



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 03-2884

September 16, 2003

## MEDIA BUREAU ACTION

### REQUEST FOR COMMENT ON PETITION REGARDING DBS PUBLIC INTEREST OBLIGATIONS AND PRIVATE CONTRACTUAL ARRANGEMENTS

On August 19, 2003, Word of God Fellowship, Inc. dba Daystar Television Network (“Daystar”) filed a Request for Section 403 Inquiry and for Declaratory Ruling with respect to exclusive contracts for programming carried on DBS channels reserved pursuant to the Commission’s rules on DBS Public Interest Obligations. We request public comment on the issues raised by this filing.

We are assigning this proceeding a Commission docket number, MB 03-206, in order facilitate filing public comment. Accordingly, pursuant to Section 1.1200(a) of the Commission’s rules, 47 C.F.R. 1.1200(a), this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to nonrestricted proceedings under Section 1.1206 of the Commission’s rules, 47 C.F.R. § 1.1206.<sup>1</sup>

Permit-but-disclose *ex parte* procedures permit interested parties to make *ex parte* presentations to the Commissioners and Commission employees and require that these presentations be disclosed in the record of the relevant proceeding. Persons making a written presentation to the Commissioners or Commission employees must file the written presentation with the Commission, as set forth below, no later than the next business day after the presentation. 47 C.F.R. §1.1206(b)(1). Persons making oral *ex parte* presentations must file a summary of the presentation, as set forth below, and deliver copies to the Commissioners or Commission employees involved with the presentation no later than the next business day after

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<sup>1</sup> An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner’s assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. See 47 C.F.R. §1.1202.

the presentation. 47 C.F.R. §1.1206(b)(2). All *ex parte* filings must be clearly labeled as such and must reference MB 03-206.

Parties making oral *ex parte* presentations are directed to the Commission's statement reemphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. §1.1206.

Parties may file responses to the Petition on or before **October 16, 2003** and replies on or before **October 31, 2003**. Please place the docket number **MB 03-206** on all filings.

The Petition is available for public inspection in the Commission's Reference Information Center:

445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554  
202-418-7092

This document is also available to individuals with disabilities requiring accessible formats (electronic ASCII text, Braille, large print, and audiocassette) by contacting Brian Millin at (202) 418-7426 (Voice), (202) 418- 7365 (TTY), or by sending an email to [bmillin@fcc](mailto:bmillin@fcc).

Copies of the Petitions and other pleadings are available for purchase from:

QUALEX INTERNATIONAL  
202-863-2893

When filing responses or replies, one copy of each pleading must be served on all parties, and an original and two copies of all pleadings should be addressed to:

Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554  
Attn: Media Bureau

Parties are encouraged to file comments using ECFS. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Media Contact: Michelle Russo, (202) 418-7200

Media Bureau Contact: Rosalee Chiara, (202) 418-0754

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