

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Advanced Television Systems and) **MM Docket No. 87-268**
Their Impact upon the Existing)
Television Broadcast Service)

To: The Commission - **Mail Stop 1170**

REPLY COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION

Sherwin Grossman, President
Michael Sullivan, Executive Director
Community Broadcasters Assn.
1600 Aspen Lane
St. Cloud, MN 56303
200
Tel. 320-656-5942
Fax 320-255-5276

January 24, 1977

Peter Tannenwald
Elizabeth A. Sims (admitted in Georgia only)

Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave., N.W., Suite

Washington, DC 20036-3101
Tel. 202-728-0400
Fax 202-728-0354

Counsel for the Community
Broadcasters Association

TABLE OF CONTENTS

Summary	i
Introduction	1
Damage Unnecessarily Severe	2
Gathering Data	4
Improved Technical Standards	6
Positive Steps To Preserve LPTV	8
Not Truncating the Spectrum	9
LPTV Set-Aside	10
Interference Rules	10
Changing Digital Allotments	10
Participation in Private Activities	10
Preferred Filing Opportunity	11
Maintain Full Power Freeze	11
Establish a New Permanent Class of Station	12
Cable Carriage	12
Compensation	12
Conclusion	13
List of Questionnaires	Appendix 1
Local Programming	Appendix 2
Letter from Third Coast Broadcasting, Inc.	Appendix 3

SUMMARY

i. Much progress has been made, but more remains to be done before a smooth transition can be made to digital TV. Allotting digital channels without regard to LPTV and translators will cause more loss of service than initially anticipated. LPTV operators are dismayed and incredulous at what their government proposes to do to them. Full power stations want to improve the engineering underpinnings of the allotment table to avoid dooming some to inferior coverage and others to buying unaffordable or unavailable high powered transmitters.

ii. The damage to LPTV should not, and need not, be so severe. The Commission should gather data on actual LPTV service, adopt more up-to-date technical standards, re-run the digital allotment program based on more accurate station data and updated standards, and take steps to facilitate accommodation of displaced LPTV stations. CBA has undertaken efforts in all these areas, gathering information about station operations and local programming and working with Commission computer software to generate digital allotment tables based on a penalty for displacing LPTV stations and the AFCCE's proposed planning factors.

iii. CBA's data-gathering was rudimentary. The results should not be considered definitive, but they suggest the order of magnitude of LPTV activity. CBA understands that the Commission's Staff has been gathering data by spot checks. No survey should be used for official purposes, and no authorized station should be disregarded in the digital allotment process, without official notice to all stations and publication in the *Federal Register*.

iv. Initial commenters made numerous suggestions to improve TV technical standards. CBA adheres to the suggestions it made. CBA's proposal regarding interference standards is clarified in Appendix 3. CBA challenges the "full replication" concept; a second channel should be used for transitional purposes only, without full

replication. CBA also supports AFCCE's proposal for more realistic power levels for digital operation; an 500 kW ERP limit would free significant spectrum to accommodate LPTV stations and translators.

v. Additional mitigating steps should be taken now, not left to compete with other matters for the Commission's future attention. These include avoiding premature truncation of the TV spectrum, setting aside channels for displaced LPTV's, conforming LPTV interference standards to full power standards, changing digital allotments to save LPTV stations when no harm will be done to full power, ordering that private coordinating committees admit and listen to LPTV operators, providing preferred opportunities for LPTV operators to apply for digital channels, maintaining the full power freeze, establishing a new permanent station class, using cable to preserve LPTV programming, and compensating displaced LPTV operators.

vi. Each participant in this proceeding has its own goals. LPTV wants to survive and to continue providing otherwise unavailable service to the public. Full power TV is ready to proceed but believes that improvements are required in the technical underpinnings for the change to digital operation. The public wants better programming for their children, education, and the exchange of ideas. The government wants the most money it can get at auction as soon as it can get it. Is that not a strange role reversal, where entrepreneurs want to provide service and the government wants to make money? The Communications Act does not prescribe that as the primary mission of the Commission; most of the time the roles are cast the other way.

vii. It is well-established that the loss of free broadcasting service is *prima facie* not in the public interest. Preserving service is the Commission's primary mission, even today when "competition" is almost the only watchword. Auction prices are already falling. Deferring TV spectrum auctions will reduce the chance of error in an uncertain digital transition

process and will also increase the revenue obtained as spectrum value increases. A quick 1997 auction will dissipate a valuable asset forever. The temporary revenue bulge will soon be forgotten, but the public will not forget when its TV sets go dark.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Advanced Television Systems and) **MM Docket No. 87-268**
Their Impact upon the Existing)
Television Broadcast Service)

To: The Commission - **Mail Stop 1170**

REPLY COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION

Introduction

1. The **Community Broadcasters Association (CBA)** hereby submits its reply comments in this proceeding. CBA is the trade association of the nation's low power television (LPTV) stations. CBA filed initial comments on November 22, 1996.

