FLETCHER, HEALD & H LDRETH, P.L.C.

Memorandum to Clients

April, 2002 | *News and Analysis of Recent Events in the Field of Communications* | No. 02-04

(Judicial) reviewers pan "Eight is Enough"

Court Remands Local Television Ownership Limits for Further FCC Consideration

By: Lee J. Petro

Increasing the pressure on the Federal Communications Commission either to justify broadcast ownership restrictions or to face the wrath of the courts, the U.S. Court of Appeals for the D.C. Circuit remanded to the Commission the issue of the local ownership limits in place for television stations. The Court held that the Commission had not provided adequate justification for the "eight independent voices" aspect of those limits. This was the second judicial shoe to drop on the Commission this year in the area of TV ownership rules: as we reported here last month, the DC Circuit remanded the national television ownership restrictions in February.

The Commission adopted its current local ownership rules in 1999. Under those rules, a single entity may own two television stations in a market *as long as only one of the two stations is ranked in the top 4 by Nielsen*, and also as long as the market would still have at least eight independently-owned TV stations. These local limits were challenged in court, with particular emphasis on the latter eight-independent TV station minimum requirement. The appellants also argued that the Commission could not properly review local marketing agreements in place before 1997 during the 2004 Biennial Review.

"Coming on the heels of the remand of the national television ownership rules, the Court's decision will likely force the FCC to substantially modify its local TV ownership rules."

While the Court upheld the Commission's decision to review existing LMA's on a case-by-case basis in 2004, it remanded the local limits to the Commission for further consideration of the "eight independent voices" component of those limits. That component focused exclusively on the availability of other independently-owned television broadcast stations in the market. Thus, the availability of other independent media was immaterial to the Commision's ownership analysis. On this point the Court agreed with appellants who argued that the exclusion of other media voices in determining whether a market has eight voices was arbitrary and capricious. The Court rested its decision on the fact that the Commission's radio-television cross-ownership rules, which are triggered in part by the number of independent voices in a market, include other media voices in the calculation of the total number of independent voices. That is, an entity may own both radio and television stations in a particular market, so long as there remain 30 independent voices in the market after the merger. The analysis to determine 30 independent voices includes the consideration of radio, television, cable, and daily newspapers.

The Court questioned the Commission's decision to exclude consideration of other media voices when considering whether a market had eight voices for purposes of the local television ownership limits. The Court disagreed with the Commission that, for the sole consideration of the appropriate level of common ownership of television stations in a market, the exclusion of other media voices is appropriate. Further, the Court declined to rule on whether the number of voices in a market was appropriately set at eight.

Coming on the heels of the remand of the national television ownership rules, the Court's decision will likely force the FCC to substantially modify its local TV ownership rules. Moreover, the Court's rejection of both the local and national television rules will likely have a significant impact on the pending local radio ownership rulemaking. Any modification of the local radio rules will be reviewed within the con-

(Continued on page 3)

The Scoop Inside

Chairman Powell's Modest Proposal

Powell Unveils Plan to Spur DTV Transition

By: Anne Goodwin Crump

FCC Chairman Michael Powell has prepared and sent to Congressional leaders letters which outline his own plan to spur national DTV transition. Powell acknowledged in his letter that his plan was not intended to be entirely comprehensive, nor did it address thorny issues such as copyright protection or equipment compatibility. Rather, the plan is designed to give an immediate push to the transition process.

One of the primary points emphasized in Powell's plan is the perceived need to make more DTV programming available for public viewing. The plan calls for the top four broadcast networks and cable networks HBO and Showtime to provide high-definition or other "value-added DTV programming" during at least 50 percent of their prime-time schedules, beginning in the 2002-03 season. The idea, as Powell expressed it, is to give "consumers something significantly different than what they currently receive in analog." Powell's plan also asks DTV affiliates of the top four networks located in the top 100 markets to pass through network DTV signals without degrading the signal quality by January 1, 2003, or as soon thereafter as they begin DTV broadcasting.

