

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

In the Matter of: )  
 )  
Amendment of Parts 73 and 74 of the ) MB Docket No. 03-185  
Commission’s Rules to Establish Rules for Digital )  
Low Power Television, Television Translator, and )  
Television Booster Stations and to Amend Rules )  
For Digital Class A Television Stations )  
 )

To: The Commission

**COMMENTS**

Entravision Holdings, LLC (“Entravision”), the licensee of numerous low power television and television translator stations, hereby files these Comments in response to the Commission’s *Notice of Proposed Rulemaking*, FCC 03-198, released August 29, 2003 (“*NPRM*”), in which the Commission requested comment on establishing rules for digital low power television, television translator, and television booster stations. Entravision supports the Commission’s efforts to develop rules that will accelerate the conversion of LPTV and television translators to digital operations while minimizing disruptions to existing service. Entravision submits that new rules granting flexibility to television broadcasters with regard to both the conversion to digital operations, and the specific nature of those operations, together with rules selectively relying upon the framework established for LPTV, television translator, and booster service in the analog context, will best achieve the Commission’s purposes. In support thereof, Entravision states as follows.

## I. Digital Television Translator Stations

In connection with the digital television translator service, Entravision supports the Commission's definition of a DTV translator as a station operating for the purpose of retransmitting the programs and signals of a DTV station for reception by the general public, without significantly altering any characteristic of the original signal other than its frequency and amplitude. *See NPRM* at ¶ 12. The Commission should revise Section 74.701(a) of its Rules to indicate that television translators may be designated as analog or digital, consistent with the format of the output signal.

Similarly, Entravision believes that the distinction between LPTV and television translator stations, utilized in connection with analog service, should be maintained in the digital context, i.e., translators should generally be limited to television rebroadcasts while LPTV stations may air programming from non-TV broadcast sources and locally produced programs. *See NPRM* at ¶ 20. As the operator of both LPTV and television translator stations, Entravision is familiar with these distinguishing characteristics and submits that their application in the digital context should have no detrimental effects on television broadcasters.

Accordingly, Entravision also recommends that the Commission subject DTV translators to the same local signal insertion restrictions to which analog translators are subject. The local originations of digital broadcasters should be limited to acknowledgements of support and emergency messages. *See NPRM* at ¶ 15. Entravision submits that, as in the analog context, digital translator operators wishing to expand their local originations should retain discretion to convert television translator stations to LPTV stations, and vice-versa, by notice only.

With regard to operational rules for DTV translator stations, Entravision encourages the Commission to grant broadcasters flexibility by promulgating rules that permit a wide range of

operation. A system of permissive rules will enable broadcasters to make operational decisions with a view to individual station circumstances and audience considerations, and to balance thereby DTV transition goals with the goal of minimizing disruptions to existing service.

To that end, Entravision submits that television translator stations should be permitted to down-convert to analog format a signal originally broadcast by the primary station in a digital format. *See NPRM* at ¶ 13. This is necessary since there may be broadcasters who wish to switch their primary station to digital-only operations, while continuing to provide viewers who have analog receivers with programming from their local community television stations. Similarly, the Commission's rules should also permit analog input to digital output television translators, to ensure that broadcasters have flexible means at their disposal to bring digital television to rural areas.

Further, digital television translators should be permitted to "multicast" video program streams of different broadcast stations, including both analog and digital primary stations. *See NPRM* at ¶ 16. As noted by the Commission, this type of arrangement could be useful in situations where few channels are available for digital television translators and where translators serve a relatively small population. Entravision operates in a number of rural areas and envisions being able to provide its over-the-air viewers with services previously unavailable to them.

In the event that a DTV translator station elects to "multicast" programs from multiple stations, the Commission should require the permission of the respective primary stations, and that the various broadcast station programs carried by the television translator be encoded in at least standard definition format.

The Commission should not require that translators carry the ancillary and supplementary services of primary stations as such a requirement could interfere with the ability of digital

translator stations to use spectrum to multicast multiple programs. Primary stations and translators can reach understandings concerning ancillary and supplementary services by private agreement, as necessary.