2. While much progress has been made in this proceeding, more remains to be done before a smooth transition can be achieved between today's analog and tomorrow's digital television. CBA believes that the following points have now been established:

a. Allotting digital channels without regard to LPTV stations and translators, as the Commission has proposed, will cause a significantly greater loss of LPTV and translator service than was initially anticipated, more than is necessary, and more than is justifiable in the public interest.

b. LPTV operators everywhere are dismayed and incredulous that the government they helped to elect would summarily execute their industry at worst, or at best push it aside during the most fundamental reconstruction of the television spectrum since nationwide allotments were first made in the 1950's

and leave its fate to be addressed later on with whatever may be left over. The LPTV industry represents an entrepreneurial effort in the best American tradition, provides important programming services not otherwise available, is growing and creating new jobs at a rapid pace, and is entitled to the protection of small business laws.

c. The full power television industry is ready to proceed with the transition but is nervous about the proposed digital channel allotment process because of database errors, premature truncation of the television spectrum, inappropriate planning factors, and impractical proposals that would doom some stations to inferior coverage while requiring others to purchase unaffordable and/or unavailable high powered transmitters.

d. The public would like to obtain some meaningful benefit from the transition in terms of better programming, particularly directed toward children, education, and an improved political process; and the public is more concerned about programming than improving the technical quality of television signals.

3. CBA is attempting to address many of these problems by (a) gathering data about the status of the LPTV industry, (b) making concrete suggestions as to changes in engineering standards to improve spectrum efficiency, and (c) demonstrating how the application of CBA's suggestions will reduce damage from the digital allotment process.

Damage Unnecessarily Severe

4. Because the Commission's digital allotment computer program and the programs used to locate available channels for LPTV stations and translators both search for channels with the least interference potential, it should not be surprising that they often find the same channels and that as a result, displacement of LPTV stations and translators will be severe if they are not taken into account in the digital allotment program. The Broadcasters Caucus has identified over 3,000 stations that

will be displaced. Even if not all those stations actually exist,^{1/} it is clear that hundreds, if not a thousand or more, of viable, operating facilities will be displaced. CBA does not have the resources to analyze every station, but the number of alarms it has received from LPTV operators makes it clear that the allotment table as now proposed will wreak havoc in hundreds of markets, both large and small, with the result that important sources of local and minority and other specialized television programming will be lost.

5. One example of unnecessary displacement is the proposed pairing of DTV Channel 20 with NTSC Channel 12 at Ardmore, Oklahoma, when there is an LPTV station affiliated with a major television network (KOKT-LP) operating on Channel 20 in Sulphur, Oklahoma, about 25 miles away. The only other nearby NTSC station operates on Channel 10 at Ada, Oklahoma. With only two NTSC stations in the area, TV spectrum cannot possibly be so scarce that displacement of the LPTV station is necessary.

6. The damage to the LPTV industry should not be, and does not have to be, so severe. Three steps must be taken to ameliorate the situation: (a) gather data as to what stations are in operation and what services are being provided, so that we know what services need to be protected; (b) adopt more up-to-date technical standards that will provide more ways to accommodate LPTV stations and translators; (c) re-run the digital channel allotment program based on data which include operating LPTV stations and updated technical standards; and (d) adopt steps to facilitate the accommodation of displaced stations and to put the displacement problem to rest for once and for all by creating a class of permanent station for those that qualify.

Gathering Data

7. CBA has undertaken substantial efforts to gather data about operating LPTV stations and the services they provide. It does not have a definitive mailing list of LPTV stations, but it circulated a questionnaire to as many stations as it could find, requesting information about whether the station is on the air and what programming it provides. Stations were asked to provide the make, model, and serial number of their

^{1/} See par. 7-11, *infra*.

transmitter and to sign a statement under penalty of perjury to ensure the most accurate count possible of stations actually operating. CBA received more than 430 completed questionnaires from operating stations, along with e-mail and other messages bringing the total to the range of 450-500 stations, along with 126 completed questionnaires from holders of construction permits who are actively planning to build and go on the air. Since the response surely did not represent 100% of operating stations, it is likely that the number of operating LPTV stations is actually in the order of 500-600.

