

**Open Video System
Notice of Intent**

**Attention Cable
Services Bureau**

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20054**

In the Matter of)
)
OpenBand Multimedia, LLC)
) File No. _____
)
Notice of Intent to Establish)
an Open Video System)

**NOTICE OF INTENT
TO ESTABLISH AN OPEN VIDEO SYSTEM**

OpenBand Multimedia, LLC (“OpenBand”), pursuant to Section 651 of the Telecommunications Act of 1996 and Section 76.1503(b)(1) of the Commission’s Rules, hereby submits its “Notice of Intent” (“Notice”) to establish an open video system (“OVS”). As required by Section 76.1503(b)(1), OpenBand respectfully submits the following information:

1. OVS Operator (47 C.F.R. § 76.1503(b)(ii)). The OVS operator is OpenBand Multimedia, LLC. The contact person for the operator is Max Kipfer, located at 3725 Concorde Parkway, Suite 100, Chantilly, VA, 20151. Mr. Kipfer may be reached at 703.961.5444.

2. Projected Service Area (47 C.F.R. § 76.1503(b)(iii)). OpenBand’s projected service area will encompass parts of Loudoun County, VA, excluding incorporated communities or towns located within Loudoun County.

3. Projected Channel Capacity (47 C.F.R. § 76.1503(b)(iv)). The OVS will have a maximum of 83 analog channels available, each consisting of 6 MHz of bandwidth. In addition OpenBand’s OVS will have approximately 220 MHz of bandwidth for digital transmission. OpenBand’s OVS will satisfy all OVS channel capacity requirements.

4. Carriage Information (47 C.F.R. § 76.1503(b)(v)). Video Programming Providers (VPP) interested in carriage on OpenBand’s OVS may obtain additional information about the system by completing the OVS Information Request Form attached as Exhibit A and

submitting it to:

Max R. Kipfer
Executive Vice President and General Manager
OpenBand Multimedia, LLC
3725 Concorde Parkway, Suite 100
Chantilly, VA 20151

Pursuant to 47 C.F.R. § 76.1503(b)(2) of the FCC's rules, within five business days of receipt of a request for information, OpenBand will provide the VPP with additional information regarding the OVS to enable the VPP to make an enrollment decision. With this information, the VPP also will be provided with additional forms and instructions necessary for carriage on OpenBand's OVS. If a VPP decides to seek carriage on OpenBand's OVS after receipt of the additional information, the VPP must submit the required forms, a non-refundable application-processing fee, and a channel reservation deposit by the end of the enrollment period.

5. Initial Enrollment Period (47 C.F.R. § 76.1503(b)(vi)). The enrollment period for VPPs seeking carriage on OpenBand's OVS will commence on the date the FCC issues a Public Notice of the filing of this Notice of Intent and end ninety days thereafter. In the event demand exceeds system capacity, OpenBand will allocate capacity as described in Exhibit B.

6. Allocation of Channel Capacity (47 C.F.R. § 76.1503(b)(vii)). One third of the system's capacity will be set aside for OpenBand and/or its affiliates. In addition, OpenBand will utilize approximately 4 channels to carry public programs, educational programs, governmental programs, in addition to approximately 20 "must-carry" stations entitled to demand carriage pursuant to 47 C.F.R. § 76.56 and § 76.1506 of the FCC's rules. The remaining channels will be available for interested VPPs. No VPP will be assigned more than the capacity set aside for OpenBand and its affiliates.

7. Notification Requirements (47 C.F.R. § 76.1503(b)(viii)). Attached as Exhibit C is a certification that OpenBand has complied with all relevant notification requirements under the FCC's OVS regulations concerning must-carry and retransmission consent (47 C.F.R. §

76.1506), including a list of all local commercial and non-commercial television stations served (Exhibit C). An example of the notification letter sent to television stations pursuant to this Section is also appended hereto as Exhibit D. Also attached as Exhibit E is a certificate of service showing that OpenBand's Notice of Intent has been served on all local franchising authorities which are located within OpenBand's anticipated OVS service area.

Respectfully submitted,

OpenBand Multimedia, LLC

Max R. Kipfer
Executive Vice President and General Manager
OpenBand Multimedia, LLC
3725 Concorde Parkway, Suite 100
Chantilly, VA 20151
703.961.5444 (phone)
703.263.1911 (fax)

Dated: September 24, 2001

Exhibit A

OPENBAND MULTIMEDIA, LLC

OPEN VIDEO SYSTEM
INFORMATION REQUEST FORM

Section I: Video Programming Provider Information

Name of Company: _____

Name of Contact: _____

Address: _____

Telephone: _____

Facsimile: _____

Section II: Carriage Information

Total amount of capacity requested: _____

Section III: Certification and Non-Disclosure Statement

The undersigned video programming provider (“VPP”) represents that it has the right under the copyright laws to select and contract for carriage of specific video programming on the OpenBand OVS, and that it has no formal or informal affiliation (as defined by 47 C.F.R. § 76.1500(g) of the FCC’s rules) or agreement with any other VPP requesting capacity or with any cable operator providing cable television services within OpenBand’s OVS service area, and that the capacity requested will only be used for the commercial operation of an information service. The VPP and its affiliates agree not to disclose to any other party the information provided by OpenBand in response to this request, except for information that is in the public domain and except as provided in 47 C.F. R. § 76.1513(1) of the FCC’s rules and that they will not use the information for any purpose whatsoever other than making an informed decision as to whether to enroll in OpenBand’s OVS and the subsequent activation of such enrollment, if any.

