



September 3, 2003

Notice of Ex Parte Communication

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: IB Docket No. 01-185; ET Docket No. 95-18

Dear Ms. Dortch:

On September 3, 2003, Jack Goodman, Kelly Williams, Karen Kirsch and Larry Walke of the National Association of Broadcasters (NAB), and David Donovan and Victor Tawil of the Association for Maximum Television (MSTV), met with Paul Margie of Commissioner Copps' office, and Barry Olson of Commissioner Adelstein's office, to discuss the above-captioned proceeding.

NAB and MSTV urged the Commission to implement a 2 GHz reallocation scheme that will provide broadcasters and Mobile Satellite Services (MSS) providers with the certainty needed to negotiate a one-phase relocation of Broadcast Auxiliary Services (BAS). The parties emphasized that any Commission approach must preserve continuous BAS service during the transition, and not cause any decrease in the broadcasting services currently enjoyed by viewers.

NAB and MSTV explained that the Commission's proposed reallocation plan will cause substantial interference among broadcast stations, particularly with respect to stations in markets below market 31 that are near a larger market. As a result, broadcast service to Americans will be severely reduced, especially during emergency situations when coordination among stations is impossible, which would be an unfortunate outcome in light of Chairman Powell's recently announced effort to foster localism. We stressed that, with respect to markets 31 – 100, the plan under consideration would be worse for broadcasters than the Commission's previous decision in that those markets would be reduced to five BAS channels, while under the Commission's earlier decision, these stations would have had no fewer than six BAS channels.

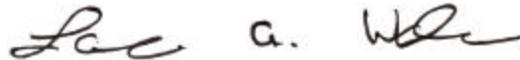
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The parties also highlighted its view that, under the Commission's *Emerging Technologies* (ET Docket No. 92-9) reimbursement policies, broadcasters are entitled to compensation for their actual reasonable costs of retuning or replacing BAS equipment. The Commission's long-standing policies require that incumbents be made whole -- both technologically and financially -- following the allocation of spectrum to a new entrant.

Finally, the parties urged the Commission to issue a separate Order extending the upcoming deadline for MSS providers to complete negotiations with broadcasters, and take additional time to resolve the many difficult and controversial that still surround the relocation of BAS.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence A. Walke". The signature is written in a cursive style with a large initial "L" and "W".