8. The questionnaires are too bulky to be submitted in the requisite number of copies for the record in this proceeding. One copy will be provided to the Commission's Staff. To facilitate review, Appendix 1 to these Reply Comments is a list of the responding stations. This list has been incorporated into a Lotus database, which CBA will provide on diskette for use by the Commission's Staff.^{2/}

9. CBA further attempted to gather information about the amounts and kinds of local programming that LPTV stations are providing. This information is much more difficult to obtain than information as to whether a station is on the air, because it requires more than a "yes" or "no" response. Appendix 2 to these Reply Comments is a listing of responses received from 122 stations, which is all that CBA had time to compile by today's filing deadline. While Appendix 1 contains an entry for the number of hours of local programming per week for each station when the station provided that information on its questionnaire,^{3/} Appendix 2 includes more descriptive information about the programming.

10. These data-gathering efforts were rudimentary, as CBA does not have the

^{2/} The list gives the name of the person responding to the questionnaire, not the name of the licensee of the station.

^{3/} Some of the information was difficult to interpret, so CBA cannot say that the numbers it is providing are accurate for each individual station. However, the numbers as a whole give a good industry-wide picture of the extent to which local programming is found on LPTV stations.

resources to ensure the completeness of its survey or to call stations back for missing data. However, the results demonstrate (a) the approximate size of the industry (it is very unlikely that the number of operating stations is anything close to the 1,954 number of licensed LPTV stations as of December 31, 1996^{4/}) and (b) the fact that the industry is presenting a substantial amount of local programming of great value to communities across the nation.

11. CBA's computer studies take into account only stations that responded to CBA. While the list may reflect the order of magnitude of the size of the LPTV industry, it would be inappropriate to take CBA's list, or any other currently available list for that matter, as definitive evidence of what stations are in actual existence.^{5/} CBA understands that Commission Staff personnel in the Compliance and Information Bureau have been making spot checks around the country to determine the status of LPTV stations. The use of that survey method for any official purpose is also improper, assuming that the information-gathering process is lawful without approval of the Office of Management and Budget in the first place.^{6/} CBA agrees that it is important to gather information about the actual status of the LPTV industry and to purge the database of non-existent stations. However, that objective must be achieved through an official, lawful process, with proper written notice to stations whose fate may be affected by the survey results and proper notice to the public through the *Federal Register*. No authorized station should be disregarded in the digital allotment process, or for any other purpose affecting its official status, without giving proper notice and following proper legal procedures.

Improved Technical Standards

12. Numerous suggestions have been made in initial comments as to how TV technical standards can be improved to make more efficient use of the spectrum and to minimize displacement of LPTV and translator stations. CBA made several such

^{4/} See FCC public notice of January 21, 1997.

^{5/} Not only does CBA not have the resources to track down every station but CBA also has no authority to compel a response from any station. While the Commission provided CBA with a copy of its mailing address list, that list did not distinguish between translators and LPTV stations. As translators outnumber LPTV's by a factor of almost 4-to-1, the list was too long for CBA to be able to cover all of it with a mailing.

^{6/} CBA has no idea of how the CIB decided which stations to call or what information sources they are using to locate those stations.

suggestions, and it continues to urge the Commission to adopt them. One area where some confusion has apparently arisen relates to CBA's request that interference standards between an LPTV station and a full power station not be more stringent than those applied between two full power stations. CBA is proposing that co-channel LPTV stations which are outside the protected coverage contour of a full power TV station be permitted to use the same interference protection that full power TV stations provide to each other. Although that approach would involve a relaxation of the existing LPTV rules, the full power standards have been proven satisfactory over several decades without significant problems. Their adoption for LPTV would free up spectrum in areas where it would otherwise be unnecessarily blocked in a time of anticipated severe spectrum shortage. Appendix 3 hereto is a copy of a recent letter from Third Coast Broadcasting, Inc. to the National Telecommunications and Information Administration clarifying CBA's interference proposal.