This emphasis on DTV programming is designed to address the criticism by cable operators that broadcasters have not offered enough DTV programming for the cable subscribers. Powell also has asked broadcasters to add to the attractiveness of the new DTV programming by promoting it on their analog channels. Obviously, the idea is to give consumers an incentive to acquire the necessary equipment to view DTV programming. It is not clear, however, how the plan to offer different, "value-added" programming on the DTV channel will square with the DTV simulcasting requirement beginning next year. As the Commission's rules now stand, beginning April 1, 2003, DTV licensees will be required to simulcast 50 percent of their analog station's programming on the DTV station.

In the area of cable, Powell's letter indicated that he will seek a commitment from cable operators to carry, at no cost, the signals of up to five broadcast or other digital programming services that provide "value-added" DTV programming during at least 50 percent of their prime-time schedules. The obvious drawback for broadcasters is that three cable networks are already carrying such programming, and only two slots would be left for broadcasters. The plan also does not address the issue of dual digital must-carry. Powell did, however, ask cable MSO's to provide their subscribers with the option of leasing or buying a single set-top box to make possible the display of DTV programs. His plan indicates that the boxes should include digital connectors if the subscriber asks for them. In addition, Powell asked cable operators to promote DTV products both on their systems and in the monthly mailings with their bills.

Powell also included DBS in his DTV plan. His letter asks DBS service providers to carry signals of up to five digital programming services which air digital programming during at least 50 percent of their prime-time hours by January 1, 2003.

Finally, Powell asked equipment manufacturers and retailers to commit themselves to meeting consumer demand for cable set-top boxes to enable the display of high-definition programming and to marketing broadcast, cable, and satellite DTV options in retail outlets. Further, Powell requested that manufacturers begin including over-the-air DTV tuners in new broadcast TV receivers. The plan calls for a phased-in inclusion of such tuners, beginning with larger sets and culminating with all sets over 13 inches in size including such tuners by 2006. Further, Powell asked that, by 2004, all new HD-capable TV receivers and display devices include digital inputs.

Reaction to the plan among broadcasters has generally been positive, although tinged

(Continued on page 3)

Fletcher, Heald & Hildreth
A Professional Limited Liability Company

1300 N. 17th Street - 11th Floor
Arlington, Virginia 22209
Tel: (703) 812-0400
Fax: (703) 812-0486
E-Mail: Office@fhhlaw.com
Web Site: fhhlaw.com

Supervisory Member
Vincent J. Curtis, Jr.

Co-Editors
Howard M. Weiss
Harry F. Cole

Contributing Writers
Ann Bavender, Harry F. Cole, Vincent Curtis, Anne Goodwin Crump, Lee G. Petro, R.J. Quianzon, Alison Shapiro, Jennifer D. Wagner and Liliana Ward

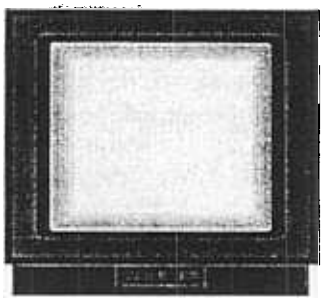
Memorandum to Clients is published on a regular basis by Fletcher, Heald & Hildreth, P.L.C. as a service to its clients. This publication contains general legal information which is not intended to be deemed legal advice. Readers should not act upon information presented herein without professional legal counseling addressing the facts and circumstances specific to them.

New rules effective April 1

All TV Stations Must Provide Emergency Information Accessible to Disabled Audience

By: Liliana E. Ward

Starting April 1, 2002, all Video Programming Distributors (defined as any television broadcast station, any multichannel video programming distributor, or any other distributor of video programming for residential reception that delivers such programming directly to the home) must make emergency information accessible to persons with disabilities by presenting the audio portion of the emergency information with closed captioning or other method of visual presentation conforming to the requirements of the closed captioning rules.



Emergency information that is provided in the video portion of a regularly scheduled newscast, or newscast that interrupts regular programming, must also be made available to persons with visual disabilities. The method of providing this information to the visually impaired is not specified. Emergency information that is provided in the video portion of programming that is not a regularly scheduled newscast, or a newscast that interrupts regular programming, must be accompanied by an aural tone.

