

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Commission Seeks Public Comment on)	ET Docket No. 02-135
Spectrum Policy Task Force Report)	
)	
Review of the Commission's Rules and Policies)	MM Docket No. 00-39
Affecting the Conversion)	
To Digital Television)	
)	
Additional Spectrum for Unlicensed Devices)	ET Docket No. 02-380
Below 900 MHz and in the 3 GHz Band)	
)	
Implementation of Section 304 of the)	CS Docket No. 97-80
Telecommunications Act of 1996)	
)	
Compatibility Between Cable Systems and)	PP Docket No. 00-67
Consumer Electronics Equipment)	

To: The Commission

REPLY COMMENTS OF SINCLAIR BROADCAST GROUP INC.

SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663-8000

Kathryn R. Schmeltzer
David S. Konczal

Its Attorneys

Dated: February 28, 2003

Summary

Sinclair Broadcast Group Inc. (“Sinclair”) agrees wholeheartedly with the conclusions of the Spectrum Policy Task Force (“SPTF”) that (i) Commission-mandated receiver performance requirements may be appropriate when the marketplace fails to promote receiver performance and (ii) receiver performance standards are most appropriate when the service provider does not control the manufacturing of receivers. The market for over-the-air digital television (“DTV”) receivers is currently characterized by precisely this type of marketplace failure and industry structure. With the emergence of cable and satellite, representatives of consumer electronics manufacturers have indicated that they no longer consider over-the-air television as a worthwhile market. The result is a marketplace flooded with poorly performing over-the-air DTV receivers that fail to provide the ease of reception that consumers expect.

Sinclair also agrees with the SPTF’s findings that the Commission’s regulations too often ignore the performance of receivers. Nowhere is the Commission’s “transmitter-centric policy” more obvious than in the Commission’s rules governing DTV. In promulgating rules for DTV, the Commission has focused solely on the “transmitter” component, requiring broadcasters to meet very stringent and specific emission performance standards with respect to their DTV transmitter systems. The Commission’s DTV Table of Allotments, however, is based on certain assumptions about the performance of DTV receivers. The Commission determined that adjacent and co-channel assignments for nearby markets as well as the use of “taboo” channels were possible, but only if DTV receivers met certain performance specifications for selectivity, sensitivity, and dynamic range. The Commission has assumed, but has never mandated, that DTV receivers meet these performance standards. In addition, the Commission’s assumptions regarding receiver performance did not take into account the effects of multipath impairment and

were instead based upon an additive white Gaussian noise-type environment which is not representative of a real-world interference environment.

Absent performance standards for over-the-air DTV receivers, the future of over-the-air television is in jeopardy. Given the vital public interest benefits of over-the-air television, the Commission cannot risk the disenfranchisement of the millions of viewers who rely on over-the-air television because they cannot afford or simply do not wish to subscribe to cable or satellite.

Finally, Sinclair agrees with the SPTF's conclusion that the Commission currently has the requisite statutory authority to promulgate receiver performance standards. This is certainly the case for broadcast television, where the All Channel Receiver Act ("ACRA") provides the Commission with authority to require that all DTV receivers be capable of "adequately" receiving over-the-air DTV signals. Pursuant to its authority under the ACRA, the Commission can adopt minimum performance specifications for DTV receiver selectivity, sensitivity, dynamic range, and multipath tolerance to ensure that DTV receivers are capable of "adequately" receiving over-the-air DTV signals.

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To: The Commission

REPLY COMMENTS OF SINCLAIR BROADCAST GROUP INC.

Sinclair Broadcast Group Inc. (“Sinclair”) hereby files these Reply Comments in the above-captioned proceeding (ET Docket No. 02-135) in which the Commission is seeking comment on the November 2002 Report issued by the Spectrum Policy Task Force (“SPTF”).¹ Sinclair agrees wholeheartedly with the SPTF’s conclusion that receiver performance requirements promulgated by the Commission may be appropriate when the marketplace fails to promote receiver performance. Sinclair believes that the current inadequacy of over-the-air digital television (“DTV”) receivers presents a perfect example of precisely this type of marketplace failure and urges the Commission to act on the SPTF’s recommendation and to adopt performance criteria for over-the-air DTV receivers.