13. The Association of Federal Communications Consulting Engineers (AFCCE) has pointed out the extreme and often impractical, if not impossible, burden the Commission is proposing to put on some full power stations through its "full replication" concept, which will require some VHF NTSC stations to utilize UHF DTV transmitters so powerful that they will be prohibitively costly or perhaps not available at all. CBA has urged, and continues to urge, that the Commission not seek full replication of service area on the transitional full power channel during the time when two channels are in use. CBA supports AFCCE's proposal to specify more realistic power levels for the final digital channel as well. The results of CBA's computer studies of digital allotments is expected to demonstrate that if digital ERP is limited to a reasonable level of 500 kW, significant new spectrum capacity will be freed up to accommodate LPTV stations and translators.

14. In sum, the LPTV/translator problem will be significantly alleviated if the second channel is used for transitional purposes only, with only Grade A service area

replication, and full power stations end up providing digital service on their original NTSC channel at the end of the transition period with realistic power limits.^{7/}

15. CBA is working with software obtained from the Commission and is running that software to generate digital allotment tables based on variations in the assumptions used by the Commission. First, the program is being run with those LPTV stations which CBA knows are operating added to the database, and a penalty assigned for displacing those stations. Second, the program is being run based on the planning factors urged by AFCCE. CBA anticipates that these computer runs will demonstrate conclusively that there is no need to destroy the LPTV service to make way for digital television. However, it has not been possible to complete the runs by the deadline for these Reply Comments.^{8/} CBA plans to submit the results of its work as an *ex parte* filing within the next few weeks.

Positive Steps To Preserve LPTV

16. Including an accurate count of LPTV stations in the database, providing a penalty in computer runs for displacing those stations, and modernizing technical standards are important to help minimize the displacement of LPTV and translator stations; but there is much more that the Commission can do to preserve LPTV service. Additional steps should be taken in this proceeding, not deferred to some uncertain time in the future when they will have to struggle for attention against other Commission priorities.

17. Not Truncating the Spectrum. The premature truncation of the spectrum will unquestionably and substantially exacerbate the threat to LPTV and translators. Both CBA and the Broadcasters Caucus have emphasized that point in the strongest

^{7/} Those full power UHF stations that have argued that they should be permitted a larger digital service area than their analog area, to equalize their competitive status with VHF stations, should be permitted to improve their digital facilities only if there is no displacement of LPTV service or any displaced service can be accommodated on another channel.

^{8/} CBA has had only a few months to figure out how to operate software to generate an allotment table, while the Commission and full power industry have worked on the problem for years. It is not surprising that CBA has not been able to complete the task by now, and it is noteworthy that CBA has achieved as much as it has in so short a time with the limited resources available to it.

possible terms. CBA understands that auction revenues of some \$5 billion from the sale of Channels 60-69 will be included in the Administration's budget and that the government for all practical purposes has a closed mind on this subject. That is too bad; but if the government is determined to go that route, then it must stop there and not truncate the spectrum any further until the end of the transition to digital TV. In addition, even if some spectrum is sold in the near future, purchasers should be required to protect incumbent operating stations, both full and low power alike, until the end of the transition or until they are able to find other spectrum for those stations and pay the cost of relocation.^{9/}

18. LPTV Set-Aside. If the spectrum is to be truncated, the Commission should set aside a small portion for LPTV stations that cannot otherwise be accommodated. Such a set-aside could be at the lower end of the Channel 60-69 band, certainly in the Channel 52-59 band if the TV spectrum is truncated below Channel 60, and perhaps even on Channel 14 to minimize the potential for the kind of blanketing interference to land mobile operations in the immediately-adjacent 450-470 MHz band that has been experienced when 5-million watt UHF TV stations have gone on the air on Channel 14.

^{9/} Public safety agencies also have their eye on TV spectrum, and they appear more anxious to acquire new "real estate" than to improve efficiency by participating in channel-splitting to 12.5 and ultimately to 6.25 kHz, as commercial private radio operators are being required to do as part of the "refarming" concept in PR Docket No. 92-235. Some may also lose sight of the fact that if TV spectrum is reallocated to public safety use, new radio equipment will have to be manufactured and paid for before the spectrum will be of any use. While CBA supports improved protection for the public by police and other safety agencies, these agencies often do not have the budgets to buy new equipment. They may be able to purchase commercial narrowband equipment at better prices than equipment designed for public safety use on new frequencies, because of economies of scale arising from volume manufacturing for the private sector. It is also important to note that the deletion of many LPTV stations will eliminate important -- sometimes the only ones -- for the broadcast dissemination of local emergency and safety information in many communities. The Commission should not reallocate TV spectrum to public safety use now, unless it takes it from spectrum otherwise marked for auction to commercial users.

