

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

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

To: The Commission

**Comments of Venture Technologies Group, LLC**

1. Venture Technologies Group, LLC and its affiliated companies (“VenTech”) hereby submit the following comments in the above-captioned *Notice of Proposed Rulemaking* regarding the transition of low-power television stations (“LPTV”) and television translator stations to digital operation (the “NPRM”).<sup>1</sup> VenTech owns and operates fourteen LPTVs, three of which are Class A stations, and four full-power television stations nationwide.<sup>2</sup>
2. VenTech believes the NPRM represents a wonderful opportunity for the Commission to further enhance the services LPTV stations provide to their communities. To encourage a rapid digital transition amongst the LPTV community, VenTech hopes the Commission will keep the following issues in mind:
  - a. **LPTV stations have significantly fewer financial resources than full power television stations.** Smaller coverage areas and being unlikely to have cable or satellite carriage make it exceptionally difficult for LPTV stations to generate enough money to build an operation similar to full-power stations in terms of staff, programming

---

<sup>1</sup> MB Docket No. 03-185, FCC 03-198 (rel. August 29, 2003).

and facilities. Yet the technical equipment and operational costs, such as tower rent and electricity, needed to convert LPTV stations to operate digitally are similar in scale to those needed by full-power television stations.

b. **LPTV station applications require swift Commission processing.** The digital transition and increasing spectrum efficiency have brought significant pressure to current LPTV operations. VenTech itself has been forced to shutdown one of its stations in Los Angeles, California already and is in imminent risk of turning off two more stations. At the same time, VenTech has dozens of LPTV upgrade applications pending before the Commission that can take months (or even years) before being granted. Faster processing not only speeds the creation of new LPTV services, it can also prevent the complete loss of an existing LPTV service to its community. Clearly, the Commission staff is somewhat overwhelmed and the NPRM should take steps to ease, rather than increase, their burden.

c. **LPTV stations should be encouraged to convert to both digital operations and Class A status.** These are worthwhile goals that deliver genuine benefits to local communities. However, they require LPTV station owners to expend substantial funds to develop the staff, programming and technical facilities necessary. The Commission should eliminate the risk the LPTV owner will lose that investment entirely due to the LPTV station's secondary status.

With these issues in mind, VenTech has addressed the specifics of the NPRM as follows:

3. Digital Television Translator Stations. VenTech's sole concern with regard to

---

<sup>2</sup> Specifically, VenTech operates stations in California, Washington, Nevada, Arizona, Iowa, Illinois, Michigan, Ohio, Pennsylvania, New York, Massachusetts, and Connecticut.

digital television translators is that the NPRM should not create any new service opportunity that would encourage a flurry of new applications for digital television translators. Again, VenTech believes the Commission's application processing resources are already strained and the NPRM should develop rules that eliminate the need for new filings.

4. Digital Low Power Television Stations. VenTech is opposed to any minimum video program service requirement for digital LPTV stations. Given the proposed technical limits to be imposed on digital LPTV stations, the Commission should permit LPTV station owners to develop any services they can in order to provide worthwhile services to their communities that will eventually fund the LPTV digital conversion. VenTech itself has no plans to offer any services other than traditional video programming, but believes the Commission should encourage LPTV owners to experiment with new services. Any minimum video program service requirement would discourage or restrict such inventiveness.

As one step forward to encourage digital LPTVs to provide new program service to the public, VenTech urges the Commission to utilize this NPRM to act upon the pending request to eliminate the loophole in the program exclusivity rules,<sup>3</sup> so that digital Class A and LPTV stations would be entitled to exercise program exclusivity.<sup>4</sup>

5. Channel Assignments. VenTech believes that the Commission should make

---

<sup>3</sup> 47 C.F.R. 76.151-161 & 47 C.F.R. 76.92-97

<sup>4</sup> Petition for Rulemaking to Amend the Commission's Rules To Extend its Network and Non-Network Territorial Exclusivity, Syndicated Exclusivity, and Network Non-Duplication Protection Rules to Low-Power, Class A, and Noncommercial Broadcast Stations (RM-10335). See also In the Matter of Amendment of Parts 73 and 76 of the Commission's Rules Relating to Program Exclusivity in the Cable and Broadcast Industries, 3 FCC Rcd 6171 (1988) at ¶ 44.