¹ See *Commission Seeks Public Comment on Spectrum Policy Task Force Report, Order*, DA 02-3400 (Chief, Office of Engineering and Technology, December 11, 2002).

Background

Sinclair. Sinclair is one of the largest over-the-air television broadcasters in America today. Sinclair currently owns and operates, programs, or provides sales services to 62 television stations in 39 markets. Sinclair's television stations reach approximately 24% of U.S. television households and includes affiliates of the ABC, CBS, Fox, WB, and UPN networks. Sinclair has invested heavily in the DTV transition, spending millions of dollars to ensure that its stations meet Commission-mandated deadlines for building out DTV facilities.

SPTF Report. On June 6, 2002, Chairman Michael K. Powell announced the formation of the SPTF to evaluate existing Commission spectrum policies and to make recommendations for possible improvements.² The SPTF's mission is to (i) provide specific recommendations to the Commission for ways in which to evolve the current "command and control" approach to spectrum management into a more integrated, market-oriented approach and (ii) assist the Commission in addressing ubiquitous spectrum issues, including interference protection, spectral efficiency, effective public safety communications, and international spectrum policies. To fulfill its mission, the SPTF issued a *Public Notice* in June 2002 asking for comment on a series of questions relating to spectrum policy.³

After receiving public comments and conducting a series of workshops, the SPTF released its *Report* in November 2002 outlining its findings and recommendations for improving the spectrum management process in the United States.⁴ In its *Report*, the SPTF made a number

² "FCC Chairman Michael K. Powell Announces Formation of Spectrum Policy Task Force," *News Release* (June 6, 2002).

³ "Spectrum Policy Task Force Seeks Public Comment on Issues Related to Commission's Spectrum Policies," *Public Notice*, DA 02-1311, ET Docket No. 02-135 (June 6, 2002).

⁴ *Spectrum Policy Task Report*, ET Docket No. 02-135 (November 2002) ("*SPTF Report*").

of findings regarding such matters as spectrum rights models, promoting access to spectrum, and interference avoidance. With respect to interference avoidance, one of the SPTF's recommendations was that the "Commission consider applying receiver performance requirements, either through incentives, regulatory mandates, or some combination of incentives and mandates." *SPTF Report* at 31. The SPTF explains that "Receiver robustness generally has not been taken into account in Commission regulations" and that the Commission's "transmitter-centric policy is not necessarily efficient in today's spectrum environment." *Id.* The SPTF notes that it generally prefers voluntary over mandatory performance requirements. *Id.* In addition, the SPTF states that receiver standards "may be particularly appropriate when the marketplace does not adequately promote receiver performance (*e.g.*, when the service provider does not control the manufacturing of the receivers)." *Id.* Finally, the SPTF concludes that the Commission "currently has the requisite statutory authority to promulgate receiver performance standards." *Id.*

Discussion

I. THE COMMISSION'S RULES FOR DTV HAVE IGNORED THE PERFORMANCE OF DTV RECEIVERS

Sinclair agrees with the SPTF's findings that the Commission's regulations too often ignore receivers. *SPTF Report* at 31. Nowhere is the Commission's "transmitter-centric policy" more obvious than in the Commission's rules governing DTV. Broadcasting by its nature entails both a "transmit" component and a "receive" component. Both of these components must meet certain minimum criteria in order for consumers to receive robust and reliable over-the-air television signals. In promulgating rules for DTV, however, the Commission has focused solely on the "transmit" component, requiring broadcasters to meet very stringent and specific emission performance standards with respect to their DTV transmitter systems. The Commission has not

devoted similar focus to the “receive” component.⁵ Rather, the Commission has assumed -- but not required -- that DTV receivers would meet certain performance standards.