19. Interference Rules. CBA urged various modifications to interference rules in its initial comments and continues to urge them. Freeing channels that would be unnecessarily restricted by the current rules would significantly help reduce the problem of LPTV stations being forced off the air by the spectrum shortfall during the digital transition. The attached statement of Third Coast Broadcasting, Inc. elaborates on this issue.^{10/}

20. Changing Digital Allotments. Before an LPTV station is displaced, the Commission should determine whether the displacing full power station can be accommodated on another digital channel with no significant detriment; and if it can be so accommodated, the digital allotment should be changed instead of displacing the LPTV station.

21. Participation in Private Activities. The Broadcasters Caucus has urged that considerable discretion be given to private coordinating committees to recommend changes in the digital allotment table and that such recommendations be given heavy weight. If private groups are to have such an influence on the allotment process, it is imperative that LPTV stations be permitted to participate. The full power stations who will staff these committees are often competitors of LPTV stations and as a result will have an economic incentive to displace LPTV stations. Not only must LPTV stations be permitted to be present but the Commission must require that full power stations listen to and work in good faith to accommodate LPTV stations. Without the legal right to be present and to be heard, LPTV operators will be shut out of what is for them a life-or-death process.

22. Preferred Filing Opportunity. Displaced LPTV stations must be given the first opportunity to apply for any available spectrum after full power stations have been accommodated, and even LPTV stations that are not displaced must be given an opportunity to apply for channels for digital operation, before any full power digital

^{10/} See Appendix 3, discussed in more detail in par. 12 *supra*.

channel allotments are made that are not paired with now-existing NTSC full power stations and before anyone other than a licensee of a full power station authorized as of the date of the *Sixth Further Notice of Proposed Rule Making* in this proceeding is permitted to apply for a digital channel.^{11/}

23. Maintain the Full Power Freeze. In the *Sixth Further Notice*, the Commission offered a short and final window of opportunity for the public to file applications for new stations on vacant NTSC full power allotments. The number of applications filed appears to be in the hundreds, which is many more than likely were anticipated when the filing opportunity was provided. Permitting the establishment of so many new stations will seriously impair the amount of spectrum available to accommodate LPTV stations and translators displaced by digital full power stations. The Commission should adhere to its freeze on full power applications, at least in major market areas, and should make exceptions based only on compelling circumstances consistent with prior freeze waivers.

24. Establish a New Permanent Class of Station. The LPTV industry has grown and matured and has demonstrated that many stations are entitled to a permanent place in the mass media structure. As CBA urged in its initial comments in this proceeding, the Commission should create a new class of primary television station, akin to "Class A" FM radio broadcast stations, with appropriate technical and operational standards and requirements; and stations which apply and demonstrate that they meet those standards and requirements should no longer be secondary.

25. Cable Carriage. Mandatory cable carriage should be used to continue delivery to the public of the programming service of LPTV stations that must go off the air during the transitional period to digital operation, especially where it can be determined that after the transition, there will be room for the LPTV station to resume

^{11/} CBA is gratified that the Broadcasters Caucus has recognized the merit of preferred filing opportunities for LPTV stations. Caucus Comments at p. 54.

over-the-air service.

26. Compensation. Where an LPTV station is required to change channels one or more times, the station causing the displacement should be required to bear the cost.^{12/} And if all else fails and LPTV stations are ultimately required to cease operation permanently to make room for a digital full power station, the digital licensee again should be required to compensate the LPTV operators for the loss of their business.

Conclusion

27. It is instructive to summarize the positions of the major participants in this proceeding one more time:

a. The low power industry wants to survive and to continue to provide service to the public which is otherwise unavailable.

b. The full power industry is ready to move forward but believes that improvements are required in the technical underpinnings for the change to digital operation.

c. The public wants better programming for their children, for education, and for the exchange of political and other ideas.

d. And what does the government say it wants? The most money it can get at auction as soon as it can get it.

