

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of

Amendment of parts 73 and 74 of the	)	
Commission's Rules To Establish Rules for	)	
Digital Low Power Television, Television	)	MB Docket No. 03-185
Translator, and Television Booster Stations	)	
And To Amend Rules for Digital Class A	)	
Television Stations	)	

To: The Commission

**REPLY COMMENTS OF RENARD COMMUNICATION CORP.**

Renard Communications Corp. ("RCC"), licensee of Class A and LPTV stations, hereby submits its reply comments in response to initial comments filed by the following parties:

- 1) Paxson Communications Corp.
- 2) The Community Broadcasters Association
- 3) Island Broadcasting Co.
- 4) Mullaney Engineering, Inc.
- 5) LIN TV Corp. and Banks Broadcasting, Inc.
- 6) duTreil, Lundin & Rackley, Inc.

**Paxson Communications Corp. ("PCC")**

RCC agrees with PCC for most of its comments in that the Commission needs to focus on full-power stations that need to have DTV transition issues resolved either due to lack of in-core or out-of-core DTV channel availability, international issues, and band-clearing issues.

In this regard, RCC supports the following order of station groupings listed in order of importance for transition to DTV:

- 1) Full-power stations with in-core and out-of-core analog and DTV allotments.

- 2) Full-power stations with out-of-core DTV allotments.
- 3) Full-power stations without a DTV channel allotted.
- 4) Class A stations
- 5) LPTV/translator stations

There is no question that full-power DTV issues need to be addressed first.

However, this should not preclude or delay accepting and processing of comments the instant NPRM in Docket 03-185. Further, there is no reason to delay Class A, LPTV or especially translator operators from implementing digital operations on their existing channels. Most, if not all full-power broadcasters, have identified any desired channel changes for DTV implementation. In addition, since no additional full-power DTV facilities are likely to be proposed for channels 52 – 69 that have not already been proposed, there would be no mutually exclusive problem likely to arise with Class A, LPTV or translator operators who propose transitional second channels within that part of the spectrum.

**The Community Broadcasters Association (“CBA”).**

**Paragraph 4, page 3.** RCC supports the idea that all Class A, LPTV and translator stations should have the opportunity to take part in an orderly transition to digital operation and, where available, have the ability to operate two channels so as not to have to “flash-cut” from one mode of operation to the other. There is absolutely no question that a flash-cut is disruptive both to the general public and to the broadcaster and should be avoided at all costs. However, RCC does not agree that Class A, LPTV and translator stations all be lumped into one category for the purposes of eligibility or timing for a transition. RCC believes that since Class A stations must now comply with all rules under Part 73 and are held to a considerably higher operating standard than LPTV or

translator stations, Class A stations should enjoy a higher priority for use of a second channel during the transition.

**Paragraph 8, page 6.** RCC agrees with CBA that Class A Primary status should be preserved and where possible both a main and second channel should have primary status, but if a second channel cannot meet primary service standards, then the Class A station should be able to elect that the second channel be authorized on a secondary basis. Further, regardless, of how long the transition takes to the end of analog broadcasting, a Class A broadcaster should be able to make ongoing technical changes and be able to designate at any time when and which channel (so long as they are both in the core) is to be designated as its primary station.

**Paragraph 9, page 7.** (Note: there are two paragraphs designated as number 9 in CBA's comments. This reply refers to the first paragraph 9 and its associated footnote 17). RCC believes that Class A stations, upon implementation of a digital service should be afforded an opportunity to convert to full-power status with its channel listed in the Table of Allotments if it can be demonstrated that the operation meets all of the Part 73 rules for an existing station that is transitioning to a digital service. More specifically, the Commission originally proposed a DTV Table of Allotments for all existing full-power analog stations. In Section 73.623, as modified, the Commission subsequently allowed full-power stations to make channel changes and modifications based on an interference criteria rather than minimum mileage separations. Since Class A stations must now comply with Part 73, they should be able to make a similar transition. If a Class A station is able to demonstrate through the use of Longley-Rice that it will not cause or receive interference in excess of 2% to or from any single station, or receive in excess of 10%

cumulatively from all primary stations or with inclusion of its proposed signal cause in excess of 10% interference to any other primary station, and further that the station meets minimum signal requirements for its community of license, and complies with all other provisions of Part 73, the station should be able to propose that its channel be adopted in the Table of Allotments and be converted to full-power status. The procedure would also involve a Petition to Amend the Table of Allotments, a normal comment period, and counter-proposals, but would not subject the station to any risk of losing its protected facilities or status as a Class A station, nor would it involve any auction. Any Class A applicant proposing to modify the Table must also demonstrate that there would be no impact to any other full-power stations that do not yet have an in-core permanent channel assignment. The Commission should also consider adopting a procedure and timetable for out-of-core full-power stations (either analog or digital) to propose permanent digital operation on channels that will be relinquished by current full-power analog broadcasters. Finally, if the respective 2 and 10 percent mutual interference thresholds described above are too much for the full-power industry to digest, then a fallback would be that the respective 2 and 10 percent interference would be permitted to be received, but that only less than 0.5% (as presently allowed) could be caused to any other authorized full-power service.