Signature

Name

Title

Date

Exhibit B

OpenBand Multimedia, LLC

OPEN VIDEO SYSTEM CHANNEL ALLOCATION PROCESS

Allocation of Capacity. OpenBand Multimedia, LLC (OpenBand) does not expect to experience any capacity constraints on its OVS system. If the aggregate capacity needs of (a) local commercial and non-commercial television stations carried pursuant to Section 76.1506 of the Commission's Rules, (b) public, educational and governmental (PEG) access channels furnished pursuant to Section 76.1505 of the Commission's Rules, (c) OpenBand and its affiliates, and (d) unaffiliated video programming providers exceed the actual capacity of OpenBand's OVS system, then OpenBand and its affiliates will not select the video programming services for carriage on more than one-third of the activated channel capacity of the OVS system. If aggregate capacity needs exceed actual OVS system capacity, unaffiliated video programming providers will be offered portions of the residual capacity (after local television stations, PEG access channels and OpenBand's one-third share are accommodated) on the following basis: each unaffiliated video programming provider will be offered an equal proportionate amount of its requested capacity.

Exhibit C

CERTIFICATION

I, Max R. Kipfer, hereby certify that on or before this 25th day of September 2001, I caused must-carry-retransmission consent election notification to be sent by certified mail to all commercial and noncommercial television stations operating within OpenBand Multimedia, LLC's open video system service area, as indicated by the attached service list.

Max R. Kipfer
Executive Vice President and General Manager
OpenBand Multimedia, LLC
3725 Concorde Parkway, Suite 100
Chantilly, VA 20151
703.961.5444 (phone)
703.263.1911 (fax)

Channel 4 / WRC
Linda Sullivan, General Manager
4001 Nebraska Ave., NW
Washington, DC 20016

City of License: Washington
Network Affiliation: NBC

Channel 5 / WTTG
Debbie Carpenter, General Manager
5151 Wisconsin Ave., NW
Washington, DC 20016

City of License: Washington
Network Affiliation: Fox

Channel 7 / WJLA
Chris Pike, General Manager
3007 Tilden St., NW
Washington, DC 20008

City of License: Washington
Affiliation: ABC

Channel 9 / WUSA
Richard Reingold, General Manager
4100 Wisconsin Ave., NW
Washington, DC 20016

City of License: Washington
Affiliation: CBS

Channel 14 / WTMW
Attn: General Manager
3565 Lee Hwy.
Arlington, VA 22207

City of License: Arlington
Affiliation: None

Channel 20 / WDCA

John Long, General Manager
5202 River Rd.
Bethesda, MD 20816

City of License: Washington
Affiliation: UPN

Channel 25 / WHAG
Hugh Breslin, General Manager
13 East Washington St.
Hagerstown, MD 21740

City of License: Hagerstown, MD
Affiliation: NBC

Channel 26 / WETA*
Sharon Rockefeller, General Manager
2775 South Quincy St.
Arlington, VA 22206

City of License: Washington
Affiliation: PBS

Channel 30 / WMDO
Rudy Guernica, General Manager
962 Wayne Ave., # 900
Silver Spring, MD 20910

City of License: Washington
Affiliation: Univision

Channel 31 / WWPB*
Robert Shuman, General Manager
11767 Owings Mill Blvd.
Owings Mill, MD 21117

City of License: Hagerstown, MD
Affiliation: PBS

Channel 32 / WHUT*
Jim Watkins, General Manager

2222 4th St., NW
Washington, DC 20059

City of License: Washington
Affiliation: PBS

Channel 50 / WBDC
Jerry Martin, General Manager
2121 Wisconsin Ave., # 350
Washington, DC 20007

City of License: Washington
Affiliation: WB

Channel 53 / WNVT*
Fred Thomas, General Manager
8101-A Lee Hwy.
Falls Church, VA 22042

City of License: Goldvein
Affiliation: Public

Channel 56 / WNVC*
Fred Thomas, General Manager
8101-A Lee Hwy.
Falls Church, VA 22042

City of License: Fairfax
Affiliation: Public

Channel 60 / WWPX
Albert McGilvray, General Manager
1 Discovery Place
Martinsburg, WV 25401

City of License: Martinsburg, WV
Affiliation: Paxson

Channel 62 / WFPT*
Robert Shuman, General Manager
11767 Owings Mill Blvd.

