



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Telecommunications and**  
**Information Administration**  
Washington, D.C. 20230

SEP 13 2006

MEMORANDUM TO: Milton Brown  
Deputy Chief Counsel, NTIA

FROM: Bernadette McGuire-Rivera, Ph.D. *BMR*  
Associate Administrator  
Office of Telecommunications and Information  
Applications

SUBJECT: Ex-Parte Meeting with Community Broadcasters  
Association (CBA)

On September 6, 2006 representatives of the CBA met with William Cooperman and myself to express their concerns related to the Notice of Proposed Rule Making on the Implementation and Administration of a Coupon Program for Digital-to-Analog Converter Boxes. CBA representatives attending the meeting included Jason Roberts, CBA President and Larry Rogow, CBA Board member as well as Peter Tannenwald and Nathaniel Hardy from the law firm of Irwin, Campbell & Tannenwald, P.C. The topics discussed in the meeting are covered in the attached letter from Peter Tannenwald.

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August 24, 2006

Via E-mail to [sstewart@ntia.doc.gov](mailto:ssewart@ntia.doc.gov)

Ms. Sandra Stewart  
National Telecommunications and  
Information Administration  
1401 Constitution Ave., N.W.  
Washington, DC 20230

Dear Ms. Stewart:

Thank you for returning my call today. I would like to tell you something about the Community Broadcasters Association (CBA) and to confirm an appointment for 1:30 p.m. on September 6, 2006, to meet with Bernadette McGuire-Rivera on the subject of NTIA Docket No. **060512129-6129-01**, Implementation and Administration of a Coupon Program for Digital-to-Analog Converter Boxes. The meeting will be attended by Jason Roberts, President of CBA; Larry Rogow, a CBA Board member who may serve as an officer next year; and myself. Mr. Roberts is coming to Washington from Little Rock, and Mr. Rogow is coming from California.

CBA is the trade association that represents the nation's 589 Class A and 2,157 Low Power Television Stations. There are more Class A and LPTV stations than full power TV stations. These stations operate all over the country, providing local service in small markets that cannot sustain a full power television station and ethnic and niche formats in larger markets. For example, all of the Washington, D.C., area Spanish language stations except the Univision affiliate are Class A or LPTV stations. Class A and LPTV stations have the greatest percentage of minority ownership of any mass medium.

Class A and LPTV stations are not subject to the February 17, 2009, DTV transition deadline that applies to full power television station. Moreover, most Class A and LPTV stations do not have cable television must-carry rights. Therefore, these stations depend on over-the-air signal propagation; and it is likely that a substantial number (though by no means all) of them may continue to provide analog service after February 17, 2009.

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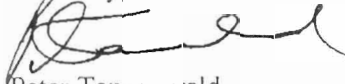
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It is critical to Class A and LPTV stations that subsidized digital converter boxes not interfere with the reception of over-the-air signals of any kind, digital or analog. Thus it is important that analog signals be passed through a converter box passively, so that the box does not act as a gateway that blocks analog reception and need not be disconnected to allow reception of analog signals. Also, the proposed rule that would prohibit a subsidy to any household that owns a digital receiver or subscribes to cable service would have a serious impact on Class A and LPTV stations that depend on reaching second and third receivers in a household that will not necessarily be replaced when the household acquires a digital receiver and that do not have the benefit of digital-to-analog conversion that will take place within a cable distribution system.

I understand that NTIA has *ex parte* rules, so the Staff is limited in what they may say in a non-public meeting. However, I also understand that they are permitted to listen to presentations by organizations such as CBA, as long as disclosure is made in the written record of the proceeding.

Thank you for your assistance in arranging for this meeting.

Sincerely,



Peter Tannenwald

cc: Messrs. Roberts and Rogow  
Mr. Milton Brown