In requiring these alternate forms of transmission of emergency information, the rules specify that the alternate forms of transmission should not interfere with each other. Unlike the Closed Captioning and Video Description Rules, which limit their applicability to certain markets, the emergency information rules apply to ***all*** providers of television programming who are "subject to the jurisdiction of the Commission."

These emergency information rules and the Closed Captioning and Video Description of Programming Rules that accompany them, are currently under review by the D.C. Circuit Court of Appeals. Challengers of the rules had filed for a stay of their April 1, 2002 implementation date pending judicial review; but the Commission and the Court both denied requests for a stay.

If you have any questions regarding your responsibilities under the Closed Captioning and Video Description Programming Rules, please contact Don Evans (at 703-812-0430 or evans@fhhlaw.com) or Liliana E. Ward (at 703-812-0432 or ward@fhhlaw.com).

(Continued from page 2)

with caution. A number of broadcasters expressed the view that the letter appeared to be a step in the right direction toward solving problems with the DTV transition. All segments of the television industry, including cable and equipment manufacturers, expressed some reservations and the desire to see more. At any rate, however, it appears that the Powell letter has stirred up debate and may help to focus the issues in a constructive fashion. Time will tell whether it provides an impetus to move the DTV transition along.

If you have any questions about Chairman Powell's DTV proposals, contact the FHH attorney with whom you normally work or Anne Crump at 703-812-0426 or crump@fhhlaw.com.

Local TV Ownership Rules Remanded

(Continued from page 1)

text of the television remands, which could lead to at least the maintenance of the status quo, if not further relaxation.

So the prospect of major changes to the broadcast ownership rules looms large on the horizon. Those changes are not imminent, mainly because of the drawn-out nature of the judicial and administrative processes. Before we can see final change, we will have to wait for the appeal process to be completed (the Commission had already asked the Court to reconsider aspects of its February decision concerning national television ownership limits, and a similar reconsideration effort on the local side would not be out of the question). Then the matter goes back to the Commission for formal rule making proceedings which may take at least several months to crank up, and then another several months – and likely more – to conclude, followed by appeals, etc. So don't expect change overnight.

Stay tuned.

If you have questions about the broadcast ownership rules, you should contact the FHH attorney with whom you normally work, or Lee J. Petro at 703-812-0453 or petro@fhhlaw.com.

Media Bureau Rejects EchoStar's "Two-Dish" Carriage Plan

But Two Commissioners criticize the Bureau for going soft on DBS provider

By: Harry F. Cole

The Media Bureau seemed to land a knock-out punch on EchoStar Communications Corporation this month in the on-going controversy over EchoStar's two-satellite approach to carriage of local broadcast stations on its

The "carry one, carry all" requirement kicked in in January, at which time there were two primary DBS suppliers, DirecTV and EchoStar. EchoStar's system uses a total of four satellites, two of which provide service to the 48 contiguous states ("CONUS satellites"), while the other two effectively cover only part of the US ("partial-CONUS" or "wing slot" satellites). In order to access programming on both the CONUS and the wing slot satellites, a consumer must have two separate dishes. And therein lies the rub.

According to EchoStar, its CONUS satellites are filled to capacity with programming from various sources, as a result of which it was unable to fit all local broadcast stations onto one satellite. As a result, EchoStar placed some local stations – primarily the major network affiliates – on the CONUS satellites, and left smaller, independent stations on the wing slot satellites. That meant that, for consumers to receive the stations on the wing slots, they would have to get a second dish.

The NAB and a raft of television licensees stuck on the wing slot satellites complained to the Commission that EchoStar's approach was flatly inconsistent with SHVIA and the Commission's rules adopted pursuant to SHVIA. They pointed out that the requirement that a second dish be installed imposes several discriminatory burdens to which the stations on the CONUS satellite are not subject: consumers have to be able to get a second dish and have to be able to install it, and if they don't get the second dish, they may not even be aware that the programming carried on the wing slot satellites is available because the EchoStar service's program guide won't list programs which the consumer is not actually receiving.