The Commission’s DTV Table of Allotments is based on certain assumptions about the performance of DTV receivers. The Commission determined that adjacent and co-channel assignments for nearby markets as well as the use of “taboo” channels were possible, but only if DTV receivers met certain performance specifications for selectivity,⁶ sensitivity,⁷ and dynamic range.⁸ The Commission, however, has never mandated that DTV receivers meet these specifications. In addition, in making its assumptions regarding DTV receiver performance, the Commission never accounted for multipath impairment effects and instead assumed a non-real-world additive white Gaussian noise-type environment. While broadcasters have deployed transmitter systems pursuant to detailed Commission requirements, the Commission has left the performance of DTV receivers unregulated, resulting in a marketplace flooded with poorly performing DTV receivers that fail to provide the ease of reception that consumers expect.

⁵ See Comments of National Public Radio, Inc., ET Docket No. 02-135 (January 27, 2003) at 9 (stating that “the Report properly highlights the longstanding and compelling need for radio receiver standards. Predictions of interference-free service depend on the performance capabilities of radio reception equipment. . . . While there has been much conjecture over whether receiver manufacturers have improved receiver performance or merely reduced their manufacturing costs, it is time for the Commission to establish a base line for modern receiver performance”) (citations omitted).

⁶ Given that the DTV Table of Allotments is characterized by never-before-authorized adjacent channel allocations, if DTV receivers reach the marketplace that cannot adequately separate two adjacent channels, viewers will not be able to receive their desired DTV station.

⁷ In constructing the DTV Table of Allotments, the FCC used a computer program assuming a 10 dB noise figure for the VHF band and 7 dB noise figure for the UHF band. See *Advanced Television Systems, Sixth Report and Order*, 12 FCC Rcd 14588, ¶ 193 (April 21, 1997).

⁸ The Commission’s decision to assign adjacent channels in the same market assumes that the receiver can avoid being overloaded by a strong but unwanted near adjacent channel. If a receiver’s dynamic range is inadequate, then viewers may not be able to receive many stations that operate in strong signal markets.

In its Comments on the *SPTF Report*, the Consumer Electronics Association (“CEA”) argues that there is no need for mandatory television receiver standards because “the Commission’s assignment rules can be viewed as *de facto* rules for receiver performance in this context.”⁹ While this statement may be accurate insofar as analog television is concerned, it is entirely false with respect to DTV. Receiver manufacturers have made no effort to meet the performance specifications for receiver selectivity, sensitivity, and dynamic range that are assumed in the DTV Table of Allotments nor have they addressed the impact of real-world channel characteristics which are affected by multipath impairment and are anything but additive white Gaussian noise-like in nature. Absent Commission mandate, it is unlikely the manufacturing community will meet the assumed receiver performance criteria or adequately address the impact of multipath impairment.

II. TO ENSURE CONTINUED FREE OVER-THE-AIR TELEVISION IN THE DIGITAL AGE, THE COMMISSION MUST ADOPT OVER-THE-AIR DTV RECEIVER PERFORMANCE STANDARDS

Sinclair agrees with the SPTF’s conclusion that receiver performance standards are most appropriate “when the marketplace does not adequately promote receiver performance (*e.g.*, when the service provider does not control the manufacturing of the receivers).” *SPTF Report* at 31. The over-the-air television industry presents the quintessential example of an industry in which the service providers (*i.e.*, broadcasters) do not control the production of receivers.¹⁰ As far as DTV is concerned, this industry dynamic has resulted in poorly performing over-the-air

⁹ Comments of Consumer Electronics Association (“CEA”), ET Docket No. 02-135 (January 27, 2003), at 8.

¹⁰ See Joint Comments of The Association of Maximum Service Television Inc. and The National Association of Broadcasters (“MSTV/NAB”), ET Docket No. 02-135 (January 27, 2003), at 14 (“broadcasters do not have the ability to dictate the characteristics of the receivers used to receive their signals”).