28. Is that not a strange role reversal, where entrepreneurs want to provide service and the government wants to make money? The Communications Act does not prescribe that as the primary mission of the Commission, and most of the time the roles are cast the other way around. CBA has been told in meetings with government officials that the public mandated a balanced budget in the 1996 election, so balance

^{12/} The Broadcasters Caucus (at p. 39) recognizes the extraordinary burden imposed when a TV station of any kind must change channels, especially when it must do so more than once. The Caucus also supports the compensation concept for multiple channel changes, at least for its full power members (p. 16).

the budget they will. But the public did not vote to shut down television stations, nor is it likely that the public will tolerate such shut-downs if they occur. And certainly those members of the public who filed comments in this proceeding articulated public service objectives which are often met by LPTV stations, not monetary objectives.

29. As the Broadcasters Caucus properly pointed out at page 29 of their initial comments, the loss of free broadcasting service to the public is *prima facie* not in the public interest. Preserving that service is the Commission's primary mission and is one that it must not forget. With the increasing amount of spectrum that has recently gone on the auction block, prices are already going down.^{13/} Broadcasters have repeatedly pointed out that deferring the auction of TV spectrum will not only reduce the chance of error in a digital transition process that will be full of unknown practical pitfalls^{14/} but will also increase the amount of auction revenue that will be obtained as the value of the spectrum increases over time. A quick auction in 1997 will dissipate a valuable asset forever, and the temporary revenue bulge will soon be forgotten. However, the public will not forget when its television sets go dark.

Sherwin Grossman, President
Michael Sullivan, Executive Director
Community Broadcasters Assn.
1600 Aspen Lane
St. Cloud, MN 56303
Tel. 320-656-5942
Fax 320-255-5276

200

January 24, 1997

Respectfully submitted,

Peter Tannenwald
Elizabeth A. Sims (admitted only in Georgia)

Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave., N.W., Suite

Washington, DC 20036-3101
Tel. 202-728-0400
Fax 202-728-0354

Counsel for the Community
Broadcasters Association

^{13/} The D, E, and F-block PCS auction yielded far less than the C-block auction. As more and more spectrum is put on the market, there is no evidence that the result will be anything other than the price decline that normally follows an increase in supply.

^{14/} As noted by AFCCE in its initial comments, DTV stations may cause greater interference to NTSC stations than the Commission has anticipated in its proposed channel allotment plan, especially if hoped-for collocation is not always feasible in practice. In such interference occurs, Channels 60-69 may be needed to provide relief.

APPENDIX 1

Reply Comments of the Community Broadcasters Association

MM Docket No. 87-268

List of low power television stations providing information to CBA stating that they are in operation.

[omitted from electronically filed copy]

APPENDIX 2

Reply Comments of the Community Broadcasters Association

MM Docket No. 87-268

Local programming information from low power television stations.

[omitted from electronically filed copy]

APPENDIX 3

Reply Comments of the Community Broadcasters Association

MM Docket No. 87-268

Letter from Third Coast Broadcasting, Inc. to NTIA

THIRD COAST BROADCASTING

January 21, 1997

Mr. Timothy R. Robinson
Attorney Advisor
NTIA Room 4713
14th St & Constitution Ave N.W.
Washington DC 20230

Reference: Letter Of Clarification:

Community Broadcasters Association Comments to FCC
6th Further Notice of Proposed Rulemaking.