With regard to transmission modes for DTV translator rebroadcasts, Entravision submits that, in light of uncertainties regarding the costs associated with regenerative digital translators, translator operators should be permitted to choose their mode of transmission based on their individual circumstances. *See NPRM* at ¶ 15.

With regard to digital television translator input signal sources, Entravision supports the Commission's proposal to allow digital television translators to receive DTV broadcast signals using any of the signal delivery means available to analog TV translators (e.g., satellite delivery, microwave, fiber, etc.). *See NPRM* at ¶ 17.

## II. Digital LPTV Stations

In connection with digital LPTV stations, Entravision agrees with the Commission that such stations should be subject to a minimum program service requirement in terms of hours, like DTV full-power and Class A stations. *See NPRM* at ¶ 23. Entravision submits that in urban areas this requirement be 6 A.M. to 11 P.M., while in rural areas it be 7 A.M. to 10 P.M., local time. Other than hours of operation, Entravision does not support any additional minimum requirements beyond those that apply to current analog television stations.

Significantly, once this requirement is met, digital LPTV stations should be permitted to provide those ancillary and supplemental services, including data or subscription services, allowed for DTV and digital Class A stations. *See NPRM* at ¶ 24.

LPTV stations occupy spectrum reserved for free over-the-air television, and, accordingly, they should generally be required to provide free public programming during

regular viewing hours. However, the limited use of an LPTV station for the transmission of ancillary and supplemental services during off-hours, as proposed by the Commission, could substantially advance development of DTV applications and the interest of the public in DTV technology, and thereby accelerate the DTV transition. *See NPRM* at ¶ 25. Entravision strongly encourages the Commission to adopt a flexible approach allowing LPTV stations to develop and deploy data and/or other ancillary services during off-hours. In connection herewith, the Commission should consider any relevant information or experience derived from the *LPTV Pilot Project Digital Data Services Act*, Pub. L. No 106-554, 114 Stat. 4577 (Dec. 21, 2000), as implemented by *Implementation of LPTV Digital Data Services Pilot Project*, 66 Fed. Reg. 29040 (May 29, 2001), as codified in 47 C.F.R. § 74.785.

### III. Channel Assignments

Entravision supports the Commission's proposal to make available VHF channels 2-13, inclusive, and UHF channels 14-59, inclusive (excluding channel 37), for analog-to-digital station conversions and for new digital LPTV and TV translator stations. *See NPRM* ¶ 28.

Entravision submits that the Commission's suggestion to require applicants for channels 52-59 to demonstrate that no lower channels were available for their digital operations is unnecessary. *See NPRM* at ¶ 29. Generally speaking, applicants would not seek out-of-core channels without valid reason, the primary one being the unavailability of channels in the core. Entravision submits that this is particularly relevant in that occupancy of the core will change as stations become digital-only. Thus, out-of-core LPTV stations could be a "reserve" group that will "displace" to the core once the replacement of the core is complete.

In connection with channels 60-69, Entravision submits that these channels should be made available during the DTV transition for new digital LPTV and TV translator stations as

well as analog-to-digital conversions, despite the fact that licensees must vacate the use of this spectrum at the end of the DTV transition. *See NPRM* at ¶ 30 (citing 47 U.S.C. § 336(e)).

Television Translator and LPTV stations provide valuable service, and their operation on these channels should be authorized, and continued, for as long as possible.

#### IV. Interference Protection

In the *NPRM*, the Commission proposed the following protected contours: 43 dBu for channels 2-6, 48 dBu for channels 7-13, 51 dBu for channels 14-69. *See id.* at ¶ 33. Given that digital translators will likely serve greater areas than comparably-sized analog translators, Entravision submits that the more extensive protected contours proposed by the Commission are appropriate.

With regard to the interference prediction methodology to be used by the Commission in connection with digital LPTV and television translator applications, Entravision recommends that the traditional contour protection approach, adapted for digital interference analysis as proposed by the Commission, be employed as the primary method of analysis. *See NPRM* at ¶ 41, n. 91.