**Paragraph 10f, page 11.** RCC agrees with CBA that an applicant be permitted to pay for the cost of implementing a carrier frequency offset as a means of proposing use of a particular facilities which would otherwise be precluded without the implementation of the offset. RCC also agrees that any proposed modification of an LPTV or translator station that requires the filing of a formal application (FCC Form 346) must propose an

offset, but that mere replacement of a transmitter or exciter of the same type or power which would not require filing Form 346, should not trigger mandatory implementation of an offset. We do not want to go back to a time when every little change required prior Commission approval and to require that an equipment change that does not affect a station's authorized signal trigger the processing of a formal application is unnecessary. Rather, it should be enough that an applicant for a proposed facility would have the right to propose and pay for the affected station to implement an offset when the situation arises.

**Paragraph 14, page 14.** RCC agrees with CBA that the Commission should revisit the power limits to be allowed for digital Class A, LPTV and translator operations. When the Commission first adopted DTV facilities for full-power stations to replicate their service areas, it had specific decibel ratios in mind that would likely provide equivalent service. Since that time, both UHF and VHF full-power stations have demonstrated the need and desire for more power in order to provide greater reliability and robustness of a DTV service. The power limits in Part 74 were adopted before there had been any implementation of DTV service and now with some practical experience, the industry has learned that more power is needed. It would seem that one-third of the analog power limits would provide a good compromise. Thus, VHF stations would be permitted up to 1000 watts ERP and UHF stations up to 50 kW ERP for DTV operation. In addition, RCC further agrees with CBA that the Commission might consider re-examining the power limits for VHF high band to better correspond to the ratios used in Part 73 and supports an increase to approximately 10 kW for VHF high-band analog and a corresponding increase for DTV service. As an aside, the Commission should seriously reconsider the signal level needed for reliable VHF low-band noise-limited service. The

Canadian government performed extensive testing and concluded that when ignition noise, man-made interference and tropospheric bending is factored in, a 28 dBu signal level, while fine under laboratory conditions, is not fine in practice. As a result, the Letter of Understanding (“LOU”) between the U.S. and Canada specifies a service contour of 35 dBu<sup>1</sup> for VHF low-band which is actually higher than the 33 dBu specified for VHF high-band in the agreement. The end result is that the Commission should consider more power for both full-power and low-power DTV operation in the VHF low-band.

**Island Broadcasting Co. (“Island”).**

Most of Island’s comments center around not requiring conversion of analog LPTV stations to digital operations by a date certain. In principle, RCC has no objection to that. However, Island is incorrect in saying that being allowed to continue operating with analog facilities has no impact. Continued use of analog channels, even by an LPTV station, precludes the use of certain other “taboo” channels such as an applicant who would wish to propose operation 15 channels above the LPTV station. Indeed, it may be such that the only usable channel is one that is 15 channels above and to have it be unavailable indefinitely impedes a smooth transition to an all-digital service. In this regard, RCC agrees that LPTV stations should be able to continue their analog operations until the marketplace decides, but that any affected LPTV station should not be protected from taboo interference after a date certain. Also, while there may also be some co-channel, or first-adjacent channel considerations, these would likely be insignificant. In

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<sup>1</sup> This is 7 dB higher than 28 dBu which is considered the noise-limited service level for VHF low-band in the U.S.

that regard, the Commission might consider protecting UHF LPTV stations that operate with analog signals after a date certain to their 51 dBu contours as considered with 25% of their authorized analog ERP or the maximum ERP allowed if that value is less than 25% of the authorized analog power.

**Mullaney Engineering, Inc.**

**Allocations Standards, page 3.** RCC does not believe that the contour method should automatically include directional receiving antenna characteristics. Most low-power stations have smaller service areas where the majority of the population either does not have an outdoor antenna or it is not pointed at the low-power station. RCC also does not support a standard maximum suppression of 20 dB for antenna directional patterns. If an antenna is pole-mounted on the top of a tower or side of a building, there is no reason to assume that the antenna cannot produce the pattern as indicated by the manufacturer. This is especially true of log-periodic and panel antennas. Indeed, it is necessary in many instances that a standard antenna be employed with greater than 20 dB suppression in its nulls and to perform an exhaustive an expensive study on the effects of surrounding objects is cost prohibitive and unduly burdensome. Thus, there should be no change.

**LIN TV Corp. and Banks Broadcasting, Inc. (“LIN&Banks”)**

**Paragraph 4, page 2.** RCC does not agree with LIN&Banks that channels 52 – 59 should be precluded from use. The band is a television band first and foremost. When the public and broadcasters are done using it, it can then transition to its new service. It is unfortunate that auctions have already taken place and that there is an

expectation for use. However, continued service and a smooth transition for the general television-viewing public is paramount to any new service for this frequency spectrum.

**DuTreil, Lundin & Rackley, Inc. (“dLR”).**

**Paragraph 33, pages 2 & 3.** RCC agrees with dLR regarding digital protected contours and adds that digital Class A stations should be permitted to maintain their studios within the respective service contours for the three bands (28 dBu for low VHF, 36 dBu for high VHF and 41 dBu for UHF) unless otherwise grandfathered elsewhere.

**Paragraph 49, page 5.** RCC does not agree that OET69 should be revised for consideration of intermodulation interference. The entire Table of Allotments for full-power stations was developed using only a cross-modulation analysis. To change it now would be an impossible task. In that regard, to have this implemented only for low-power stations with their comparatively low-power is unnecessary and would have a detrimental effect on being able to have maximum flexibility for channel usage at a time when it is most needed as during the transition to digital.

Respectfully submitted,

RENARD COMMUNICATIONS CORP.

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