digital channels available up through channel 69. At the moment, full-power television stations' analog and digital operations occupy too many channels to preserve LPTV stations in certain crowded markets such as Los Angeles, California. Once the digital transition is complete, however, spectrum will be freed in the 'core' and digital LPTV stations that have been displaced to a channel outside of the 'core' in order to survive may migrate into the 'core.' VenTech recognizes that this will increase applications that have to be processed at the Commission but sees no alternative to preserve digital LPTV station operations in crowded markets.

6. Interference Protection. Having reviewed the NPRM's discussion of first adjacent channel ratios, VenTech proposes the following: When existing analog LPTV station operates on the first adjacent channel to a DTV station, the interference ratios of -48 dB (lower analog TV to DTV) and -49 dB (upper analog TV to DTV) apply. The corresponding DTV to DTV ratios are significantly more restrictive, -28 dB (lower DTV to DTV), 20 dB more restrictive, and -26 dB (upper DTV to DTV), 23 dB more restrictive. Under these standards an analog LPTV station operating at 100 kW, while protecting a DTV station on the adjacent channel, could be limited to 500 watts ERP as a DTV station.

These standards were changed to their present values in the Sixth Report and Order in the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, FCC 98-24 (Feb. 23, 1998). The original values used in the lab testing were, -42 dB (lower DTV to DTV), and -43 dB (upper DTV to DTV). These were changed to their present, more restrictive, values because it was

demonstrated that with the filters then available, the original protection values were only viable at with very low power transmitters.

Output filters greatly surpassing those assumed in 1998 are now available from several suppliers. Accordingly, digital LPTV stations (and other DTV stations) should be free to use the original DTV to DTV adjacent channel protection values if they use output filtering which adequately surpasses the current filtering standards. This should be specified as a condition in the station's authorization.

With regard to interference prediction methodology, VenTech believes that the Commission should utilize Longley-Rice propagation methods instead of the contour overlap approach. In VenTech's experience, the Longley-Rice methodology has provided much better results at predicting interference and this accuracy creates the opportunity for increased spectrum efficiency.

However, VenTech believes the Commission should continue to rely upon contours to evaluate a) if a proposal to convert to digital operations will continue to serve the station's community and b) if there is an overlap of an existing station's contours and its proposed station contours. The Commission should forbid any station from moving to new facilities, even if the station requests a waiver, if the new contour fails to overlap with the station's current contour. A clear line needs to be drawn and waivers only encourage speculative requests that clog the application process.

In the interest of additional spectrum efficiency that will permit the most amount of stations to operate in close proximity, VenTech encourages the Commission to require all analog LPTV and television translators to operate with a frequency offset.

Finally, when considering the antenna beamtilt in its interference analysis, the Commission should continue to assume standard vertical patterns for digital Class A and LPTV stations.

7. Other Technical Issues. The Commission should modify its power limits for high-band VHF stations to equalize them with actual propagation conditions. The Commission has found that it should allow high-band VHF full-power television stations, both analog and digital, power limits that are approximately 3.16 times higher than the limits for low-band VHF stations. Similar engineering modelling should be used for Class A and LPTV stations. High-band VHF digital Class A and LPTV stations should be allowed to operate with a maximum ERP of 1.00 kilowatts, and high-band VHF analog Class A and LPTV stations should be allowed to operate with a maximum ERP of 10 kilowatts.