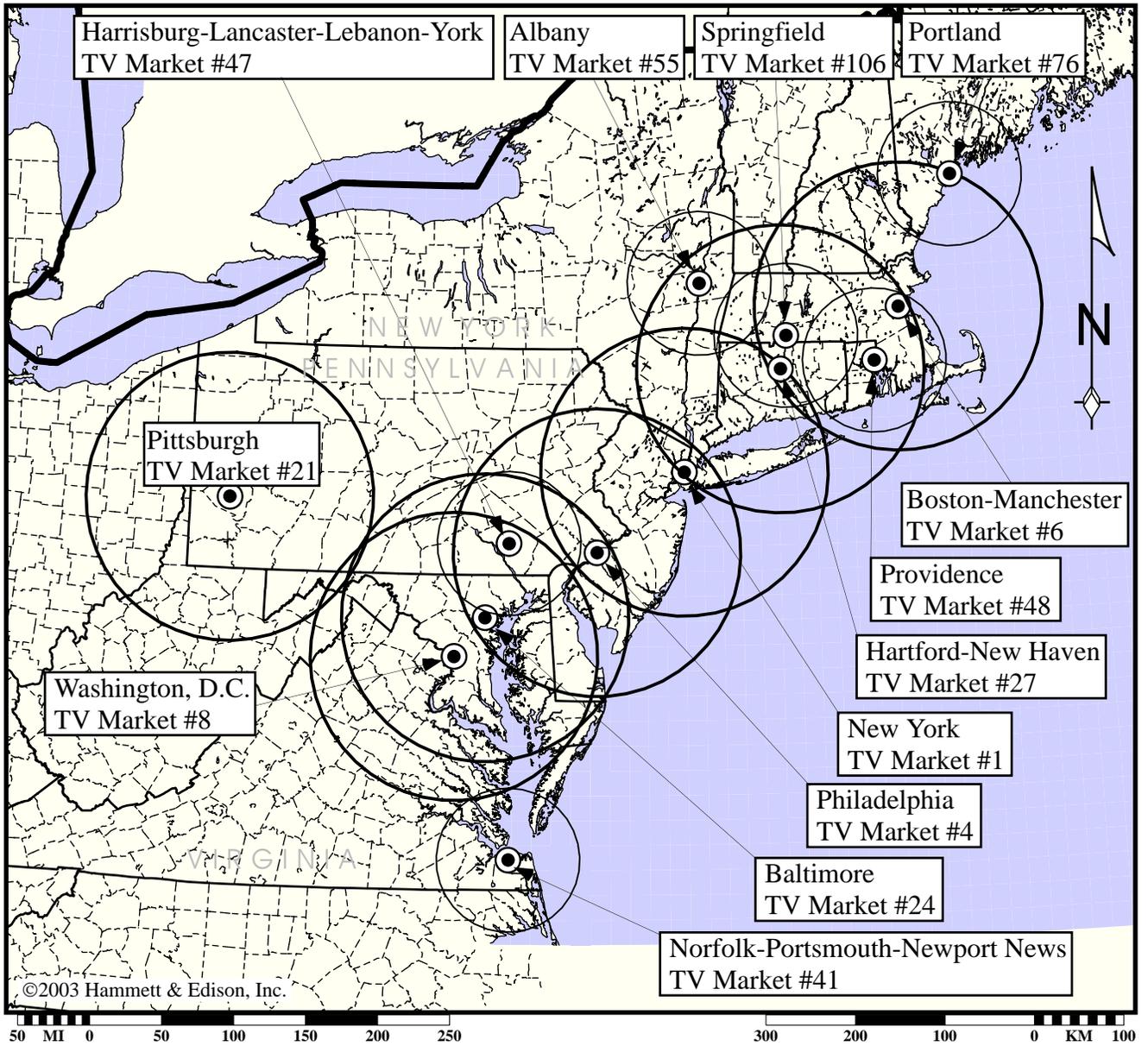
Lawrence A. Walke

Attachments

cc: Paul Margie
Barry Ohlson

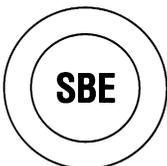
ET Docket 95-18 • ET Docket 00-258 • IB Docket 01-185
 Rulemakings Affecting 2 GHz TV BAS Operations

Northeastern United States TV Markets



————— = 100 mile radius around Top-30 TV Markets
 ————— = 50 mile radius around Below-Top-30 TV Markets

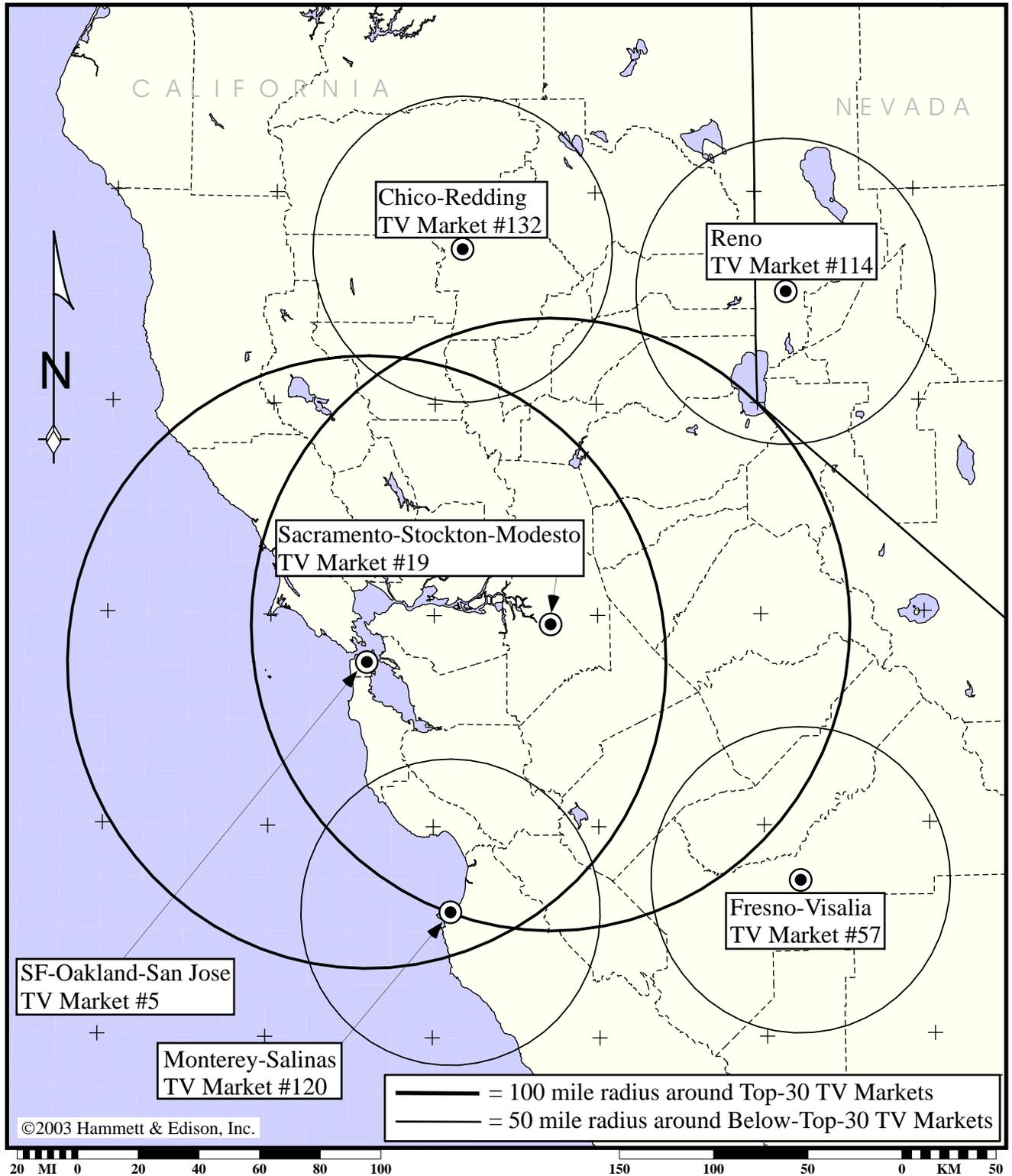
Azimuthal equidistant map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 300-minute increments. State and county lines shown taken from U.S. Census Bureau TIGER/Line 2000 data.



