

98-100

Sandralyn Bailey

From: Albert E. Colley [COLLEAL@AUBURN.EDU]  
Sent: Friday, June 23, 2006 6:15 PM  
To: KJMWEB  
Subject: Comments to the Chairman

JUL 11 2006  
Filing  
Communication Section

Albert E. Colley (COLLEAL@AUBURN.EDU) writes:

I would just like to ask that you consider the status of all the tv outlets in the country before you put the "must carry all the digitals" into effect. Most of the stations around the country are not ready for carriage, due to either not having their equipment in house, or, running such low power that the cable systems in the area cannot receive a decent signal from to even evaluate it, much less try to carry it on the system. Some of them are not running enough power yet to even reach all the way back to their studio from the transmitter site. They either need to go ahead and get up to their full licensed power immediately, or the idea of forced carriage needs to be put on hold until the stations are on with a decent signal. I have been keeping in touch with the engineers at several of the stations in the area to do testing for eventual carriage, and most of the signals are either too low to receive, or too intermittent for a reliable use. Some of the stations that are at their respective licensed powers are very marginal in the area with respect to reliability. They are not strong enough (measured values over a span of several days of monitoring) to be considered equivalent to their old analog signal coverage. I am in a very high location compared to most of the stations that are received here, so it is not a matter of terrain problems. My antennas are all above all obstructions that could be considered a terrain differential; so they are essentially looking at the transmitting antennas in free-space viewing and it indicates that the signals aren't doing the job as were predicted when power levels were established for the stations. Something needs to be corrected before the regulations are changed to mandatory carriage because the viewers should be given the very best possible carriage instead of what is currently available off the air. To put it simply, the broadcasters are doing the minimum to meet the "get it on the air" mandate by running those low power signals and expecting that to get!

t!

he real job done. It just is not going to work, and we in the cable business shouldn't be put in a position that we have to tell explain to the viewers that the station is at fault with their very poor signal quality. Thank you.

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Server protocol: HTTP/1.1  
Remote host: 131.204.51.174  
Remote IP address: 131.204.51.174

No. of Copies rec'd 0  
List ABOVE

**Sandralyn Bailey**

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**From:** Fred Reinhard [reinhardf@ptd.net]  
**Sent:** Thursday, June 15, 2006 6:59 PM  
**To:** KJMWEB  
**Subject:** Comments to the Chairman

RECEIVED  
JUN 15 2006  
KJMWEB

Fred Reinhard (reinhardf@ptd.net) writes:

Chairman Martin: I am Pres. of family own Blue Ridge Communications in Pa. My father started our cable Co at great risk in 1950. He, died in 1975, was a farmer and staunch Republican as is our whole family. We invested all the money we had into the new business; cable. No Government agency lend us a thing except inheritance taxes which just about put us under. Now you come along and are forcing more "must carry" regulation on us . You are driving us out like a Democrat would . Shame on you. A Republican you are not. You dictate from your ivory tower in Washington. Come to Palmerton Pa. and see how it is in the real world and you will change your way of thinking!

Truly,

Fred Reinhard Pres.

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Server protocol: HTTP/1.1  
Remote host: 204.186.110.96  
Remote IP address: 204.186.110.96

**SandraLyn Bailey**

**From:** John Brewster [jjbrewster@comcast.net]  
**Sent:** Thursday, June 15, 2006 12:36 PM  
**To:** KJMWEB  
**Subject:** Comments to the Chairman

RECEIVED  
JUN 15 2006  
12:36 PM  
KJMWEB

John Brewster (jjbrewster@comcast.net) writes:

Mr. Martin, I read in an article that you may plan on allowing all digital broadcast channels to be carried on cable companies. This forced carriage, as I see it is wrong in two main ways. First, assuming each broadcaster has 6 digital channels and in major markets, cable companies must carry several broadcaster, this multiplication will eat up vital channel capacity. With this channel capacity gone, small, independent programming networks who do not have the government forcing cable to carry their programming will moved to the last spot on the list for carriage consideration, thus driving them out of business and eliminating choice for the consumer. Second, I am confused by why the government would want to force this carriage. As with any other, especially independent programming company, the broadcaster should have to prove its viability and merit to its customer, or to the cable operator who will be carrying its product in this free market economy. If this programming has merit, is of high quality and has interest by cable's customers, the cable operator would WILLINGLY carry this content with just compensation as they do to all other programming networks. However if the programming on these new networks is repetitive, "repurposed" or just of no interest to their customer, the cable operator should have the right to refuse to carry such channels. Are grocery stores who specialize in Mexican food forced to carry "fruit loops" by the government? Is this not socialist thinking that government is forcing a business to do business with another business without consumer or market say so? Or are cars using wagon wheels instead of tires. If the wagon wheel has lost its merit it shouldn't be forced by the government to be put on cars by the auto makers.

Mr. Martin, I realize you are probably being lobbied very heavily on this issue by both sides. But from a consumer standpoint, I urge you to consider that many of these channels will have crap on them just so they can "reserve the bandwidth" for later use. Why shouldn't the broadcasters be told that if they want their digital channels added to cable then they need to hire a sales force, develop sales materials and "sell" their channels' merit to cable operators as all independent programming networks have to do. This would further enhance the free market society we have all come to enjoy. Let the consumer, local market, decide what is best. This way if broadcasters' channels don't end up being carried, they can only blame themselves for not doing a better sales job. If independent networks don't get the channels over the broadcasters, they, too, can only blame themselves for not doing a better sales job.

...and the customer will benefit by only having the programming which is of high enough quality to be considered marketable.

Thank you for your time and consideration.

John Brewster

PS. Just because my email address says "@ comcast.net" I do NOT work for Comcast, I'm a customer.

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Server protocol: HTTP/1.1  
Remote host: 68.53.29.116  
Remote IP address: 68.53.29.116

98-120

**SandraLyn Bailey**

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**From:** Matthew Beaton [mattbeaton@msn.com]  
**Sent:** Thursday, June 15, 2006 12:08 AM  
**To:** KJMWEB  
**Subject:** Comments to the Chairman

RECEIVED  
JUN 15 2006  
KJMWEB

Matthew Beaton (mattbeaton@msn.com) writes:

Dear Chairman,

I am writing in hopes of convincing you to let the markets work. Any policy that adds to the costs of communications, whether it be multi-casting or fees for the universal fund should be stopped. The Federal government provides a crude method of making change at best and a distuctive one at worst. Please support the free markets.

Matt

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Server protocol: HTTP/1.1  
Remote host: 71.80.150.27  
Remote IP address: 71.80.150.27

SandraLyn Bailey

From: Barry Fisher [barryf@wfmz.com]  
Sent: Sunday, June 11, 2006 12:29 AM  
To: Jonathan Adelstein  
Subject: WFMZ-TV Allentown



4507\_001.pdf (297 KB)

Commissioner Adelstein:  
Attached is a PDF file containing WFMZ-TV's perspective on Multicast Must Carry. Below are links to our website's virtual tour of our news studio, and station so you can gain a visual perspective of our operation.

I will be out of town this week, but will be checking my email, should you have any questions. I will have a printed copy of this sent to your office.

Thank you for your time.

Sincerely

Barry Fisher

President and General Manager

WFMZ-TV

<<http://www.wfmz.com/tour/set/intro.asp>>

<<http://www.wfmz.com/tour/>>  
<<4507\_001.pdf>>

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**SandraLyn Bailey**

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**From:** Toni Scott [toniscott3@cox.net]  
**Sent:** Saturday, June 10, 2006 12:19 PM  
**To:** KJMWEB  
**Subject:** Comments to the Chairman

RECEIVED  
JUN 11 2006  
KJMWEB

Toni Scott (toniscott3@cox.net) writes:

Chairman Martin,  
I just wanted you to know that I support your position concerning multicast-must-carry rules. I believe that consumers will have more viewing options and choices which we do not now have. I am not able to view certain programs that I use to see because the station is now digital and does not show in my area. Thank you for your support and I believe that this rule will pass in the June 15th meeting.

