

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
Second Periodic Review	)	
of the Commission's Rules	)	MB Docket No. 03-15
and Policies Affecting the	)	
Conversion to Digital Television	)	

REPLY COMMENTS OF  
RED RIVER BROADCAST CO., LLC

Red River Broadcast Co., LLC (“Red River”), by its counsel, hereby replies to the comments submitted in response to the Commission’s *Notice of Proposed Rule Making* (“*NPRM*”) in this proceeding.

Red River is the licensee of television station groups in the Fargo, North Dakota, Sioux Falls, South Dakota, and Duluth, Minnesota areas. Owing to the stations’ physical proximity to the Canadian border, Red River is keenly aware of the problems presented with the digital television build-out in light of numerous Canadian interference issues. Red River applauds the Commission’s efforts to date to mitigate Canadian interference problems, but urges the Commission to adopt procedures for accommodating those stations in border areas that are unable to meet build-out deadlines for reasons beyond their control. In addition, as set forth more fully below, Red River urges the Commission to pursue channel election protections for U.S. stations in the border area.

Red River supports the comments submitted by the firm of Cohen, Dippell and Everist, P.C. (“CDE”) concerning international allocations.<sup>1</sup> Red River agrees that there are serious coordination issues that must be resolved in order to protect border DTV stations in the United

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<sup>1</sup> See CDE Comments at 6.

States. The Commission's databases apparently do not take into account the maximization applications filed by the majority of U.S. DTV station permittees and licensees. This problem is compounded because those maximization applications were filed before the U.S.-Canadian Letter of Understanding ("Letter of Understanding")<sup>2</sup> was made public. Red River encourages the Commission to update its online databases with complete, current and accurate information about U.S. and Canadian allotments and proposals.

Moreover, the Commission should give serious consideration to renegotiating the DTV bilateral agreement with Canada in order to accommodate the maximization efforts of U.S. stations. This is because the problems associated with Canadian coordination could become more widespread when stations are required to elect whether to remain on their current DTV channels or commence digital operations on their historic NTSC channels.

For example, many stations, like Red River's KBRR-TV in Thief River Falls, MN, KJRR-TV in Jamestown, ND and KNRR-TV in Pembina, ND, operate on a high VHF NTSC channel within the coordination distance of the Canadian border (i.e., within 400 kilometers, as specified in the Letter of Understanding). These stations may be hindered, or even prohibited, from electing their high VHF channel after the digital transition. The level of hindrance or prohibition can only be evaluated on a case-by-case basis. The problem is due to procedures contained in the Letter of Understanding which require U.S. DTV stations to protect Canadian DTV stations. Without getting too technical, the Canadian DTV allotments have a protected radius either as determined in the Letter of Understanding or, if the station is operating, a protected F(90,90) contour. This creates a problem because the interfering contour from the U.S.

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<sup>2</sup> Letter of Understanding Between the Federal Communications Commission of the United States of America and Industry Canada Related to the Use of the 54-72 MHz, 76-88 MHz, 174-216 MHz, and 470-806 MHz for the Digital Television Broadcasting Service Along the Common Border (signed Sept. 22, 2000).

station is calculated using a F(10,10) contour. Thus, under the terms of the Letter of Understanding, the interfering contour radius created by the U.S. station, particularly if it is a maximized facility, can be 350 kilometers or greater. This massive radius, coupled with the protected contour of Canadian DTV allotments and stations, can create a required separation distance in excess of 400 kilometers.<sup>3</sup> Therefore, U.S. stations in the border area that elect to operate digitally on their historic NTSC channel may be unable to operate with a facility equivalent to the original NTSC signal due to the protection requirements contained in the Letter of Understanding. This problem is further exacerbated by the fact that Canada appears to have created numerous allotments in close proximity to the border, even though it is quite possible that some of these stations may never be built.

In sum, the Letter of Understanding does not appear to provide any protection for U.S. stations in the border area that elect their historic NTSC channel at the end of the transition. This is the case regardless of whether the stations' NTSC channel is VHF or UHF. While the use of Longley-Rice may eliminate some of these problems, it is only prudent to assume that some situations may not be resolved by the use of Longley-Rice. Therefore, in order to protect the service areas of stations in the border zone, and thus protect DTV service to U.S. citizens in the border zone, the FCC should negotiate "channel election protections" for all U.S. station operations in the border zone. Red River also supports the comments of Paxson and urges the Commission to clarify that the Letter of Understanding would not preclude a U.S. border station's ability to replicate its current analog signal on either its analog or digital channel.<sup>4</sup>

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<sup>3</sup> In contrast, the current maximum DTV to DTV separation distance in the United States is approximately 245-275 kilometers.

<sup>4</sup> Comments of Paxson Communications Corp., at 24.

Finally, Red River submits that the channel election and interference protection deadlines proposed in the *NPRM* should not apply to stations that have not been issued a DTV construction permit or to stations that have a pending Petition for Rule Making to change their DTV channel allotment,<sup>5</sup> because requiring these stations to elect a channel at a time when the Commission has not yet determined their authorized channels would be premature and unduly burdensome.

Respectfully submitted,

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Dated: May 21, 2003

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<sup>5</sup> See *NPRM* para. 62.