



June 17, 2004

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Communication, CS Docket 03-15

Dear Chairman Powell:

On May 6, 2004, the Association for Maximum Service Television, Inc., proposed a channel election and repacking plan to the Commission to manage the process of finalizing the permanent DTV table of allotments.¹ As the Commission considers this plan, which has garnered the support of a number of broadcasters, as well as the suggestions of other parties in this proceeding who may seek refinements to the plan,² APTS writes to support the general framework of the plan. While APTS will continue to study the details of the MSTV proposal, we believe that it provides a significant degree of certainty and predictability necessary to effectively manage the repacking process.

In general, stations with two in-core DTV channels must have a reasonable amount of time to elect which channel to use for permanent DTV operations. By the same token, stations with two out of core channels must have an opportunity to move within the core as soon as possible so that significant resources are not expended on facilities that will later be rendered inoperative. In addition, stations with channel allocations in the low VHF band that may be subject to greater operational constraints than other stations should have an opportunity to relocate to alternative channels where there are channels available. In addition, any orderly repacking process must resolve Canadian and Mexican coordination issues that have too long held up the build-out of DTV broadcast stations near this nation's borders.

MSTV has proposed a reasonable and transparent process to address these issues. Whatever plan the Commission ultimately adopts—whether it is MSTV's or a variant—the Commission should carefully take into consideration the factors outlined above.

¹ Special Submission of the Association for Maximum Service Television, Inc., on the DTV Channel Election and Repacking Process," MB Docket No. 03-15 (May 6, 2004).

² See, e.g. Letter from Peter C. Pappas, MB Docket No. 03-15 (June 4, 2004); and Letter from Mountain Broadcasting, MD Docket No. 02-15 (May 25, 2004).

Respectfully submitted,

/s/ Lonna M. Thompson

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