DTV receivers that fail to meet consumers' expectations. As the SPTF concludes, it is in this type of environment where receiver standards are essential.¹¹

CEA argues that there is no need for mandatory television receiver standards given the "eighty years of success" the consumer electronics industry has enjoyed in producing television receivers. Comments of CEA at 8. While this may be true for analog television receivers which allow for reliable reception with a simple antenna, current over-the-air DTV receivers on the market today are simply incapable of providing robust and reliable over-the-air DTV reception with a simple antenna. Given the lack of penetration of over-the-air DTV receivers to date, it is obvious that the success manufacturers may have enjoyed with analog receivers has not extended to over-the-air DTV receivers.

CEA also argues that there is no need for mandatory receiver standards because the marketplace will ensure that receivers will perform adequately. Comments of CEA at 7. Since the DTV transition began, however, the marketplace has failed to produce receivers that are capable of providing adequate and reliable reception of over-the-air DTV signals. The reason for this market failure is simple. With the emergence of cable and satellite, representatives of equipment manufacturers have indicated that they no longer consider over-the-air television as a worthwhile market. For example, CEA has objected to the Commission's requirement that all

¹¹ In its Comments on the *SPTF Report*, Boeing states that it "assumes" that the SPTF is recommending receiver standards for "receivers used for voice and data wireless services, and not mass media services." Comments of The Boeing Company, ET Docket No. 02-135 (January 27, 2003), at n.18. Similarly, CEA states that "it is not entirely clear" whether the SPTF's discussion of receiver standards was meant to encompass broadcast receivers. Comments of CEA at 6. The *SPTF Report*, however, makes absolutely no distinction between broadcast and other types of receivers. Thus, there is no basis on which to conclude that the SPTF's recommendation that the Commission explore receiver standards does not apply to broadcast receivers.

new television receivers contain a DTV tuner capable of receiving over-the-air DTV signals¹² because, in their view, most consumers rely on cable and satellite.¹³ The unwillingness of equipment manufacturers to do anything that would facilitate the ease of reception of over-the-air DTV is further demonstrated by their decision to file an appeal of the DTV tuner mandate with the U.S. Court of Appeals for the D.C. Circuit¹⁴ and to pursue legislation to overturn the DTV tuner mandate.¹⁵

The Commission cannot realistically expect equipment manufacturers to devote resources to developing reliable over-the-air DTV receivers when equipment manufacturers are on record stating that they consider the over-the-air market to be too small compared to the cable and satellite markets. In addition to the lack of size of the over-the-air market, equipment manufacturers may deem the over-the-air market as undesirable because those Americans who rely exclusively on over-the-air television are likely to be less wealthy than those consumers who

¹² See *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Second Report and Order and Second Memorandum Opinion and Order*, MM Docket No. 00-39 (August 9, 2002) (“DTV Tuner Order”).

¹³ See Daisy Whitney, *FCC Orders Digital Tuners in TVs by '07*, Electronic Media (Aug. 12, 2002) at 1A (quoting CEA spokesperson Jenny Miller as stating that “Most consumers don’t need [a DTV tuner] because they get signals through cable”); Greg Gatlin, *Feds Mandate Digital TV Tuner*, The Boston Herald (Aug. 9, 2002) at 27 (quoting CEA President Gary Shapiro as stating “With fewer than 13 percent of American households relying on over-the-air reception of their TV signal, we don’t need a digital broadcast tuner embedded in every new television in order to accelerate the DTV transition”); *FCC Orders Set Manufacturers to Include DTV Tuner*, Communications Daily (Aug. 9, 2002) (CEA President Gary Shapiro “said the decision was wrong because 90% of Americans didn’t need tuners because they received their broadcast signals through cable or satellite”); Eric A. Taub, *The Big Picture on Digital TV: It’s Still Fuzzy*, The New York Times (Sept. 12, 2002) at sec. G, p. 1 (quoting CEA President Gary Shapiro as stating that “When the digital television transition started, we thought it would be driven by broadcasters. What were we thinking? Cable and satellite is where the action is.”).