SOCIETY OF BROADCAST ENGINEERS, INC.
 Indianapolis, Indiana

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 Rulemakings Affecting 2 GHz TV BAS Operations

San Francisco-Oakland-San Jose & Sacramento TV Markets

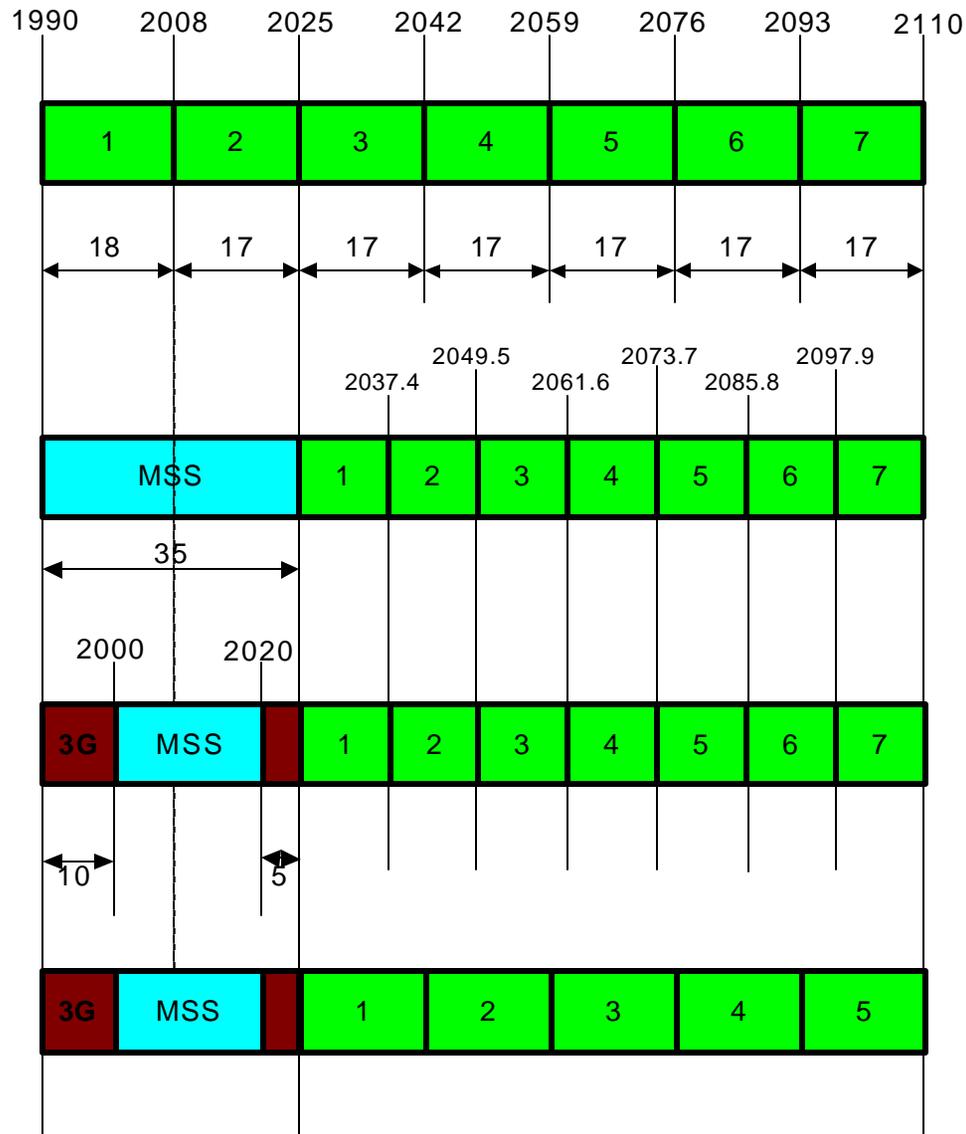


Albers equal area map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 60-minute increments. State and county lines shown taken from U.S. Census Bureau TIGER/Line 2000 data.



SOCIETY OF BROADCAST ENGINEERS, INC.
 Indianapolis, Indiana

2 GHz Band Plans



Original 2 GHz Band Plan

FCC Band Plan After Second R&O

Top 30 Markets w/ 3G Allocation

Markets 30 & Above