

ASSOCIATION FOR **MAXIMUM SERVICE TELEVISION, INC.**



February 3, 2005

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Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

RE: Oral Ex Parte Communications  
CS Docket No.98-120

Dear Ms. Dortch:

On Tuesday, February 1, 2005, I met with the following FCC Commissioners and staff regarding the above captioned proceeding: Commissioner Kathleen Abernathy and her counsel, Mr. Matt Brill; Commissioner Jonathan Adelstein and his counsel, Mr. Eric Bash; Mr. Jordan Goldstein, legal assistant to Commissioner Michael Copps; and Ms. Catherine Bohigian, legal assistant to Commissioner Kevin Martin. Accompanying me on these visits were, Mr. Pat Mullen, president of Tribune Television; Mr. Robert Hubbard, president & CEO of Hubbard Television Group; Mr. K. James Yager, CEO of Barrington Broadcasting; and Mr. Franklin Schurz, president of Schurz Communications.

We discussed a number of concerns that we have with the FCC's proposed decision to limit digital must-carry rights to a single programming stream and not to adopt multi-cast carriage protections. We noted that such a decision would result in significant harm to the public, especially those who do not subscribe to cable. Specifically, we observed the decision would undermine the ability of local television stations to provide a variety of free over-the-air video streams to the viewers they are licensed to serve. These arguments were raised by MSTV in previously filed pleadings. No additional written materials were presented.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Donovan", is written over a large, stylized, looping flourish that extends across the width of the signature area.

David L. Donovan  
President