¹⁴ See *Consumer Electronics Association v. FCC*, Case No. 02-1312 (D.C. Cir., filed October 11, 2002).

¹⁵ See “TV Consumer Choice Act of 2003,” H.R. 426, 108th Congress (introduced January 28, 2003).

subscribe to cable and satellite. Indeed, as witnessed by the recent “plug-and-play” agreement between consumer electronics manufacturers and the cable industry, equipment manufacturers will agree to certain performance criteria with service providers (*i.e.*, the cable industry) if they are economically motivated to do so.¹⁶ For over-the-air television, however, the economic motivation to produce quality receivers does not exist. Absent Commission-mandated performance standards, the quality of over-the-air DTV reception is unlikely to improve any time soon.

The SPTF notes its preference for voluntary over mandatory receiver performance standards. *SPTF Report* at 31. Sinclair believes mandatory standards are desirable for over-the-air DTV receivers given that broadcasters do not control the production of receivers and those entities who do produce receivers have demonstrated little interest in the over-the-air market. Absent mandated standards, it is likely that manufacturers will continue to produce nothing but the least costly and therefore poorly performing over-the-air DTV receivers. Voluntary standards, however, may be acceptable if they are accompanied by a meaningful labeling regime. Under such a regime, receivers that are designed for over-the-air DTV reception would be labeled to indicate whether or not they comply with the Commission’s voluntary minimum receiver performance standards. With such a requirement, consumers will at least be aware prior to purchasing an over-the-air DTV receiver whether the receiver is capable of providing quality over-the-air reception.

¹⁶ See *Implementation of Section 304 of the Telecommunications Act of 1996, et al., Further Notice of Proposed Rulemaking*, CS Docket No. 97-80, PP Docket No. 00-67, FCC 03-3 (January 10, 2003).

III. ABSENT ADOPTION OF OVER-THE-AIR DTV RECEIVER PERFORMANCE STANDARDS, THE FUTURE OF FREE OVER-THE-AIR TELEVISION IS IN JEOPARDY

Absent over-the-air DTV receiver performance standards, the Commission risks the disenfranchisement of the millions of viewers who cannot afford or simply do not wish to subscribe to cable or satellite.¹⁷ Over-the-air broadcasting provides vital services to the public, including crucial local programming and public safety services, such as emergency broadcasts. The ease of reception of over-the-air television is crucial in times of emergency even for those consumers who rely on cable and satellite, given the unreliability of many cable systems and the weather disruptions affecting satellite transmissions.¹⁸ Given the vital public interest benefits of over-the-air television, the Commission cannot afford to ignore the performance of over-the-air DTV receivers.

In addition, without over-the-air DTV receiver performance standards, the Commission's goal of permitting low power unlicensed devices to operate using broadcast television spectrum will go unfulfilled.¹⁹ The Commission cannot authorize a non-conforming use of the broadcast television band without ensuring that over-the-air DTV receivers meet certain requirements for

¹⁷ As Chairman Powell explained in his Separate Statement on the *DTV Tuner Mandate Order*:

“There are approximately 81 million television sets in the U.S. (over 30% of the total) that are not connected to any subscription video service and rely solely on free, over-the-air broadcasting. Of those sets that rely on over-the-air service, about 46.5 million are in broadcast-only homes and 34.5 million are in homes that subscribe to a multichannel video programming service. Thus, over-the-air tuners affect tens of millions of consumers.”

¹⁸ For these reasons, the Commission should swiftly dismiss the proposals of Motorola and the Telecommunications Industry Association that the Commission reallocate broadcast spectrum to other uses because most consumers do not rely on over-the-air television. See Comments of Motorola, Inc., ET Docket No. 02-135 (January 27, 2003), at 24; Comments of Telecommunications Industry Association, ET Docket No. 02-135 (January 27, 2003), at 13.

¹⁹ See *Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, Notice of Inquiry*, ET Docket No. 02-380 (December 20, 2002).

selectivity, sensitivity, and dynamic range to be able to reject the adjacent and co-channel signals emitted by these unlicensed devices.²⁰ Additionally, the Commission should establish minimum criteria to define the basis for dealing with multipath impairment.

