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September 8, 2006

Electronic Filing re RM-10335

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, DC 20554

Re: Report of Oral *Ex Parte* Communication
RM-10335

Dear Ms. Dortch:

Pursuant to Section 1.1206(a)(2), this is to report that oral *ex parte* presentations regarding the above-captioned petition for rule making were made by the **Community Broadcasters Association** ("CBA") to the following Commission personnel on the dates indicated:

September 7, 2006:

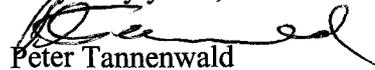
Commissioner Robert McDowell and Christine Chou Pauzé, Legal Advisor
Commissioner Deborah Taylor Tate and Christopher Robbins, Acting Legal Advisor

September 8, 2006

Media Bureau: Roy J. Stewart, Keith Larson, Barbara Kreisman, and Hossein Hashemzadeh
Heather Dixon, Legal Advisor, **Office of the Chairman**

During these presentations, CBA urged the Commission to promptly issue a Notice of Proposed Rule making looking toward affording Class A and Low Power Television stations the exclusivity rights requested in the rule making petition. The petition asks only for the ability to enforce rights that have been privately obtained in commercial negotiations -- rights that would be enforceable were it not for the compulsory copyright license that the government has granted to cable systems that immunizes them from liability when they ignore these contractual rights. CBA suggested that delay in issuing an NPRM has been long enough that a court might well find a violation of the Administrative Procedure Act

Very truly yours,



Peter Tannenwald
Counsel for the Community Broadcasters Assn.

cc: All meeting participants named above (via e-mail); Gregory Masters, Esq.

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