EchoStar claimed that obtaining the second dish should not be seen as a problem because EchoStar itself was giving them away, for free, to any subscriber who asked for one. The complainants countered, however, with story after story from consumers who were never told about EchoStar's "free" offer. And EchoStar's own advertising and promotional materials made no serious effort to alert the public about the possible availability of a free dish. (While EchoStar claimed that it had, in fact, instructed its sales staff about the free second dish, the Commission found that EchoStar's customer service representatives either "are extraordinarily misinformed or are deliberately discouraging customers from obtaining a free second dish".) In addition, the complainants argued, even if the second dish were free, the extra hassles of waiting for the installer, assuring that space for the dish could be made, etc., constituted a substantial deterrent which discriminated against stations on the wing slots.

The Media Bureau agreed with the complainants. It found that the "two-dish plan" violated SHVIA in "at least three respects": (1) EchoStar was not providing access to all local TV signals at a nondiscriminatory price; (2) EchoStar was not transmitting local TV signals on contiguous channels; and (3) EchoStar was not providing local TV stations with non-discriminatory access on its program guide or menu. The Bureau ordered EchoStar to "remedy the unlawful discrimination . . . as expeditiously as possible." EchoStar must also file Compliance Reports in 30, 90 and 150 days to advise the Commission on the steps it plans to take and has taken to correct the situation.

The Bureau offered some guidance about possible steps EchoStar could take to get itself into compliance – the caveat being that whatever it does, its actions must "result in compliance with the statute, rules and Orders". Exactly how EchoStar will respond, and whether that response will be enough, remains to be seen.

Commissioners Martin and Copps, however, felt that the Bureau didn't go far enough. As the Commissioners read the Bureau's suggestions for how EchoStar might get itself into compliance, it looked like the Bureau was telling

(Continued on page 5)

Focus on FCC Fines

By: R.J. Quianzon

"Book him, Dan-O – Unauthorized Operation of a Broadcast Station One" - United States Marshalls, working in conjunction with the F.C.C. and the U. S. Attorney General, arrested a man in Brooklyn, New York for operating an FM radio station on 87.9 MHz. On prior occasions, the man had been warned by the government that his operations were unlicensed – as if he didn't know that – and government agents had previously confiscated his transmitting equipment. The pirate now faces up to a year in the brig and a penalty of up to $100,000.

Public files must still be available to the public - In two orders, the FCC fined two different broadcasters for not allowing members of the public to see a station's public file. In one instance, the radio station owner was fined $10,000 for denying access to the public file. As part of its defense, the broadcaster claimed that the members of the public requesting materials did not identify specific documents that they wanted to see. The FCC reminded the broadcaster that "a simple request to see the [public] file should be sufficient to elicit the complete file." Readers are cautioned that requests from the public to view public file information should be reasonably met, and the broadcaster cannot withhold materials because the requester does not identify them with sufficient specificity. In addition, readers may refer to Section 73.3526 of the Commission's Rules (Section 73.3527 for non-commercial stations) to verify that they have the proper contents within their public files.

Use it or lose it–Broadcasters who fail to broadcast for more than 12 months face automatic license loss - In an interesting development involving a licensee that had run out of money, the FCC claimed that it had no flexibility with licenses of operators that do not transmit a signal for 12 consecutive months. The case at issue involved a station that attempted to operate but claimed, in part, that FCC staff inaction left the station believing that it could temporarily suspend operations. The full Commission (as opposed to any of its subordinate staff or bureaus) ruled that it could not ignore the statutory requirement which Congress imposed when it mandated that a license ***automatically*** expires if a station does not transmit broadcast signals for 12 consecutive months. In other words, if a station is off the air for twelve consecutive months, that station loses its license regardless of the reason for its non-operation. While there remain some lingering questions about some aspects of this requirement (for example, how much operation – an hour, a day, a week, a month, etc. – is required to constitute "transmit[ting] broadcast signals") it is very clear that a failure to operate at all for 12 months is absolutely fatal. It is hoped that all readers are successfully broadcasting signals while reading this column. However, those who are experiencing troubles and have not been transmitting signals must be wary of this pitfall in the law.