IV. THE COMMISSION ALREADY HAS THE REQUISITE STATUTORY AUTHORITY TO ENSURE THAT DTV RECEIVERS ALLOW FOR ADEQUATE RECEPTION OF OVER-THE-AIR DTV

In its *Report*, the SPTF concludes that the Commission “currently has the requisite statutory authority to promulgate receiver performance standards,” but recommends nonetheless that “legislation more explicitly granting such authority be enacted.” *SPTF Report* at 31. With respect to broadcast television, the Commission already has such authority pursuant to the All Channel Receiver Act (“ACRA”). The ACRA states that the Commission shall:

“Have authority to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting when such apparatus is shipped in interstate commerce, or is imported from any foreign country into the United States, for sale or resale to the public.”²¹

The Commission has adopted a number of requirements pursuant to the ACRA to ensure adequate reception of over-the-air UHF signals.

- In 1962, the FCC adopted a rule regarding noise figure and peak picture sensitivity standards for the UHF portion of a TV receiver.²² This rule is now codified at Section 15.117(f) and (g) of the Commission’s rules.²³

²⁰ See Comments of NAB/MSTV at 15 (“Before permitting the introduction of new unlicensed services in a particular band, the Commission must ensure that receivers for existing licensed services in the same or adjacent band can actually tolerate the maximum permissible interference temperature. This requires that the Commission adopt appropriate receiver performance standards and ensure that existing devices that do not meet these standards are no longer being used by consumers.”).

²¹ 47 U.S.C. § 303(s) (emphasis added).

²² See *All Channel Television Receiver Rules (All Channel Act), First Report and Order*, Docket 14760, 27 FR 11698 (November 28, 1962). Specifically, the FCC required the noise figure for any television channel between 14 and 83 to be no larger than 18 db and the peak picture sensitivity of any television broadcast receiver, averaged for all channels between 14 and

- In 1970, the FCC required that UHF tuning mechanisms and tuning aids be comparable in capability and quality to those used with VHF channels.²⁴ The FCC explained that the tuning process is essential to TV viewing and thus if the UHF tuning process is inadequate by comparison with the VHF tuning process, UHF receiving capability will likewise be inadequate. In the 1970's, the FCC took additional action regarding UHF tuning, including authorizing use of a 70-position, non-memory UHF detent tuning system.²⁵
- In 1976, the FCC required manufacturers who market TV receivers with affixed VHF antennas to also affix UHF antennas.²⁶ The FCC also mandated that if a VHF antenna is provided with the receiver but not affixed, a UHF antenna must be also be provided.
- In 1978, the FCC reduced its maximum UHF noise figure for TV receivers from 18 dB to 14 dB for all new sets manufactured beginning October 1, 1981.²⁷

In an August 2002 decision, the Commission confirmed that its authority under the ACRA extends to DTV receivers.²⁸ In its decision, the Commission also explained that the ACRA provides it with authority to require that receivers “adequately” receive all frequencies and that the legislative history indicates that the word “adequately” was added to the ACRA to ensure that all receivers would be constructed with equipment sufficient to permit “satisfactory

83 inclusive, to be no more than 8 db larger than the peak picture sensitivity of that receiver averaged for all television channels between 2 and 13 inclusive.

²³ 47 C.F.R. § 15.117(f) and (g).

²⁴ *See Amendment of Part 15 of the Rules and Regulations with Regards to All-Channel Television Receivers, Report and Order*, 21 FCC 2d 245 (February 2, 1970).

²⁵ *See Comparable Television Tuning Regulations, Report and Order*, 32 FCC 2d 612 (Nov. 30, 1971); *Comparable Television Tuning Regulation, Report and Order*, 43 FCC 2d 395 (Oct. 24, 1973); *Amendment of Part 15 Rules and Regulations, Report and Order*, 61 FCC 2d 962 (1976).