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Server protocol: HTTP/1.1  
Remote host: 68.1.115.112  
Remote IP address: 68.1.115.112

DOCKET FILE COPY ORIGINAL

**SandraLyn Bailey**

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**From:** Amy Colton [AColton@NCTA.com]  
**Sent:** Wednesday, June 28, 2006 11:21 AM  
**To:** Robert McDowell  
**Cc:** Cristina Pauze  
**Subject:** NCTA response to ION Media Networks filing on multicasting

RECEIVED  
JUL 7 11 2006  
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION  
WASHINGTON, DC

Attached is the NCTA response to ION Media Networks filing on multicasting.

If you have any questions, please feel free to call Daniel Brenner.

Amy D. Colton  
Administrative Assistant, SVP, Law & Regulatory Policy  
National Cable & Telecommunications Association  
1724 Massachusetts Avenue, NW  
Washington, DC 20036  
T: 202-775-3664  
F: 202-775-3603  
acolton@ncta.com

**Sandra Lyn Bailey**

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**From:** Gary C. Curtis [gcurtis@ktlw.net]  
**Sent:** Friday, June 09, 2006 1:20 PM  
**To:** KJMWEB  
**Subject:** Comments to the Chairman

*[Handwritten notes and stamps, including "JUN 11 2006" and "KJMWEB"]*

Gary C. Curtis (gcurtis@ktlw.net) writes:

As a religious broadcaster, I would like to take this opportunity to urge your support for the Multicast Must-Carry that includes all digital channels. We believe this will provide diverse points of view, including religious viewpoints, to the viewers in our communities. Your support for this just and balanced approach will be very appreciated and remembered. Thank you.

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Server protocol: HTTP/1.1  
Remote host: 71.136.18.201  
Remote IP address: 71.136.18.201

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**Sandralyn Bailey**

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**From:** HPHendrickson@nwc.edu  
**Sent:** Friday, June 09, 2006 4:11 PM  
**To:** Jonathan Adelstein  
**Subject:** Multicast Must-Carry

RECEIVED  
JUL 11 2006  
COMMUNICATIONS SECTION

Dear Commissioner Adelstein,

Understanding that this matter is coming up for a vote I wanted to write expressing support in the Multicasting matter. Northwestern College teaches broadcasting and is in support of the multicasting measure. Thank you.

**Harv Hendrickson**

Harv Hendrickson  
VP For Broadcast Operations  
Northwestern College  
3003 Snelling Avenue North  
Saint Paul, MN 55113

651.631.5000 (office)  
651.631.5086 (fax)

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**Sandralyn Bailey**

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**From:** Gretchen Lohmann [GLOhmann@NCTA.com]  
**Sent:** Monday, June 12, 2006 2:47 PM  
**To:** Deborah Tate; Aaron Goldberger  
**Subject:** Cable Programmers Letter

RECEIVED  
JUN 14 2006  
FEDERAL COMMUNICATIONS COMMISSION

Good afternoon:

Please read the attached letter from cable programmers regarding multicast.

Thank you.

