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November 10, 2004

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Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: **NOTICE OF EX PARTE PRESENTATION**
CS Docket No. 98-120

Dear Ms. Dortch:

On November 8, 2004, the undersigned and the parties listed on Attachment A hereto met with Elizabeth Andrion, Special Advisor to Commissioner Martin, to discuss certain issues relating to the digital television transition. Specifically, we discussed the following:

1. The parties expressed concern about the impact of a date-certain cut-off of analog service on Americans living in rural areas who lack access to cable television service. The parties emphasized that farmers and ranchers living in America's heartland depend on over-the-air television service as a critical source of news, weather, and other information that is necessary in the pursuit of their livelihoods. These parties also noted that senior citizens and low-income families – both those residing in rural areas and city dwellers – face a disproportionate impact from a discontinuance of over-the-air analog service because they cannot afford cable or DBS service, digital television sets (with or without digital tuners) or converter boxes. The parties also expressed concern about the ability of cable operators to delete programming services from their systems, thereby limiting the programming choices available to subscribers.

2. The parties discussed ongoing plans to launch a digital multicast weather network, the Weather Plus Network. The Weather Plus network will use innovative technology to present a combination of national and local weather programming twenty-four hours a day, seven days a week. The ability to present constantly updated local weather information to a local audience distinguishes this new service from other

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weather programming services. The parties emphasized the importance of a multicast carriage requirement to ensure that consumers will be able to receive this new service, as well as other innovative multicast services that broadcasters would like to deliver to their viewers. They also observed that while the large group owners of television stations in larger markets may have success in negotiating voluntary carriage agreements for their digital multicast programming services, stations owned by smaller groups or licensed to smaller markets may not be successful in negotiating such agreements. They also noted that the "Ferree Plan" would, among other things, present a television station licensee with the unacceptable choice of providing all cable subscribers with only a portion of the services actually offered by the station (i.e., omitting innovative digital multicast services such as the Weather Plus Network) or providing the full range of services offered on the digital channel to a fraction of the system's subscribers. Either alternative denies a substantial segment of the population the immediate benefits and the promise of digital broadcasting, a result that is particularly inequitable in view of the billions of dollars that have been spent by broadcasters to build digital facilities with advanced capabilities.

3. The parties discussed the importance of the digital transition in creating employment opportunities for America's skilled communications workers, including engineers, technicians, stage employees, journalists and other on-air talent. These parties noted that while technological developments in the broadcasting industry had resulted in lost jobs, innovative programming services, such as the Weather Plus Network, have actually created new jobs.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, an original and one copy of this letter have been submitted to the Office of the Secretary, and a PDF version of the letter has been sent by electronic mail to the Commission personnel who participated in the meeting. Questions concerning this submission should be addressed to the undersigned.

Very truly yours,


Margaret L. Tobey

cc: Elizabeth Andrion

Attachment A

Larry Mitchell, American Corn Growers Association

David Senter, on behalf of American Corn Growers Association and Soybean Producers of America

Billy Senter, on behalf of National Association of Farmer Elected Committees

Quinton Robinson, Langston University and Rural Coalition

Paul Almeida, American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)

Tom Carpenter, American Federation of Television and Radio Artists (AFTRA)

Peter Homes, International Brotherhood of Electrical Workers (IBEW)

Dan Mahoney, Communications Workers of American/National Association of Broadcast Employees and Technicians (CWA/NABET)

Walter Cahill, International Association of Theatrical Stage Employees (IATSE)

Robert Horner, Weather Plus Network