



P.O. Box 105957 Atlanta, GA 30348 (678) 645-4255 Fax: (678) 645-5255

A SUBSIDIARY OF COX ENTERPRISES, INC.

**Sterling Davis**  
Vice President, Engineering

May 21, 2003

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: MB Docket No. 03-15  
Second Periodic Review of the Commission's Rules and  
Policies Affecting the Conversion To Digital Television  
**REPLY COMMENTS OF COX BROADCASTING, INC.**

Dear Ms. Dortch:

Cox Broadcasting, Inc. ("Cox") hereby submits this reply in response to certain comments submitted in response to the Commission's *Notice of Proposed Rule Making* in the above captioned-proceeding.<sup>1</sup> In its own comments, Cox had urged the Commission and the various participating industries to remove obstacles to the expeditious conclusion of the DTV transition. Specifically, Cox asked the Commission to supply more structure to the permanent channel election process and elevate the preservation of relied-upon broadcast service to an articulated criterion for evaluating such elections. Cox also objected to establishing a different maximization/replication deadline for out-of-core DTV stations and called for the swift implementation of distributed transmission systems.

Consistent with these positions, in these reply comments Cox wishes to express support of the following:

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<sup>1</sup> Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MB Docket No. 03-15, *Notice of Proposed Rule Making*, FCC 03-8 (rel. Jan. 27, 2003) ("*Notice*"). The reply comment date was extended to May 21, 2003. See *Order* in MB Docket No. 03-15, DA 03-872 (rel. Mar. 26, 2003).

**I. THE COMMISSION SHOULD ELIMINATE THE SIMULCASTING REQUIREMENT.**

Cox supports MSTV/NAB's contention that the Commission's simulcasting requirements<sup>2</sup> should be repealed or at least suspended.<sup>3</sup> Cox agrees that there is little need at this time for such rules. As MSTV/NAB point out, even before the phase-in began this year, simulcasting has been the default mode of operation for most broadcasters, who have every incentive to air the "most desired and important" programming on both analog and digital.<sup>4</sup> Moreover, the articulated concerns for imposing the simulcasting requirements were to protect service at the end of the transition. Once that time approaches, the Commission could revisit the issue in a future periodic review, but for now the superfluous simulcasting requirements sacrifice broadcaster flexibility and innovation. Accordingly, Cox supports MSTV/NAB's call for repeal or suspension of the rule.

**II. THE COMMISSION SHOULD PROTECT DTV PROGRAMMING FROM UNAUTHORIZED RETRANSMISSION.**

MSTV/NAB ask the Commission to implement the broadcast flag solution to protect digital broadcasts from unauthorized retransmission.<sup>5</sup> Cox supports this request. The Commission should focus on completing the DTV transition as quickly as possible, and the statutory litmus test for this is market penetration of DTV receivers. Consumers are purchasing digital receivers now because they recognize that the DTV experience is something entirely new and different, but content providers say they will not make compelling digital programming available to viewers absent protection from unauthorized retransmission. Accordingly, Cox agrees with MSTV/NAB that adoption of the broadcast flag will help ensure that digital programming remains a part of free, over-the-air television service.

**III. COX AGREES WITH THE RULE CHANGES IDENTIFIED BY MERRILL WEISS AS NECESSARY FOR RAPIDLY ACCOMODATING DISTRIBUTED TRANSMISSION SYSTEMS.**

Cox urged in its initial comments that the Commission should facilitate the expeditious development of distributed transmission technologies and not impede DTV innovations. In its comments, Merrill Weiss Group, LLC ("Merrill Weiss")

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<sup>2</sup> See 47 C.F.R. § 73.624(f).

<sup>3</sup> MSTV/NAB Comments at 14-16.

<sup>4</sup> *Id.* at 15.

<sup>5</sup> *Id.* at 34.

authoritatively and candidly discusses distributed transmission technologies and their potential impact on a variety of aspects of digital television. Merrill Weiss believes that distributed transmission could be “an extremely valuable tool” for enhancing DTV service and concludes that such systems “will help accelerate the DTV transition in a spectrally efficient manner.”<sup>6</sup> Merrill Weiss states that the Commission could accommodate the introduction of distributed transmission systems “[w]ith relatively few changes to its Rules.”<sup>7</sup>

Cox supports these comments of Merrill Weiss, and especially wishes to highlight their analysis regarding the measures the Commission must take to enable routine authorization. Merrill Weiss states that the Commission generally would have to address four matters to “enable routine authorization”:

- (1) Promulgating a rule permitting a broadcaster to license more than one transmitter on the assigned allotment and specifying conditions and limitations under which additional transmitters could be licensed;<sup>8</sup>
- (2) Codifying interference analysis methodology (presumably something akin to OET Bulletin No. 69) in a manner that would account for the lower power levels that distributed transmission systems can effectively use;<sup>9</sup>
- (3) Revising construction permit application forms to allow for specifying that a proposed or modified transmitter is part of an identified distributed transmission system;<sup>10</sup> and
- (4) Determining how to adjust the use of call signs, if at all.<sup>11</sup>

Cox agrees with this analysis and urges the Commission to move as quickly as possible to implement such measures. The potential benefits of this innovation in broadcast technology warrant expeditious Commission action.

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<sup>6</sup> Merrill Weiss Comments at 47.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 27-28.

<sup>9</sup> *Id.* at 28, 32-47.

<sup>10</sup> *Id.* at 28-29.

<sup>11</sup> *Id.* at 29.

**IV. COX SUPPORTS THE DETAILED COMMENTS OF ATSC REGARDING MANDATORY USE OF THE PSIP STANDARD.**

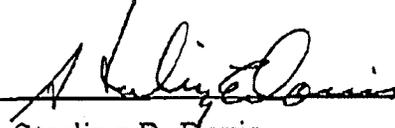
In its initial comments, Cox asked the Commission to adopt the ATSC A/65A Program System and Information Protocol ("PSIP") standard into its rules and require broadcasters to include PSIP information with their digital signals. ATSC submitted more detailed comments, expounding on PSIP's benefits and explaining how mandatory use would ensure uniformity.<sup>12</sup> ATSC goes on to discuss implementing PSIP, especially as it relates to closed captioning, multiple audio services, the V-Chip, and television translators. Cox supports ATSC's comments and accordingly urges the Commission to mandate broadcaster use of the PSIP standard.

**V. CONCLUSION.**

For these reasons, Cox respectfully requests that the Commission adopt rules in accordance with these reply comments.

Respectfully submitted,  
**COX BROADCASTING, INC.**

By: \_\_\_\_\_

  
Sterling E. Davis  
Vice President - Engineering

Cox Broadcasting, Inc.  
P.O. Box 105357  
Atlanta, GA 30348-5357

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<sup>12</sup> ATSC Comments at 5-7.