²⁶ *See Amendment of Part 15 of the Commission's Rules Relating to Television Broadcast Receiver Antennas*, 62 FCC 2d 164 (December 30, 1976).

²⁷ *UHF Television Receiver Noise Figures, Report and Order*, 69 FCC 2d 1866 (Aug. 4, 1978).

²⁸ *See Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Second Report and Order and Second Memorandum Opinion and Order*, MM Docket No. 00-39 (August 9, 2002) (“*DTV Tuner Mandate Order*”).

and usable reception.”²⁹ Pursuant to its authority under the ACRA, the Commission has mandated that new television receivers include over-the-air DTV tuners, subject to a phased-in timetable.³⁰ In adopting its tuner mandate, however, the Commission did not promulgate regulations defining what constitutes “adequate” reception of DTV signals. Sinclair has filed a *Petition for Partial Reconsideration of the DTV Tuner Mandate Order* urging the Commission to adopt requirements to ensure that the DTV tuners the Commission has mandated are capable of “adequately receiving” DTV signals as required under the ACRA.³¹ Pursuant to its authority under the ACRA, the Commission can adopt performance specifications for DTV receiver selectivity, sensitivity, dynamic range, and multipath tolerance to ensure that receivers are capable of “adequate” reception of DTV signals.

²⁹ *Id.* at ¶ 29.

³⁰ *See* 47 C.F.R. § 15.117(i).

³¹ *See Sinclair Broadcast Group Inc., Petition for Partial Reconsideration*, MM Docket No. 00-39 (filed November 8, 2002).

Conclusion

For the reasons discussed above, Sinclair agrees with the SPTF's recommendation that Commission-mandated receiver performance requirements are appropriate when the marketplace fails to promote receiver performance, such as in the current marketplace for over-the-air DTV receivers. Sinclair urges the Commission to act on the SPTF's recommendation and to adopt performance criteria for over-the-air DTV receivers.

Respectfully submitted,

SINCLAIR BROADCAST GROUP INC.

By: 
Kathryn R. Schmeltzer
David S. Konczal

Its Attorneys

SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663-8000

Dated: February 28, 2003

CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Shaw Pittman LLP, hereby certify that on this 28th day of February 2003, served a true copy of the foregoing "REPLY COMMENTS" by hand delivery upon the following:

Chairman Michael K. Powell
Federal Communications Commission
Room 8-B201
445 12th Street, S.W.
Washington, DC 20554

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
Room 8-B115
445 12th Street, S.W.
Washington, DC 20554

Commissioner Michael J. Copps
Federal Communications Commission
Room 8-A302
445 12th Street, S.W.
Washington, DC 20554

Commissioner Kevin J. Martin
Federal Communications Commission
Room 8-A204
445 12th Street, S.W.
Washington, DC 20554

Commissioner Jonathan S. Adelstein
Federal Communications Commission
Room 8-C302
445 12th Street, S.W.
Washington, DC 20554

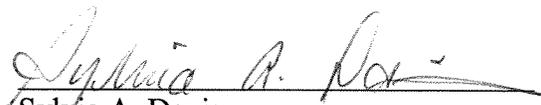
Susan M. Eid
Legal Advisor, Chairman Powell
Federal Communications Commission
Room 8-B201
445 12th Street, S.W.
Washington, DC 20554

Stacy Robinson
Legal Advisor, Commissioner Abernathy
Federal Communications Commission
Room 8-B115C
445 12th Street, S.W.
Washington, DC 20554

Catherine Crutcher Bohigian
Legal Advisor, Commissioner Martin
Federal Communications Commission
Room 8-A204F
445 12th Street, S.W.
Washington, DC 20554

Alexis Johns
Legal Advisor, Commissioner Copps
Federal Communications Commission
Room 8-A302
445 12th Street, S.W.
Washington, DC 20554

Sarah Whitesell
Legal Advisor, Commissioner Adelstein
Federal Communications Commission
Room 8-C302
445 12th Street, S.W.
Washington, DC 20554


Sylvia A. Davis