

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Second Periodic Review of the) MB Docket No. 03-15
Commission Rules and Policies) RM 9832; FCC 03-8
Affecting the Conversion to Digital Television)

To: The Commission

COMMENTS

Eastern Television Corporation (“ETC”), licensee of WRUA(TV), Fajardo, Puerto Rico, hereby submits its comments in the above-referenced docket as to the progress of the conversion of the nation’s television broadcast system from analog technology to digital television (“DTV”). WRUA(TV), which has been operating on analog Channel 34 since 1997, was not afforded a paired digital channel. In order to successfully make the transition to DTV operations, ETC urges the Commission to establish a firm date no later than May 1, 2005, by which television broadcasters allotted both an analog and digital channel in the “core spectrum” (Channels 2-51) must notify the Commission which channel it is electing to retain for digital operations. This certainty will help licensees such as ETC determine what channels will be made available for possible digital operations.

When the Commission adopted the Table of Allotments for DTV Channels, it noted that it made every effort to create a Table that “accommodates all eligible existing broadcasters, replicates existing service areas, and ensure[s] sound and specific spectrum management.”¹ As a

¹ *In the Matter of Advanced Television Systems and Their Impact Upon the Existing Broadcast Television Service, Sixth Report and Order*, 12 FCC Rcd 14588, 14590 (1997) (“*Sixth Report and Order*”).

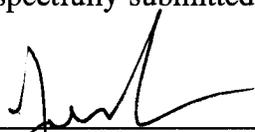
result, eligible stations were to be allocated DTV channels that gave a station the best chance of replicating and/or maximizing its service area. The one exception to this allotment policy was WRUA(TV). The Commission noted in its *Sixth Report and Order* that it was concerned about limited channel capacity in Puerto Rico, and based on its determination that WRUA was not on the air as of April 3, 1997, the FCC denied WRUA a DTV channel allotment. As the FCC noted “. . . Fajardo [the WRUA(TV) community of license] is at the east end of the island, which affords the best chance of duplicating a west-end DTV channel through application of a case-by-case engineering analysis.”² While the geography of Puerto Rico is somewhat unique as a result of the mountain range that does separate certain broadcast signals, this by no means lessens the importance of providing WRUA with a DTV channel that gives the station the best chance of replicating and maximizing its service area. Only by establishing a firm election date will ETC be able to properly evaluate the digital marketplace and perform the requisite technical analysis to determine if any of the channels being returned could be allotted for use by WRUA. Setting a firm date no later than May 1, 2005, will provide enough time for ETC to make the proper election for the proposed December 31, 2006, digital transition deadline. The May 1 date will also serve the Commission’s goal of moving broadcast licensees from the out of core channels (Channels 52-59) to provide a clearer picture to new service providers as to the spectrum that will be available for use following the digital transition.

Therefore, Eastern Television Corporation requests that the Commission establish a firm date no later than May 1, 2005, by which full power broadcast stations with paired analog and

2 *Id.* at 14,681. ETC filed a pleading with the Media Bureau on January 7, 2002, disputing the Commission’s finding that WRUA was not on the air as of April 3, 1997, which resulted in the dismissal of ETC’s petition for

digital channel allotments in the core spectrum must notify the Commission which channel it will be returning. Setting a firm date is the only way to allow parties such as ETC the opportunity to be placed on a level playing field with other existing analog broadcast stations and receive the opportunity to have a channel that gives the best chance for replication in the digital broadcast market.

Respectfully submitted,



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rulemaking to allot Channel 38 as WRUA(TV)'s paired Digital Channel Allotment, *see* Letter Reference No. 2-A726. This petition remains pending before the Commission.