

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

1. Community Broadcasters Association (“CBA”), the trade association of the nation’s low power television and Class A stations, by its attorneys, hereby submits its comments in the above-referenced docket by which the Commission is revisiting the progress of the conversion of the nation’s television broadcast system from analog technology to digital television (“DTV”). When the Commission implemented its rules governing the transition to digital broadcast operations, it clearly stated its concern as to the “impact of DTV implementation on low power services, especially the impact with regard to LPTV stations, and believe it is desirable to take steps to minimize the impact on those stations.”¹ As more and more full power television stations either commence digital operations or receive approval to change their initial digital channel allotment, low power television and Class A stations are finding the spectrum available for continued analog broadcast stations rapidly shrinking. In order to ensure the continued viability of the low power and Class A television industries, CBA urges the FCC to adopt firm deadlines by which all full power television broadcasters must (i) replicate their NTSC service areas or lose

¹ See *Advanced Television Systems (Sixth Report and Order)*, 12 FCC Rcd 14588, 14562-63 (1997).

DTV service protection, or (ii) build out maximized digital facilities if so authorized, or lose service protection in the uncovered and unbuilt portion.

2. The Commission has proposed that a July 1, 2005, deadline for replication and maximization buildout be imposed on all full power stations in the top 100 markets, and July 1, 2006, for all other commercial DTV licensees and all noncommercial DTV licensees. For those licensee/permittees that fail to build out by the deadlines, the CBA supports the decision to modify the construction permit and or facilities of these digital licensees to reflect the smaller facilities, thereby making the unused facilities and spectrum available for use by other broadcasters. Setting deadlines will allow low power and Class A television stations the ability to properly analyze their markets to determine what spectrum will be made available for improving their existing facilities, as well as affording Class A eligible LPTV stations that are located on out-of-core channels (*i.e.* Channels 52-69) the ability to move in-core and take advantage of the Class A primary status. In order to fulfill the FCC's intent of minimizing the impact on LPTV as well as Class A stations, the CBA supports the FCC's proposal to establish rules whereby once a station fails to replicate or maximize its services, that station is prevented from filing a new application to expand its facilities to recapture that "lost" spectrum. Following Commission precedent, the CBA proposes that the allocation of the available spectrum be made available to the LPTV and Class industry as follows: (i) on a first-come, first serve opportunity to displaced Class A eligible LPTV stations, and (ii) scheduled filing windows to resolve any competing applications through the auction process.

3. CBA continues to represent a broad spectrum of low power and Class licensees that provide unique local programming to rural areas and underserved urban communities that might not otherwise be able to support a television stations, as well as ethnic, foreign language and niche

special interest programming. Only by establishing certainty with firm buildout deadlines will these LPTV and Class A stations be given the chance to survive in the ever-changing digital television marketplace.²

Respectfully submitted,



Peter Tannenwald, Esq.

Jason S. Roberts, Esq.

Counsel for Community Broadcasters
Association

Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave., NW, Suite 200
Washington, DC 20036-3101
(202) 728-0400

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² Pursuant to the digital transition, the CBA urges the FCC to move forward on its goal of establishing rules and policies for LPTV and Class A stations to construct and operate with digital facilities, a necessity for the viability of the Class A and low power industries.