

# COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004-2401  
TEL 202.662.6000  
FAX 202.662.6291  
WWW.COV.COM

WASHINGTON  
NEW YORK  
SAN FRANCISCO  
LONDON  
BRUSSELS

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

June 14, 2006

## **Via Electronic Filing**

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

**Re: Ex Parte Notice in CS Docket No. 98-120**

Dear Ms. Dortch:

On June 13, 2006, Alan Frank, President and CEO of Post-Newsweek Stations and Chair of the NAB TV Board; Jack Sander, Vice Chairman of Belo Corp. and Past Chair of the NBC Affiliates Board; Jim Yager, CEO of Barrington Broadcast Company, LLC and Past NAB Chair; Jane Mago, Senior Vice President and General Counsel of the NAB; and Jonathan Blake and the undersigned of Covington & Burling met with Commissioner McDowell and his Acting Legal Advisor Cristina Pauze

At these meetings, the parties discussed the impact on consumers and television broadcasters of allowing cable operators to act as gatekeepers with respect to the free, digital multicast programming streams offered by television stations in their local markets. The parties described the public benefits of such programming, including increased diversity and localism, and the anticompetitive effects of cable stripping such services out of broadcast signals. The parties explained that broadcasters' multicast programming offerings will not survive and deliver these benefits if they are not carried by cable systems and that reliance on voluntary carriage is not sufficient to ensure carriage. The parties also described the reasons why carriage of broadcasters' digital signals without stripping would not burden cable capacity and is consistent with the constitution and applicable law, as set forth in their written filings in this docket.

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

