undersigned, counsel for CBS Affiliates, met with Commissioner Adelstein and his Legal Advisor, Johanna Shelton.

On October 5, 2004, Mr. Lee, Mr. Eoff, Mr. Black, Mr. Blumenthal, and Mr. Blake met with Jonathan Cody, Legal Advisor to Chairman Powell; with Commissioner Abernathy and her Legal Advisor, Stacy Fuller; with Commissioner Copps and his Senior Legal Advisor, Jordan Goldstein; and with Commissioner Martin, his Legal Advisor, Catherine Bohigian, and his Special Advisor, Elizabeth Andrion.

In these meetings, CBS Affiliates discussed broadcasters' public interest responsibilities and, in particular, the need for flexibility to ensure that any such requirements do not hamper a broadcaster's ability to serve the particular needs of its community and to assure that broadcasters continue to have the freedom necessary to be creative and to provide diverse options to viewers. We also discussed the Ferree Plan and in particular the harms to consumers that would result from allowing cable operators to down-convert broadcasters'

No. of Copies rec'd 017  
 List ABCDE

COVINGTON & BURLING

Ms. Marlene H. Dortch  
October 5, 2004  
Page 2

signals at the headend so that the benefit of HDTV and other digital services would be denied to cable viewers and from allowing cable operators to strip out free material from the broadcast signal so that multicast services would be neither developed nor made accessible to consumers.

Pursuant to Section 1.1206(b) of the Commission's Rules, an original and seven copies (two copies for each docket) of this letter are being submitted to the Secretary's office, with a copy to those at the FCC who participated in the meetings.

Please direct any questions regarding this notice to the undersigned.

Respectfully submitted,



Jennifer A. Johnson

cc: Commissioner Abernathy  
Commissioner Adelstein  
Commissioner Copps  
Commissioner Martin  
Jonathan Cody  
Stacy Fuller  
Johanna Shelton  
Jordan Goldstein  
Catherine Bohigian  
Elizabeth Andrion