Variation on a theme–yet another fine for unconsented recording of a phone call- In an interesting twist to a frequent broadcast problem, a telephone call to a request line was recorded, but the caller was the one that got fined. That's because the caller also happened to be the one doing the recording, and also happened to be a radio station playing a gag on the station that was being called. A D.J. from Station A called the request line for Station B and talked with his competing D.J. while recording and broadcasting the call, but without advising his compadre about the recording and broadcasting. Station B complained to the FCC and the FCC was not amused. It spanked the offending station for the standard $4000 fine, and then bumped it up another 50% for a $6000 total fine. As cautioned frequently in this column, readers should ensure that all on-air personalities are aware of the FCC rules against broadcasting and recording telephone conversations without notice and permission.

(Continued from page 4)

EchoStar that, as long as EchoStar gives its customers notice of the discriminatory practices, EchoStar can continue those practices. To the Commissioners this notion was an outrage, and they expressed that outrage in a separate statement beating up on the Bureau for not going far enough.

Whether the Commissioners' reading of the Bureau's decision is valid or not, the fact remains that EchoStar is in a difficult position which is not susceptible of any obvious and immediate fixes. So even if the Bureau had done precisely what the Commissioners might have preferred, it is not at all clear that compliance by EchoStar could or would be achieved in the short term, or even in the mid-term.

For the time being, though, what is clear is that EchoStar's "two-dish" plan won't fly as is.

If you have any questions about this, please contact the FHH attorney with whom you normally work, or Harry F. Cole at (703) 812-0483 or cole@fhhlaw.com.

Ka-ching, ka-ching . . .

FCC Announces Proposed 2002 Regulatory Fees

By: Alison J. Shapiro

Recently, the Commission released its Notice of Proposed Rulemaking on the Assessment and Collection of Regulatory Fees for Fiscal Year 2002. The Commission has been directed by Congress to increase fees by 9.3 percent over last year. While still subject to public comment, experience indicates that the proposed fee schedule is likely to be adopted with few, if any, changes. As a result, the 2002 regulatory fees will likely be as follows:

Proposed FY 2002 Schedule of Regulatory Fees for Broadcasters

Fee Category	Annual Regulatory Fee (USD)
AM Radio CP's	370
FM Radio CP's	1,500
TV VHF Commercial	
Markets 1-10	47,050
Markets 11-25	34,700
Markets 26-50	23,625
Markets 51-100	15,150
Remaining Markets	3,525
Construction Permits	2,750
TV UHF Commercial	
Markets 1-10	12,800
Markets 11-25	10,300
Markets 26-50	6,600
Markets 51-100	3,875
Remaining Markets	1,075
Construction Permits	5,175
Low Power TV and TV/FM Translators/Boosters	320
Broadcast Auxiliary	10
Satellite Television Stations	
All Markets	805
Construction Permits	

Proposed FY 2002 Schedule of Regulatory Fees for Radio Stations

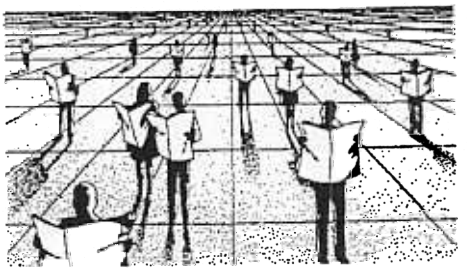
Population served	AM Class A	AM Class B	AM Class C	AM Class D	FM Classes A, B1 & C3	FM Classes B, C, C1 & C2
<=20,000	500	375	275	325	375	500
20,001 -50,000	925	725	375	525	725	925
50,001 -125,000	1,500	975	525	775	975	1,500
125,001- 400,000	2,250	1,575	800	950	1,575	2,250
400, 001 -1,000,000	3,125	2,525	1,425	1,700	2,525	3,125
> 1,000,000	4,975	4,100	2,075	2,625	4,100	4,975

Comments are due to be filed with the FCC by April 23, 2002 and reply comments are due by May 3, 2002. If you have any questions concerning this proposed schedule of regulatory fees, or would like to file comments, please contact your attorney here or contact Alison Shapiro at (703) 812-0400 or via Email at shapiro@fhhlaw.com.