Gretchen M. Lohmann  
Secretary  
National Cable & Telecommunications Association  
1724 Massachusetts Avenue, N.W.  
Washington, D.C. 20036-1903  
Ph: 202-775-3664  
FAX: 202-775-3603



**Sandralyn Bailey**

**From:** William Dotson [wdotson@mail.ucf.edu]  
**Sent:** Wednesday, June 07, 2006 11:26 AM  
**To:** KJMWEB  
**Subject:** Comments to the Chairman

RECEIVED  
JUL 11 2006  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20541

William Dotson (wdotson@mail.ucf.edu) writes:

June 7, 2006

Dear Chairman Martin:

I am the Broadcast Manager for the UCF TV Channel at the University of Central Florida (UCF) in Orlando, Florida. UCF does not own a television channel, but rather partners with a small local PBS affiliated station WBCC in the Orlando-Cocoa, FL market to utilize one of their new digital multi-channel streams. Unfortunately, we operate in a market with three PBS non-commercial stations in the same DMA. This to our demise has made cable coverage for our secondary digital channel not occur. While I keep reading about how the system-wide carriage deal with noncommercial stations have already been agreed upon and how they will be honored, I do not find this to be the true scenario. Our association with a non-commercial public television station and the "American Public Television Stations and National Cable Television Association" agreement regarding multicast carriage should assist our effort to obtain cable carriage at least by 2009. However we have been given the cold shoulder when trying to request cable carriage of our channel by the major cable operator in central Florida and no indication that carriage through the above agreement will be honored in 2009.

The UCF Channel has taken this new technology opportunity with our partner WBCC to take television back to its original concept of providing "local" service to the community for the past two years. Rather than program more repeats of PBS programs, UCF originates and programs original UCF and Orlando local programming fare on this secondary digital channel that originates from the campus and Orlando community. Ranging from a local documentary series about the central Florida environment to a town hall meeting with US Senator Mel Martinez and Senator John McCain on the UCF campus, we have become what local television was meant to be "local." However, with the wiring of America, cable coverage is so very important, as few unhook the wire from their TV for over-the air viewing.

Thank you sincerely, for your assistance with multicast must-carry.

Sincerely,  
William Dotson  
Broadcast Manager  
The UCF Channel/WBCC DT 68.2  
407-823-3280  
wdotson@mail.ucf.edu  
www.ucfchannel.ucf.edu

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Server protocol: HTTP/1.1  
Remote host: 169.139.190.4  
Remote IP address: 169.139.190.4

**Sandra Lyn Bailey**

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**From:** Pastor Stan Harmon [sjharmon@tds.net]  
**Sent:** Tuesday, June 06, 2006 3:50 PM  
**To:** KJMWEB  
**Subject:** Comments to the Chairman

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JUL 11 2006  
FEDERAL COMMUNICATIONS COMMISSION

Pastor Stan Harmon (sjharmon@tds.net) writes:

Dear Mr. Martin,

I'm writing concerning the Multicast Must-Carry issue that will be discussed and voted on at your June 15th meeting. I have sent similar letters to Mrs. Tate and Mr. McDowell asking them to vote "yes" on this very important issue.

WTLW TV-44, Lima, Ohio, is a great station and important voice in Northwest Ohio with its Christian programming format. A no vote would mean the loss of this station from our local cable provider. I would appreciate your support of Multicast Must-Carry in this meeting. Thank you for your time and I do appreciate the work you are doing at the FCC.

Sincerely,

Pastor Stan Harmon

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Server protocol: HTTP/1.0  
Remote host: 216.170.153.151  
Remote IP address: 216.170.153.151

DOCKET FILE COPY ORIGINAL

**Sandralyn Bailey**

**From:** Kaut, Dave P. (Washington DC) [dpkaut@stifel.com]  
**Sent:** Monday, June 19, 2006 3:08 PM  
**To:** Robert McDowell  
**Subject:** dead or alive (and delayed)?

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JUN 19 2006  
FEDERAL RESERVE BANK  
WASHINGTON, DC

Are you able to say whether you are supportive of digital multicast must-carry, even on deep background (not for any attribution whatsoever)? Chairman Martin obviously would like to gain more support from colleagues, but I haven't heard anything concrete as to whether he is seeking to gain Dem support in search for unanimity, or whether he might not even have a Republican majority.

If you can't really go into it, I'll of course understand. But any guidance would obviously be of interest, and appreciated.

