

*Before the*  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, DC 20554**

DEC 25 2006

In the Matter of )  
 )  
RFD Communications, Inc. ) MB Docket No. 06-92  
DBS Set Aside Qualifications )  
 )

TO: The Commission

**OPPOSITION TO EMERGENCY MOTION**

Free Press respectfully submits this Opposition to the *Emergency Motion* filed by RFD Communications, Inc. ("RFD") on December 15, 2006, but not served by email until December 18, 2006.

Free Press subscribes to the views expressed in Farm Journal, Inc.'s December 18, 2006 *Opposition to Emergency Motion*, and will not repeat them here. Given the failure of RFD even to attempt to demonstrate that it meets any of the traditional criteria for a stay, there is little more to say in response to RFD's sparse showing.

However, Free Press does wish to make sure that one point in the Emergency Motion is clearly addressed, namely its claim that "millions of viewers are at risk of losing access" to RFD and that the stay is needed "to avoid immediate harm to RFD and the viewers of RFD-TV."

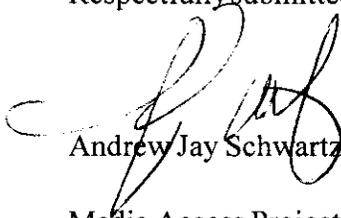
There are numerous reasons to object to this statement. First, RFD is free to distribute its programming on DBS or elsewhere; indeed, as Farm Journal has pointed out, RFD has shown that it can carry its livestock auctions without improperly abusing the set-aside established by 47 USC §335. Second, leaving aside whether RFD in fact has "millions" of viewers, the real harm here is that which has been incurred by the many millions more viewers who have long been denied their

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statutorily guaranteed access to “non-commercial programming of an educational or informational nature.” 47 USC §335. There are numerous highly qualified programmers ready and willing to occupy the channel capacity currently being misused by RFD.

For these and many more reasons, the Emergency Motion should be summarily denied, and the Commission should grant all such other relief which may be just and proper.

Respectfully submitted,



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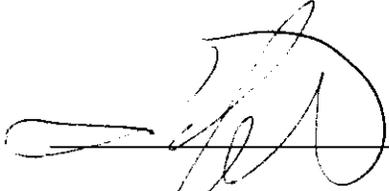
December 19, 2006

## CERTIFICATE OF SERVICE

I certify that the foregoing *Opposition to Emergency Motion* was served on this date by email and first class mail this 19<sup>th</sup> day of December 2006 to the following:

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