Stuff you may have read about before is back again . . .

Updates on the News

DAB: Ready to Go? While the Commission appears to be prepared to approve the iBiquity standard for DAB (digital audio broadcasting) service for a terrestrial in-band, on-channel (IBOC) AM and FM system, there remains serious question, not only as to the value to broadcasters, but also whether or not a full-time AM system will ever work.



During the recent NAB Convention in Las Vegas, a number of broadcasters raised questions as to the value that they would expect to gain in light of the cost involved. The proponents of DAB, particularly those supporting the IBOC system, acknowledged that the short term gains would not be that dramatic, but that broadcasters could not allow themselves to be left out of the digital age. Proponents expect DAB to provide an enhanced audio fidelity using the digital sound while at the same time being compatible with the existing analog service. A data capability is also a possibility.

From what appears to be the reaction of the Commission at this time, approval of the iBiquity system for FM is looking very good. The same cannot be said for AM, however. In fact, the bugs for the nighttime operation of a DAB AM system have clearly not been worked out. As a result, recent reports of the National Radio Systems Committee (NRSC) which is sponsored by the NAB and the Consumer Electronics Association, raises serious questions of a nighttime DAB operation at this time. They have, therefore, recommended that initially AM go on with a daytime only facility. Many see this as the deathknell of AM DAB and perhaps AM analog. The Commission has asked for comments on the NRSC report, which also discusses the FM situation. The NRSC report evaluates both laboratory and field testing of the IBOC iBquity system. Comments are due on June 18 with replies due July 18. Both the NRSC and iBquity filings are available electronically at http://www.fcc.gov/e-file/ecfs.html under MM Docket Number 99-325. If anyone is interested in filing comments or learning more about this proposal, please contact the FHH attorney with whom you normally work.

Unmet inmate pay phone needs to be examined. The Commission has initiated a rule making proceeding to examine whether current regulations relating to the provision of "inmate calling service" are responsive to the needs of inmates, among others. The precise source of the agency's solicitude in this area is not clear to us, but the Commission may be concerned about the communications needs of any pirate broadcasters who end up in the slammer. (See related article on page 4).

Dortch lands *uber alles* in the Secretary's Office of the FCC. Veteran Commission attorney Marlene Dortch has been named Secretary of the agency, replacing Magalie Roman Salas. Ms. Dortch served as attorney-advisor in the Mass Media Bureau and as Chief of the Bureau's EEO staff.

FM ALLOTMENTS ADOPTED 3/1/02-3/25/02

State	Community	Channel	Docket No.	Availability for Filing
NE	Pierce	248C2	01-340	TBA
AL	Coosada	226A	01-341	TBA
GA	Pineview	226A	01-342	TBA
OR	Diamond Lake	299A	01-343	TBA
GA	Woodbury	233A	01-13	TBA
WY	Reliance	265C3	01-20	TBA
TX	Eagle Lake	237C3	01-80	TBA
MT	Montana City	293A	01-81	TBA
GA	Plainville	285A	01-102	TBA
KY	Morgantown	256A	01-114	TBA
MI	Frederic	237A	01-201	TBA
AZ	Wickenburg	242C	01-345	None (substitution for Ch. 243C3 – Section 1.420)
AZ	Salome	270A	01-345	TBA (substitution for vacant Ch. 241A)
CO	Ridgway	279C2	--	None (substitution for occupied Ch. 279C1)
GA	Cuthbert	264C3	--	None (substitution for occupied Ch. 264A)
TX	Ozona	232C3	--	None (substitution for occupied Ch. 232A)

"TBA" means "to be announced". Newly-allotted channels are not likely to become available for filing until after the Commission has resolved certain difficulties with its broadcast auction processes. The Commission has provided no indication of when those difficulties may be resolved.