Hope you're enjoying your "honeymoon."

DAVID

**David Kaut**  
**Stifel, Nicolaus Associate Analyst**  
**202-778-4341**  
dpkaut@stifel.com

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314-342-2000  
\*\*\*\*\*

**SandraLyn Bailey**

**From:** Quirk, Ronald E., Jr. [REQuirkJr@Venable.com]  
**Sent:** Wednesday, June 07, 2006 5:17 PM  
**To:** Rudy Brioche  
**Cc:** Jonathan Adelstein  
**Subject:** Multicast Must-Carry

RECEIVED  
 JUN 11 2006  
 FEDERAL BUREAU OF INVESTIGATION  
 U.S. DEPARTMENT OF JUSTICE

Dear Mr. Brioche,

On behalf of my client, Latin America Broadcasting, Inc. ("LAT"), I am forwarding you a courtesy copy of the letter LAT filed today regarding the multicast must-carry matter in CS Docket No. 98-120. This letter supports Chairman Martin's multicast must-carry proposal, and advocates carriage of local LPTV programming.

Thank you for your attention to this matter. If you have any questions or would like any additional information, please do not hesitate to contact me.

Best regards,

Ronald E. Quirk, Jr., Esq.  
 Venable LLP  
 575 7th Street, NW  
 Washington, DC 20004-1601  
 Tel: (202) 344-4677  
 Fax: (202) 344-8300  
 Email: [requirk@venable.com](mailto:requirk@venable.com)

Counsel to Latin America Broadcasting, Inc.

\*\*\*\*\*  
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**Sandralyn Bailey**

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**From:** Flowers, Joan [JFlowers@nab.org]  
**Sent:** Wednesday, June 07, 2006 9:28 AM  
**To:** Jonathan Adelstein

RECEIVED  
JUN 17 2006  
FEDERAL COMMUNICATIONS COMMISSION

Dear Commissioner Adelstein,

On behalf of NAB member Peter Mathes, the following letter was filed in CS Docket 98-120.

Warmest regards,  
Joan Flowers

Joan Flowers  
Legal Secretary, Legal & Regulatory Affairs  
National Association of Broadcasters  
1771 N Street, N.W.  
Washington, D.C. 20036  
Phone 202.429.3939 and Fax 202.775.3526  
jflowers@nab.org

The National Association of Broadcasters is a trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and the Courts.

**The NAB Radio Show**  
Hilton Anatole Hotel  
Dallas, Texas  
September 20-22, 2006

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**SandraLyn Bailey**

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**From:** Jonathan J. Harsch [jjh@kscw.com]  
**Sent:** Wednesday, June 07, 2006 2:23 PM  
**To:** Deborah Tate  
**Subject:** Letter on Multicast Must Carry from the Alliance for Rural Television

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JUL 11 2006  
FACILITY: [unclear]  
[unclear]

Please see the attached letter from the Alliance for Rural Television.

Jonathan Harsch  
Associate  
**Kimmitt Senter Coates & Weinfurter, Inc.**  
1730 M St. NW, Suite 911  
Washington, DC 20036  
*Tel:* (202) 293-4761  
*Fax:* (202) 659-5760  
*Cell:* (202) 281-9695  
<http://kscw.com>

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June 7, 2006

**Via Electronic Filing**

Kevin J. Martin, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: CS Docket No. 98-120: Multicast Must-Carry**

Dear Chairman Martin,

Latin America Broadcasting, Inc. ("LAT") supports your proposal to require cable companies to carry multiple programming streams provided by local broadcasters. Your proposal to implement multicast must-carry rules could represent a significant step toward ensuring that local viewers will have access to diverse local programming, and permit small market stations to remain competitive in their own markets. These are certainly worthy public interest objectives for the FCC.