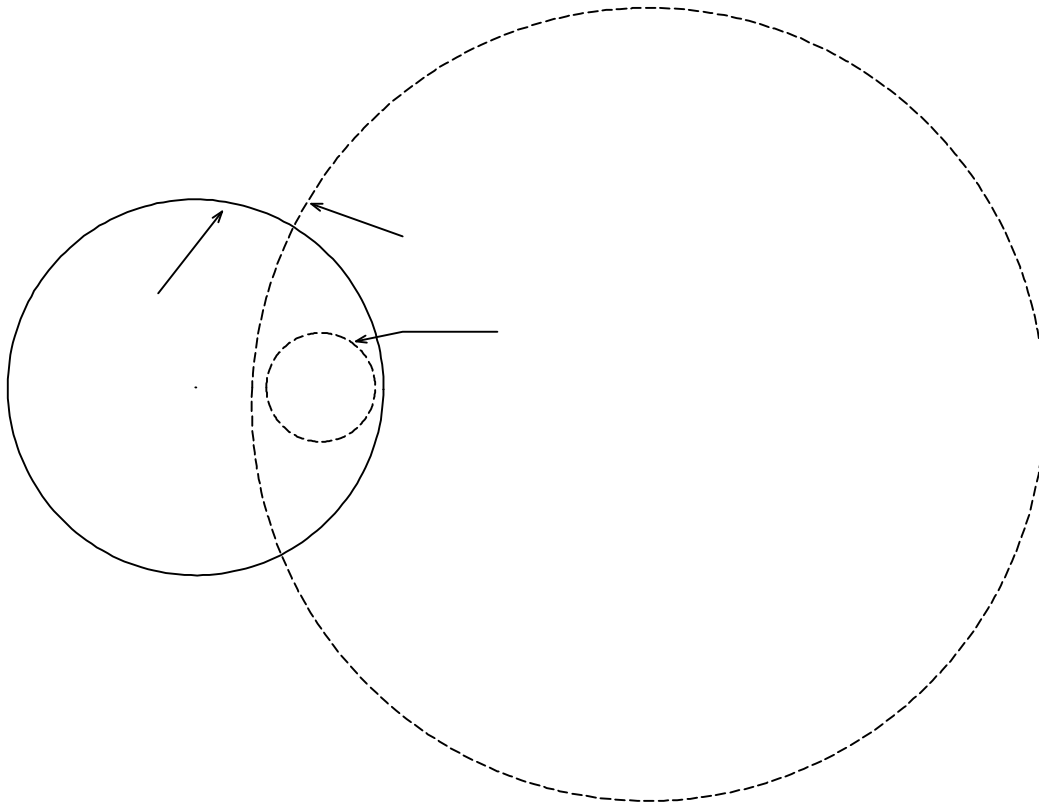
Dear Tim:

Further to our conversation on the 14th, the CBA recognizes that there is a possible misinterpretation which can be made from Section I in the Technical Exhibit of the CBA's Comments. In speaking with Bruce Franca, in the FCC OET, he indicated a concern that the comments could be taken beyond what was intended, and we agree that there is a possible interpretation along those lines. We will be clarifying the Comments in the CBA's Reply Comments, as follows:

In Section I of the Technical Exhibit, the CBA proposes that there should be comparable standards for both full power TV stations and LPTV stations. This section indicates that there is a large difference between what is required of LPTV and that which is required of full service TV stations. Due to the extreme spectrum shortfall in the proposed DTV system, particularly with LPTV stations being displaced under the proposal, the proposed interference equity is a method of making available frequencies in areas which may be unnecessarily restricted under the current LPTV interference rules.

In establishing the spacing criteria for full power TV stations, the Commission has not required full service TV stations to locate sufficiently far from each other to meet the 50/10 interference rules. The more restrictive 50/10 interference standard is currently required of LPTV stations, with regard to TV stations as well as other LPTV stations. After four decades of field experience with the FCC full power spacing requirements, while the spacing requirements do not meet the full theoretical interference protections, in practice they do work very well. The public has not experienced widespread disruption of television service due to these spacing criteria. Therefore, the Commission was correct in specifying such spacing. In the public interest of reducing the impact on LPTV services, the CBA, in its Comments and Technical Exhibit proposes that the FCC establish interference equity between the full service TV stations and the LPTV stations, where the LPTV stations would be permitted to create the same ratios which would be caused by full service stations.

However, in subsequent meetings at the Commission, it has become apparent that there is a misunderstanding of the scope of the proposal. As is indicated in Figure 1, a point which needs clarification is that the CBA does not propose in any way to locate the LPTV station within the protected contour of any full service NTSC TV station other than for co-located adjacent channel applications, which are currently being granted. Although it could be understood from Section I that any area declared to receive interference from a proposed TV station could be used for LPTV, the CBA proposes only that an LPTV station outside of the NTSC TV station's protected contour would be able to present the same signal strength at that contour as would be permitted by a full service TV station (See Figure 1, below).



Full Power
Protected Contour

Full Power
Interfering Contour

LPTV Contour

In the above figure, the LPTV station is shown to be fully located within an area which would receive theoretical (50/10) interference from the proposed full service station. This is the scenario that is not being proposed by the CBA. It is recognized that this scenario would create severe interference for the protected station, and should not be permitted, unlike what is being proposed to permit LPTV stations to present the same levels of signal that are now permitted by full service stations to each other.

Tim, I hope this clarifies a possible misinterpretation of what the CBA intends in its Comments. If you have any questions or need further information, please contact me.

Sincerely,

Robert W. Fisher
Communication Consultant