

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

REPLY COMMENTS

Rancho Palos Verdes Broadcasters, Inc. ("RPVB"), the licensee of Station KXLA(TV), Rancho Palos Verdes, California, hereby files these Reply 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. In support thereof, RPVB states as follows.

RPVB agrees with parties that have submitted comments urging that the Commission should set forth flexible rules concerning the operation of LPTV, television translator and booster services in digital format, and otherwise rely upon the framework established for these services in the analog context. By so doing, the Commission can both accelerate the DTV transition and minimize disruptions to existing service. However, this rulemaking should not be used to allow for digital operations that turn digital booster stations into facilities that provide services well beyond that ever contemplated for booster stations. See *Amendment of part 74 of*

the Commission's Rules Concerning FM Booster Stations and Television Booster Stations, 2 FCC Rcd 4625 (1987).

RPVB now submits these Reply Comments in response to the Comments submitted by Sunbelt Television, Inc., the licensee of Station KHIZ(TV), Barstow, California. In its Comments, Sunbelt advocates overhauling the Commission's Rules concerning booster stations to allow digital boosters to extend beyond the protected signal contour of their full-service primary television stations and into the protected signal contour of other full service television stations. Further, Sunbelt asks the Commission to allow digital boosters, rather than full-service television stations, to provide coverage to the city of license of a primary full-service television station. Sunbelt's proposal has nothing to do with advancing the DTV Transition and everything to do with Sunbelt's desire to extend coverage of KHIZ at the expense of other full service-television stations. Accordingly, Sunbelt's proposal must be rejected.

While the overarching purpose of Sunbelt's proposal is clear – to extend KHIZ's coverage – the proposal itself is woefully short on details, indicating that, in addition to being undesirable as a matter of policy, the proposal is unrealistic as a matter of practice. For example, Sunbelt blithely asserts that digital booster stations should be permitted to extend beyond the protected signal contours of their full-service television stations and into the protected signal contours of other full-service television stations, so long as all interference requirements are met. However, Sunbelt fails to provide any details whatsoever concerning the practical implementation of this proposal. Sunbelt also fails to demonstrate how a digital booster station extending into the protected signal contour of another full-service television station can nonetheless be said to comply with all existing interference requirements. Sunbelt apparently proposes dispensing with interference requirements by permitting digital booster service beyond

the protected signal contour of the primary full-service television station on a first-come first-serve basis. Under Sunbelt's proposal, then, a digital booster station may extend into any portion of another full-service television station's protected contour, so long as there is terrain shielding affecting that full-service television station's signal and that full-service television station has not yet acquired a booster station to serve the area in question. Thus, Sunbelt could obtain a digital booster station within the protected contour of any full-service television station that has not yet initiated digital booster service in any terrain-challenged portion of its contour.

Such an approach may benefit Sunbelt, but is otherwise incompatible with the Commission's existing rules concerning LPTV, translator, and booster stations and the protection of full-service television stations in connection therewith. The Commission has devised a detailed, comprehensive system of rules setting forth the relationship among and between LPTV, translator, booster and full service television stations in the analog context, and RPVB submits that these rules, rather than Sunbelt's proposal, provide the proper basis for the Commission's digital LPTV, translator, and booster service rules. In contrast with the Commission's rules, Sunbelt's proposal is short-sighted and impractical, reflecting Sunbelt's immediate desire to extend coverage of KHIZ rather than the long-term goal of establishing an effective digital booster service. Sunbelt's approach would not further the public interest, but instead would encourage licensees to pursue their own self-interest at the expense of the rights of other full-service television stations not inclined to take such actions. Such an approach disregards the Commission's existing interference rules and eviscerates the protection of full-service television stations contemplated therein.

Sunbelt's proposal to permit digital booster stations to provide coverage to the city of license of its full service television station is equally flawed. Like the preceding proposal,

Sunbelt offers only its own self-interest rather than the public interest as the basis for its proposal. Sunbelt candidly states that if the Commission allowed digital booster stations to serve the cities of license of primary full-service television stations, then KHIZ could serve a much greater portion of the Los Angeles Designated Market Area, and thereby compete much more effectively with other Los Angeles DMA stations. Obviously, Sunbelt does not take seriously the goal of localism underpinning many of the Commission's Rules, including its requirement that a station must serve its community of license from its main transmitter. Again, Sunbelt is promoting its own self-interest rather than the public interest, and the Commission's existing analog rules for television boosters provide a much sounder basis for developing digital booster rules than does Sunbelt's proposal.

Given the short-sighted and self-interested nature of Sunbelt's proposal, the Commission must reject it. Instead, RPVB submits that the Commission should set forth flexible rules concerning the operation of LPTV, television translator and booster services in digital format, and otherwise rely upon the framework established for these services in the analog context. By so doing, the Commission can both accelerate the DTV transition and minimize disruptions to

existing service.

Respectfully submitted,

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