Entravision submits that applicants should be permitted to use the Longley-Rice propagation methods described in OET Bulletin 69 in those instances where the traditional contour protection approach proves insufficient. *See NPRM* at ¶ 43. Longley-Rice methodology should be incorporated in the application process as a permissible secondary showing rather than on a waiver basis.

#### V. Other Technical Issues

In connection with equipment standards related to signal reception and technical quality, Entravision supports the Commission's determination that signal quality related standards for digital translators and LPTV transmitting equipment are unnecessary. *See NPRM* at ¶ 73.

With regard to equipment approval process and requirements, Entravision supports application of the type certification process required in the analog context to digital LPTV transmitters and television translators. *See NPRM* at ¶ 81.

#### VI. Authorization of Digital Low Power Services

In connection with the authorization of digital low power services, Entravision agrees with the Commission's proposal to apply the rules, policies, and procedures applicable to analog stations in the LPTV service to digital LPTV and television translator stations. *See NPRM* at ¶ 91. The Commission's reliance upon these procedures should help to eliminate possible frequency speculation in connection with digital LPTV services.

Entravision likewise supports the Commission's proposal to authorize the digital conversion of a licensed analog LPTV or television translator station as a "minor" facilities change, provided that the proposed digital facility would not involve a channel change related to channel displacement and that the protected digital contour of the proposed facility would overlap some portion of the protected contour based on the station's analog authorization. *See NPRM* at ¶ 92. Entravision further supports the Commission's proposal to grant such "digital conversion" applications on a first-come, first-served basis. *See id.*

In connection with applications for new digital LPTV and television translator stations, Entravision supports the Commission's proposal to utilize a one-day rolling window for such applications. *See NPRM* at ¶ 93. Entravision submits that mutually exclusive applications

should be resolved by engineering agreements when possible, and should otherwise be subject to a lottery.

Entravision strongly supports the Commission's conclusion that high priority should be placed on facilitating the digital transition of existing LPTV, television translator, and Class A service, and that incumbent stations should be given the opportunity to provide digital service in their communities before non-incumbents. *See NPRM* at ¶ 97. Building initial digital service around the base of existing analog LPTV, television translator, and Class A stations provides the best means for the Commission to accelerate the DTV transition without disrupting existing services.

#### VII. Digital Booster Stations

With regard to digital booster service, Entravision supports the establishment of a digital booster class of station in the Commission's LPTV Rules. *See NPRM* at ¶ 120. As noted by the Commission, digital booster stations could provide valuable service to terrain-challenged portions of a DTV station's service area. *See id.*

Entravision recommends that booster authorizations should be restricted to primary stations as is currently the case in the analog context. *See id.*

Entravision supports the Commission's suggestion that, in order to promote the most efficient use of spectrum, digital boosters should be permitted to deliver programming to areas beyond the protected area of the station whose signal is being retransmitted. *See id.* at ¶ 121.

Entravision further submits that the power limits for digital on-channel boosters be the same as those for digital television translator and LPTV stations. Entravision also recommends that applications for digital on-channel boosters be treated as minor change applications, as is the case with analog boosters.

## VIII. Remaining Issues

With regard to digital call signs, Entravision supports the Commission's proposal to apply the suffix "-LD" to digital LPTV stations and the suffix "-CD" to digital Class A stations. *See NPRM* at ¶ 123.

With regard to fees, Entravision supports the Commission's proposal to use the same application fees for analog and digital LPTV and television translators for particular types of applications. *See NPRM* at ¶ 124.

In sum, Entravision supports the Commission's efforts to promulgate rules governing digital low power service. As recognized by the Commission, low power television stations serve the public interest by bringing programming, including locally-produced programming, to rural communities as well as to niche communities in urban areas. *See NPRM* at ¶ 18.

Television translator stations similarly provide valuable service by delivering programming to areas where the signals of primary stations are otherwise obstructed due to distance or terrain, *see id.* at ¶ 9, as do booster stations, albeit under different operational limits. *See id.* at 118. By setting forth flexible rules concerning the operation of these valuable services in digital format, and otherwise relying upon the framework established for LPTV, television translator and booster service in the analog context, the Commission can both accelerate the DTV transition and minimize disruptions to existing service.

Respectfully submitted,

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