Regarding the notion of permitting greater out-of-channel ‘splatter’ to allow more translators to be built inexpensively, VenTech would ask that the Commission establish a benchmark based on the digital television full-service emission mask. With this in place, VenTech would be comfortable with allowing multiple masks with differing performance standards and costs. However, if one facility is proposed with a lower standard and another facility is proposed at the benchmark, resulting in mutual exclusivity between the two facilities, the facility with the lower standard should be required to upgrade at its own expense. Conversely, the Commission should permit even higher standards beyond the benchmark as this could eliminate interference to a degree that would permit the operation of more stations in an otherwise full region.

8. Station Operation. VenTech believes the Commission should retain the current

flexibility LPTV stations enjoy with regard to hours of operation. Self-interest, as the Commission has noted, more than adequately encourages LPTV stations to remain responsive to their community's needs.

9. Authorization of Digital LPTV and TV Translator Stations. Given the Commission's desire for spectrum efficiency and digital conversion, VenTech does **not** believe LPTV stations should be able to operate both a digital and analog LPTV station simultaneously. Once an LPTV station goes digital, it should be required to surrender its analog license. This restriction will both lower the amount of applications the Commission must process and hasten the digital conversion.

As incentive for this conversion to digital, VenTech believes the Commission should create a date by which LPTV stations will convert to digital and, if they meet that deadline, they should be afforded the right to convert to Class A status at that time as well (assuming the station meets all other Class A criteria). This would not only encourage a rapid digital transition, but further encourage LPTV stations to provide the additional services to their communities that Class A stations offer.

For processing efficiency, VenTech would encourage the Commission to review digital applications through a series of application window over the course of a year, after which all future applications would be accepted on a first-come, first-served basis. The initial digital application windows, however, would be opened nationwide in the following order: 1) Class A Applications, open to NTSC stations that are either Class A or Class A eligible, 2) Class A Conversions, open to NTSC stations that are not Class A or Class A eligible but would like to obtain Class A status, 3) LPTV Displacements, open to LPTV stations that are being displaced but do not wish to become Class A digital, 4)

LPTV Stations, open to any LPTV station, 5) TV Translator Stations, open to all TV translator stations and, finally, a window for 6) Booster Stations, open to all booster stations.

From a priority standpoint, VenTech believes that a Class A station that wishes to convert to digital should be given priority over an LPTV station and entitled to displace an analog LPTV station. Mutually exclusive applications should be placed in a Commission auction.

Finally, VenTech finds the NPRM's discussion of the Section 336(f)(4) licensing scheme completely illogical. The Commission wants a rapid digital conversion, but under this scheme it will deprive Class A stations of their most prized asset – their primary status. If this is the case, VenTech would envision that many Class A stations will simply revert to regular LPTV status upon converting to digital as the main benefit of the Class A status will be lost. VenTech itself will significantly delay its digital conversion plans for its Class A stations if it means it has to surrender their primary status.

10. Digital Booster Stations. VenTech's sole concern with regard to digital booster stations is that the NPRM should not create any new service opportunity that would encourage a flurry of new applications for digital booster stations. Again, VenTech believes the Commission's application processing resources are already strained and the NPRM should develop rules that eliminate the need for new filings.

11. Remaining Issues. Call signs for digital Class A and LPTV stations should

Contain suffixes that begin with the letter “D” rather than end with it. Hence, a digital Class A station would end in “-DA” and a digital LPTV station would end in “-DL.”

This will help consumers recognize the station is digital.

12. Petition for Rulemaking by the Association of Public Television Stations, etc.

VenTech does not believe a need has been shown to merit the creation of any additional rules or special entitlements for noncommercial LPTV stations.

13. Conclusion. VenTech appreciates the Commission’s substantial effort evident in the NPRM to bring LPTV stations into the digital age. With the creation of a digital transition timeframe and well-defined rules, LPTV stations should continue to serve their audiences for the foreseeable future.

Respectfully submitted,

/s/Lawrence Rogow  
Lawrence Rogow, Chairman  
Paul Koplín, President  
Brooke Temple, General Counsel  
**Venture Technologies Group, LLC**  
5670 Wilshire Blvd., Suite 1300  
Los Angeles, California 90036  
(323) 965-5400

Dated: November 25, 2003