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June 17, 2003

Via Hand Delivery
 Ms. Marlene H. Dortch
 Secretary
 Federal Communications Commission
 445 12th Street, S.W.
 Washington, D.C. 20554

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JUN 17 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Sinclair Broadcast Group Inc.
 Written Ex Parte Presentation
 MB Docket No. 03-15; RM 9832: *Second Periodic Review of the
 Commission's Rules and Policies Affecting the Conversion to DTV;*
 ET Docket No. 03-65: *Interference Immunity Performance
 Specifications for Radio Receivers;*
 MM Docket No. 00-39: *Review of the Commission's Rules and Policies
 Affecting the Conversion to DTV***

Dear Ms. Dortch:

Sinclair Broadcast Group Inc. ("Sinclair"), by its attorneys, hereby responds to the Reply Comments submitted by the Consumer Electronics Association ("CEA")¹ on May 21, 2003 in the Commission's *Second DTV Review Proceeding* (MM Docket 03-15).² In these Reply Comments, CEA claims that DTV transmitters operating below maximum authorized power levels are the cause for poor over-the-air DTV reception rather than inadequately designed DTV receivers.³

CEA's Reply Comments ignore the basic engineering flaw in current over-the-air DTV receivers: the inability to decode digital signals in multipath-impaired signal environments through use of a simple antenna. No amount of DTV signal power will overcome this fundamental reception limitation. Rather, the ability to receive multipath-distorted DTV signals is entirely dependent on the capabilities of receivers to decode these signals. While requiring broadcasters to operate their DTV facilities at maximum power may increase the potential coverage area of DTV stations, this would have little impact on the DTV transition because over-

¹See Reply Comments of Consumer Electronics Association ("CEA"), MM Docket No. 03-15, RM-9832 (May 21, 2003).

²See *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Notice of Proposed Rulemaking*, MB Docket No. 03-15, RM 9832, FCC 03-8 (January 27, 2003) ("*Second DTV Review Proceeding*").

³Reply Comments of CEA at 12 n.36.

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the-air DTV receivers are still incapable of decoding multipath-distorted DTV signals with a simple antenna.

For years now, consumer electronics manufacturers have promised the Commission that multipath reception difficulties would be resolved with "miracle chips" and other technological breakthroughs. These promises have yet to bear fruit. Given the focus of electronics manufacturers on the cable and satellite industries,⁴ it has become clear that they are not devoting the necessary resources to resolving over-the-air DTV reception problems. Absent Commission action to ensure that over-the-air DTV receivers can operate in multipath environments, the future of over-the-air DTV is in jeopardy.

CEA's myopic focus on increasing signal strength as the way to improve over-the-air DTV reception also illustrates its mistaken application of the policies of the analog past to the digital future. Increasing the strength of analog TV signals will certainly improve analog reception, but increasing the strength of DTV signals will have little beneficial impact on over-the-air DTV reception unless receivers are designed to decode multipath-impaired signals. CEA's failure to appreciate this basic difference between analog and digital broadcasting is alarming.

Regarding CEA's statement that Sinclair should "re-evaluate its low power transmitters," Sinclair notes that it was one of the leading advocates for ensuring that analog UHF stations with UHF DTV channels (U-to-U stations) could operate at the higher EIRP levels authorized to analog VHF stations with UHF DTV channels (V-to-U stations).⁵ Moreover, Sinclair fought to increase the maximum power of U-to-U DTV stations to 1000 kW.⁶ Sinclair is constructing DTV facilities that will be capable of operating at maximum authorized power levels. Until

⁴See *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.").

⁵See, e.g., Sinclair Broadcast Group, Inc., Petition for Reconsideration, MM Docket No. 87-268 (June 13, 1997); see also *Advanced Television Systems, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, 13 FCC Rcd 7418 (February 23, 1998).

⁶See, e.g., Comments of Sinclair Broadcast Group, Inc., MM Docket No. 87-268 (May 13, 1998); see also *Advanced Television Systems, Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, 14 FCC Rcd 1348 (December 18, 1998).

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over-the-air DTV receivers are capable of decoding DTV signals in multipath-impaired environments with a simple antenna, however, there is no reason to force broadcasters to transmit signals that consumers cannot receive. The ball is in the court of the electronics manufacturers to produce over-the-air DTV receivers that provide the same ease of reception that consumers currently enjoy with analog television. Until that is achieved, requiring broadcasters to increase DTV signal strength will have little impact on the DTV transition.

Please direct any questions regarding this matter to the undersigned.

Very truly yours,



Kathryn R. Schmeltzer
David S. Konczal

cc: Chairman Michael Powell
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
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