As the owner of a number of subsidiaries that operate Spanish-language LPTV stations in the Southwest U.S., LAT is taking a keen interest in this proceeding. Due to the local and community-oriented programming provided by LAT's broadcasting operations and other LPTV stations around the country, LAT submits that any multicasting must-carry rules adopted by the FCC should include a requirement that cable companies carry all the local programming streams provided by LPTV operators, as well as those by full-power television broadcasters.

Adding LPTV to the multicast must-carry regulations will go a long way toward allaying the growing problem of broadcasters failing provide programming that serves the needs of their local communities. The FCC has expressed serious concern over the ever increasing paucity of local programming, and has acknowledged that well-crafted must carry rules should help to promote localism, diversity, and competition in the broadcast marketplace.

For example, Mr. Chairman, in the February 23, 2005 Report and Order in this proceeding, you stated that without multicast must-carry, small, local broadcasters would be hindered from investing in new, free, public-interest programming such as: "local news, local weather, local sports, coverage of local elections and government proceedings, and foreign language programming."<sup>1</sup>

Commissioner Copps expressed concern about the very high opportunity costs that the lack of multicast must-carry would have on "independent broadcasters, including those that seek

<sup>1</sup> Carriage of Digital Television Broadcasting Signals: Amendments to Part 76 of the Commission's Rules, 20 FCC Rcd 4516, Separate Statement of Commissioner Kevin J. Martin.

Chairman Kevin J. Martin  
FCC  
June 7, 2006  
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FEDERAL COMMUNICATIONS COMMISSION

to provide public-affairs programming, family-friendly programming, Spanish-language programming, or other programming to reach underserved parts of their communities.”<sup>2</sup>

Commissioner Adelstein provided a detailed account of the declining civic affairs coverage on television and stated that, regarding multicast carriage, there should be assurance that “each programming stream would indeed serve its local community through the imposition of concrete and meaningful public interest requirements.”<sup>3</sup>

As discussed herein, the programming provided by LAT’s LPTV network precisely addresses the localism concerns expressed by the FCC. Because LAT will provide this type of local programming on all its programming streams once it completes its digital conversion, LAT’s programming warrants multicast must-carry by cable operators.

LAT addresses the needs of local viewers and advertisers by providing programming such as: (a) local news twice daily; (b) community calendars eight times each day; (c) three hours of children’s programming every day; and (d) one and a half hours of local public service announcements daily. LAT works directly with city governments and services, health, education and welfare agencies, as well as key non-profits and local businesses, to provide programming that serves the local Hispanic communities.

LAT’s network is locally focused and is built upon LPTV with broadcasting provided from its Network Operations Center in Houston via satellite to its broadcast centers in each of its markets. LAT is different from national networks in that it has local content provided and produced in partnership with local production companies located in its respective communities of service. LAT has LPTV stations in five markets in the U.S., with Hispanic populations in those markets totaling 14% of that of the U.S. as a whole. LAT chose LPTV as its foundation, in order to provide local programming which serves the needs of the Hispanic communities in its markets.

First and foremost, LAT is dedicated to quality local entertainment and the building of community. As LAT’s network grows, and after digital conversion, LAT will continue to focus production on local and regional programming, highlighting those issues and concerns most pertinent to its viewers. On all of its programming streams LAT will, in addition to airing the aforementioned programming, broadcast shows that showcase individuals and groups that serve as role models for their communities and act as catalysts toward building pride and commitment among the young to their hometowns.

<sup>2</sup> Id. at Concurring Statement of Michael J. Copps.

<sup>3</sup> Id. at Separate Statement of Commissioner Jonathan S. Adelstein.

Chairman Kevin J. Martin  
FCC  
June 7, 2006  
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LAT's business model is formulated around the idea of local broadcasting, and its programming is specifically designed to serve the citizens and aid the quality of life in the communities it serves. LAT has invested millions of dollars to provide infrastructure and local content, and LAT's network will allow better access to markets for advertisers at rates that are very competitive, and provide content that is useful for Hispanics and meets the needs of their communities.

