



MAXIMUM SERVICE TELEVISION

December 21, 2007

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Ex Parte Communication:
MB Docket No. 87-268; 07-91

Dear Ms. Dortch

On December 20, 2007, Anne Lucey, CBS; Jane Mago, NAB; Dianne Smith, Holland & Knight; Susan Fox, Disney, and I met with Cristina Pauzé, legal assistant to the Honorable Robert McDowell. We discussed a number of issues raised in the above-reference proceeding.

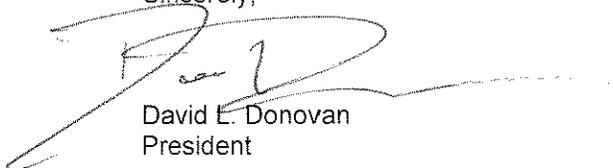
We raised concerns that the complexity and rigidity in the technical and procedural rules to be established in this proceeding could cause delays for broadcasters and the Commission. We discussed the following issues:

- Stations reducing or terminating analog or digital service prior to the DTV transition should be allowed to proceed through a notification, as opposed to a waiver process.
- The FCC should employ a one-step approach for processing DTV applications.
- The FCC should lift the freeze on maximization applications in a timely fashion, in order to allow stations to purchase equipment.
- The FCC should clarify that the negotiated interference policy employed in the channel election process applies post transition.
- Stations moving back to their analog channels should be allowed to use their analog antenna patterns. The FCC should avoid individual waivers and allow such stations to move back to their analog channels and antenna patterns where:
 - The station will be using its existing NTSC antenna and antenna pattern,
 - For the 12-month period after February 17, 2009, the station's antenna pattern:
 - Will not cause more than 2% interference to any surrounding station, *OR*
 - Does not exceed its Table B pattern by more than five miles in any direction, *AND,*
 - The station shall comply with the 0.5% interference standard no later than February 17, 2010. (The 0.5% interference standard would not be applicable to either the 5-mile or 2% temporary interference standard during the 12 months after the transition date, February 17, 2009.)

- Stations with digital side-mounted antennas and analog top-mounted antennas, should be required to turn off their analog transmission on February 17, 2009, but be allowed to remain broadcasting on their digital side-mounted antennas, thereby providing service to their current digital audience. For many stations, it is impossible for them to move their digital facilities from a side-mounted antenna to a top-mounted antenna during the winter months.

We urged the FCC to act with all due speed in order to allow stations time to purchase equipment. We noted that stations face a danger of being unable to purchase and install equipment before the DTV transition date, if the Commission's process is not completed forthwith.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Donovan", with a long horizontal flourish extending to the right.

David E. Donovan
President