Owings Mill, MD 21117

City of License: Frederick, MD
Affiliation: PBS

Channel 64 / WZDC
Wendy Thompson, General Manager
200 North 14th St., #480
Arlington, VA 22201

City of License: Washington
Affiliation: Telemundo

Channel 66 / WPXW
Marilyn Lewis, General Manager
6199 Old Arrington Ln.
Fairfax Station, VA 22039

City of License: Manassas, VA
Affiliation: Paxson

Channel 68 / WJAL
Buddy Merrick, General Manager
PO Box 229
Chambersburg, PA 17201

City of License: Hagerstown, MD
Affiliation: None

Channel 42 / WVPY*
298 Port Republic Rd.
Harrisonburg, VA 22801

City of License: Front Royal
Affiliation: Public

*Noncommercial

Exhibit D

Noncommercial

[]

Re: Initiation of New Open Video System

Dear []:

This letter is to notify you that OpenBand Multimedia, LLC (“OpenBand”) is constructing a new open video system to serve certain areas of Loudoun County, Virginia. The new system is scheduled to begin operations this year.

In preparation for the launch of this new system, we are creating the system’s channel lineup. FCC’s rules require that we provide this notice and that you, in turn, notify us of your station’s request for carriage and channel position within 30 days of the date of this letter. All video programming providers (VPPs) on OpenBand’s open video system will be notified of your decision. To facilitate the election notification process, we have provided a check box at the end of this letter that you may use to notify us of your station’s request for carriage and channel position. Your request and channel position will be effective upon the system’s launch, unless: (1) a conflicting channel position election is made by another station, (2) multiple stations electing must-carry air duplicative programming or programming of the same network, or (3) the station is neither located within 50 miles of the system nor providing a Grade B contour over the system.

We look forward to working with your station in bringing this exciting new service to the residents of Loudoun County, Virginia. Should you have any questions, please do not hesitate to contact us.

Sincerely,

Max R. Kipfer
Executive Vice President and General Manager

PLEASE CHECK THE BOX AS APPROPRIATE:

Carriage Request

➤ Station [] hereby requests carriage on the OpenBand OVS. Carriage of Station [] on Channel [] is acceptable.

By signing below, I certify that I have the requisite authority to bind the station to the request made above.

Name: _____

Title: _____

Dated: _____

Commercial

[]

Re: Initiation of New Open Video System

Dear []:

This letter is to notify you that OpenBand Multimedia, LLC (“OpenBand”) is constructing a new open video system to serve certain areas of Loudoun County, Virginia. The new system is scheduled to begin operations this year.

In preparation for the launch of this new system, we are creating the system’s channel lineup. FCC’s rules require that we provide this notice and that you, in turn, notify us of your station’s election between must-carry or retransmission consent on the system. The election must be forwarded to us within 30 days of the date of this letter and must be the same as the election the station made with respect to the Adelphia system serving Loudoun County, Virginia.

To facilitate the election notification process, we have provided check boxes at the end of this letter that you may use to notify us of your station’s election. If your station is electing must-carry, you need only check the appropriate box in the Must-Carry section at the end of this letter, sign at the bottom of the letter and return an original copy of the letter to us. All video programming providers (VPPs) on OpenBand’s Open Video System will be notified of your decision. If you elect “must carry,” OpenBand, as the operator of the system, will deliver your signal to all subscribers of any VPP on the system. Your election and channel position will be effective upon the system’s launch, unless: (1) a conflicting channel position election is made by another station, (2) multiple stations electing must-carry air duplicative programming or programming of the same network, or (3) we encounter signal quality difficulties.

If your station is electing retransmission consent, we ask that you check the box in the Retransmission Consent section at the end of this letter, sign the letter, and return an original copy to us. We will contact you at an appropriate time to discuss the possibility of a retransmission consent agreement. In addition, all VPPs on OpenBand’s Open Video System will be notified of your decision to elect “retransmission consent.” If you elect retransmission consent, you may negotiate with one or more VPPs delivering programming over the OpenBand OVS for inclusion in their programming package.

We look forward to working with your station in bringing this exciting new service to the residents of Loudoun County. Should you have any questions, please do not hesitate to contact us.

Sincerely,

Max R. Kipfer
Executive Vice President and General Manager

PLEASE CHECK THE APPROPRIATE BOX:

Must-Carry Election

➤ Station [] elected must-carry status on the Adelphia cable system serving Loudoun County, Virginia for the period ending December 31, 2002 and hereby elects must-carry status on the OpenBand OVS for the same period. [Carriage of Station [] on Channel [] is acceptable.]

Retransmission Consent Election

➤ Station [] elected retransmission consent status on the Adelphia cable system serving Loudoun County, Virginia for the period ending December 31, 2002 and hereby elects retransmission consent status on the OpenBand OVS for the same period.

By signing below, I certify that I have the requisite authority to bind the station to the request made above.

Name: _____

Title: _____

Dated: _____

Exhibit E

CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Shaw Pittman LLP, hereby certify that I have caused copies of the foregoing open video system "Notice of Intent" of OpenBand Multimedia, LLC to be sent via first class U.S. mail, postage prepaid on the 27th day of September, 2001 to the following local franchising authorities:

John R. Roberts
County Attorney
Loudon County
1 Harrison Street, S.E.
Leesburg, VA 20175

Jim Barnes, Director
Public Information Office of Loudoun County
1 Harrison Street, S.E.
Leesburg, VA 20175

Sylvia A. Davis