Accordingly, LAT's programming epitomizes one of the main purposes of the must-carry rules: "[A]ccess to a multiplicity of information sources . . . promotes values central to the First Amendment."<sup>4</sup> LAT's programming should be made available to all cable subscribers in the communities served by LAT. In order to ensure that cable subscribers are able to see LAT's programming and that of other LPTV stations, the FCC's current must-carry rules should be revised in this proceeding.

As they pertain to LPTV, the FCC's must-carry rules are very restrictive. Those rules state that, in order to obtain must-carry rights, an LPTV station must be classified as a "qualified low power station."<sup>5</sup> An LPTV station must meet six criteria in order to rate classification as a qualified low power station.<sup>6</sup> One criterion is that both the community of license and the franchise area of the cable system must be located outside of the largest 160 Metropolitan Statistical Areas ("MSAs") as measured in 1990, and the population of the community of license could not exceed 35,000 as of 1990.<sup>7</sup>

Consequently, under the current must-carry rules, more than 90% of the U.S. population does not have a cable operator carrying an LPTV station due to a must carry regulation. According to the latest Arbitron report, more than 60% of Americans subscribe to cable television.<sup>8</sup> With the exception of leased access agreements, less than 2% of non-network affiliated Class A and LPTV stations that do not have must-carry rights are voluntarily carried on the cable systems in their coverage areas.<sup>9</sup>

It is clear that, in order to ensure that the local and community-based programming provided by LAT and other LPTV providers reaches the vast cable audience, any set of multicast

<sup>4</sup> *Id.* at n.11, citing *Turner Broadcasting Systems, Inc. v. FCC*, 512 U.S. 622, 663 (1994).

<sup>5</sup> See 47 C.F.R. § 76.56(b).

<sup>6</sup> See 47 C.F.R. § 76.55(d).

<sup>7</sup> See 47 C.F.R. § 76.55(d)(5).

<sup>8</sup> See The Arbitron Cable Television Study (2006) at 4.

<sup>9</sup> See Community Broadcasters Associations Response to the National Cable and Telecommunications Association's January 2005 Position Paper (May 26, 2005) at 3.

Chairman Kevin J. Martin  
FCC  
June 7, 2006  
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JUL 11 2006  
FEDERAL COMMUNICATIONS COMMISSION

must-carry rules should include a wider range of LPTV stations, not just those classified as “qualified” under the current rules. The FCC is statutorily empowered to make the necessary rule changes.

Although Section 614(h)(2) of the Communications Act contains the same criteria for qualified LPTV stations as was codified in the FCC’s rules,<sup>10</sup> Section 336 of the Act provides the FCC with the flexibility to define qualified LPTV stations differently. In pertinent part, Section 336 of the Act, which was enacted subsequent to Section 614, states that the FCC may classify an LPTV station as a qualifying low-power television station if, “the Commission determines that the public interest, convenience, and necessity would be served by treating the station as a qualifying low-power television station for the purposes of this section, or for other reasons determined by the Commission.”<sup>11</sup>

In enacting Section 336 of the Act, Congress determined that LPTV stations that provide local, community-based programming, including foreign language broadcasting, must be preserved and made viable during and after broadcasters’ transition to digital programming.<sup>12</sup> Congress stated that: “From the consumers’ perspective, these [LPTV] stations provide video programming that is functionally equivalent to the programming they view on full service stations, as well as national and local cable networks. Consequently, these stations should be afforded roughly similar regulatory status.”<sup>13</sup>

Congress recognized the valuable service LPTV stations provide to local communities, and enacted Section 336 of the Act in order to, among other things, “buttress the commercial viability of those LPTV stations which can demonstrate that they provide valuable programming to their communities.”<sup>14</sup> Accordingly, Congress gave the FCC the flexibility to determine which LPTV stations are “qualifying LPTV stations,” not only for the purposes of Section 336, but for any “other reasons determined by the Commission.”<sup>15</sup>

Providing LPTV stations (beyond those classified as “qualified” under the FCC’s current rules) carriage rights within the new multicast must-carry rules comports with Congress’ intent in enacting Section 336 of the Act. Multicast must-carry specifically concerns digital broadcasting, and providing LPTV stations with carriage rights would ensure their commercial

<sup>10</sup> See 47 U.S.C. § 614(h)(2).