FM ALLOTMENT PROPOSALS 3/1/02-3/25/02

State	Community	Channel	Docket No.	Deadlines for Comments	Type of Proposal (i.e., Drop-in, Section 1.420, Counterproposal)
LA	Iowa	225C2	02-69	Cmts – 5/20/02 Rep – 6/4/02	1.420 (removing Ch. 225C2 from Jennings, LA)
MA	Nantucket	254B1	02-72	Cmts – 5/20/02 Rep – 6/4/02	Drop-in
MI	Ferrysburg	226A	02-74	Cmts – 5/20/02 Rep – 6/4/02	Drop-in
MT	Park City	223C0	02-79	Cmts – 6/10/02 Rep – 6/25/02	1.420 (remove/downgrade Ch. 223C from Powell, WY)
MT	Miles City	222C	02-79	Cmts – 6/10/02 Rep – 6/25/02	1.420 (substitution for Ch. 223C)
WY	Byron	221C	02-79	Cmts – 6/10/02 Rep – 6/25/02	Drop-in

Consistent with our past practice, Fletcher, Heald & Hildreth PLC provides this advisory on a periodic basis to alert clients both to FM channels for which applications may eventually be filed, and also to changes (both proposed and adopted) in the FM Table of Allotments which might present opportunities for further changes in other communities. Not included in this advisory are those windows, proposed allotments and proposed channel substitutions in which one of this firm's clients has expressed an interest, or for which the firm is otherwise unavailable for representation. If you are interested in applying for a channel, or if you wish us to keep track of applications filed for allocations in your area, please notify the FHH attorney with whom you normally work.

FHH - On the Job

Ambassador Krys recognized by President in White House ceremony

Ambassador Sheldon Krys, Consultant for International Affairs to Fletcher, Heald & Hildreth since 1994, was asked to the White House on April 17th. President Bush invited Ambassador Krys to the Oval Office to thank him personally for his assistance in preparing Ambassadors for their important new assignments. In addition to his association with FHH, the former ambassador has, for the past ten years, served as Co-chairman of the State Department program known as "The Ambassadorial Seminar". All new American Ambassadors are required to attend the rigorous two-week course which is a key portion of their preparation for their assignments. The Seminar covers a broad range of topics including: Advancing major U.S. policy objectives; promotion of U.S. exports; Ambassadorial Authorities under law; security of American citizens; ethics; care and management of all resources at our Missions - and so forth.

During the two-week program, the Ambassadors-designate and their spouses (who are invited to attend the Seminars as full participants) meet with and are addressed by high-level officials in the Executive Branch. Secretary of State Powell and Deputy Secretary of State Armitage each met with participants of all eight Seminars last year. In all, with Ambassador Krys presiding, more than 90 Ambassadors went through the Seminar in 2001.

Interim Report from the Oversight Committee

Your Committee has two oversights to report from the last issue.

First, we inexcusably neglected to acknowledge the arrival of **Lee J. Petro** to FHH's ranks. Lee is an experienced communications attorney whose skills have already been evident in these pages (including last month's issue, when we forgot to mention him). How we could have failed to mention his arrival is beyond us. We welcome him enthusiastically.

Second, the description of Bob Connelly, our guest broker/columnist, should have said that he opened a brokerage and consulting firm in 1989, not 1998. We regret that oversight as well.

Deadlines!!!

May 1, 2002

Lower 700 MHz Band Auction - Pre-auction seminar to be held at FCC.

May 8, 2002

Lower 700 Mhz Band Auction and Upper 700 MHz Band Auction - Short form applications due to be filed electronically with FCC by 6:00 p.m. EDT

May 15, 2002

Broadcast and Cable Equal Employment Opportunity Rule Making Proceeding - Reply Comments due.

Reexamination of Comparative Standards for NCE Applicants – Comments due.

May 28, 2002

Lower 700 Mhz Band Auction and Upper 700 MHz Band Auction - Upfront payments due by wire transfer no later than 6:00 p.m. EDT

June 13 & 14

Upper 700 MHz Band Auction - Mock auction to be held.

June 14

Lower 700 MHz Band Auction - Mock auction to be held.

June 17, 2002

Reexamination of Comparative Standards for NCE Applicants – Reply comments due.

June 19, 2002

Lower 700 Mhz Band Auction and Upper 700 MHz Band Auction - Auction begins with first round of bidding.