<sup>11</sup> See 47 U.S.C. § 336(f)(2)(B) (emphasis added).

<sup>12</sup> See H.R. Rep. 106-384 (Oct. 14, 1999) at 6-7.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> See 47 U.S.C. § 336(f)(2)(B).

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FCC  
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viability after the digital transition, so that they can provide local programming to audiences in the franchise areas of the local cable companies.

Pursuant to Section 336 of the Act, the FCC could formulate new rules to redefine “qualified” LPTV stations as those that can demonstrate their commitment to local broadcasting. Those LPTV stations could then be afforded, for multicast must-carry purposes, regulatory status similar to that of “local commercial television stations” which have must-carry rights according to the FCC’s existing rules,<sup>16</sup> and which presumably will be entitled to multicast carriage under the newly proposed rules in this proceeding.

The FCC has long held that the public interest requires the airing of programming that is responsive to the interests of the community of license.<sup>17</sup> With the amount of civic affairs programming declining, and the number of cable subscribers rising, it is imperative that the local communities receive community-based programming through their cable networks. Including LPTV stations that show a commitment to local programming in the multicast must-carry rules would go a long way toward ensuring that citizens of the cable franchise communities receive programming that serves their needs and enhances their quality of life.

Respectfully submitted,

Latin America Broadcasting, Inc.

By: /s/ Ronald E. Quirk, Jr.  
Ronald E. Quirk, Jr.  
Its attorney

cc: Commissioner Jonathan S. Adelstein  
Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Deborah Taylor Tate

<sup>16</sup> See 47 C.F.R. § 76.55(e).

<sup>17</sup> See e.g., Broadcast Localism, FCC 04-129 (July 1, 2004) at ¶¶ 1-2.



## ALLIANCE FOR RURAL TELEVISION



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Federal Communications Commission  
Office of the Secretary

June 7, 2006

The Honorable Kevin Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Dear Chairman Martin:

On behalf of the Alliance for Rural America, consisting of 12 groups representing over 750,000 agriculture producers, we encourage the FCC to approve the issue of multicast must-carry during a June 15<sup>th</sup> meeting. Since many families living in rural America rely on local broadcast programming to provide them with relevant and timely information relating to their agricultural activities, multicast must-carry is a way of ensuring these consumers will not lose access to the programming they so vitally depend on.

While opportunities for outreach in the television broadcast medium have existed, they have been limited and inconsistent due to the high costs associated with such ventures. However, the digital transition could also be a catalyst to providing farmers and rural interests across the country with resources in the form of multicast channels to be able to better receive important information that is uniquely local and necessary in the pursuit of their livelihoods.

Therefore, as the FCC considers initiatives that will propel the digital transition forward in a manner least disruptive to rural American consumers, we encourage you to support multicast must-carry. Thank you for your time and consideration. We look forward to your response.

Sincerely,

Larry W Mitchell, Spokesperson  
Alliance for Rural America

*The Alliance for Rural Television (ART) is a coalition of national farm and rural organizations working together to: educate members of Congress and the Federal Communications Commission about the impact of the digital television transition on America's farm families, and empower its constituents to participate fully in the digital transition process to ensure they won't be left behind. Its members include the American Corn Growers Association, the National Farmers Organization, the National Farmers Union, the National Grange, the Soybean Producers of America, Women Involved in Farm Economics, the American Agriculture Movement, the National Association of Farmer Elected Committees, the Federation of Southern Cooperatives, and the League of Rural Voters.*