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June 3, 2004

**Via Electronic Comment Filing System**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Re: *In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television* (Docket No. 03-15)  
**Comments on "Special Submission of the Association for Maximum Service Television, Inc., on the DTV Channel Election and Repacking Process"**

Dear Secretary Dortch:

On behalf of Morgan Murphy Stations, we respectfully submit the following Comments in support of the proposal outlined in the May 6, 2004 "Special Submission of the Association for Maximum Service Television, Inc. on the DTV Channel Election Repacking Process".

Sincerely,

/s/ Robert J. Rini

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# Morgan Murphy Stations

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Morgan Murphy Stations ("Morgan Murphy"), indirectly owns Apple Valley Broadcasting, Inc., licensee of KAPP-TV/KAPP-DT, Yakima, WA and KVEW-TV/KVEW-DT, Kennewick, WA; Spokane Television, Inc., licensee of KXLY-TV/KXLY-DT, Spokane, WA; QueenB Television, LLC, licensee of WKBT-TV/WKBT-DT, Madison, Wisconsin and Television Wisconsin, Inc., licensee of WISC-TV/WISC-DT. Morgan Murphy wishes to express its support for the proposal outlined in the May 6, 2004 "Special Submission of the Association for Maximum Service Television, Inc. on the DTV Channel Election and Repacking Process" with respect to the digital transition. Morgan Murphy believes that the MSTV proposal involves a fair framework that would expedite the provision of DTV service to the communities that Morgan Murphy serves.

From the perspective of a broadcaster in small-to-medium-sized markets with significant investment in its DTV service, **Morgan Murphy believes that MSTV has proposed an effective, logical and coordinated approach to facilitating an orderly transition to digital-only broadcast service.** The transition must preserve broadcasters' ability to provide service and must not undermine the significant investment that stations have made in constructing their DTV channels and initiating DTV service. Fundamental fairness requires that the channel-election and repacking process account for — and preserve — broadcasters' investments in constructing and operating their DTV stations.

Morgan Murphy applauds MSTV's dual-round approach to channel elections because it enhances flexibility for broadcasters with two in-core channels and maximizes the available pool of channels for those broadcasters with one or more out-of-core channels. The dual-round process will facilitate informed channel choices, while subjecting all broadcasters to a single-step channel election would lead to needless delay and uncertainty in channel elections. A single channel-election period would increase the likelihood that broadcasters would elect channels that later turned out to be unavailable because broadcasters' channel elections cannot occur in a vacuum. By contrast, dual-

round elections, would allow broadcasters to resolve most channel-election conflicts *up front during the election process*, thus reducing the need to broadcasters to seek reconsideration of FCC-imposed channel selections.

MSTV correctly notes that the channel selection and the integrity of the FCC's DTV database is vital to the channel election and repacking process. A database-correction process is the necessary first step to providing the basis for informed decisions regarding broadcasters' most appropriate channels for the final DTV table. For example, CDBS engineering data for WISC-TV's analog facilities represent facilities specified in an application that later amended to propose different coordinates and technical parameters. MSTV has correctly noted that DTV database errors relating to the improper identification of licensed channels and station locations will reverberate throughout the election process, resulting in ill-informed choices, an increased likelihood of interference issues and unnecessary impediments to the DTV transition. Broadcasters must be able to rely upon access to accurate station data to make informed channel elections; accordingly, Morgan Murphy concurs with MSTV's database-correction proposal.

For the above-referenced reasons, Morgan Murphy urges the FCC to adopt and expeditiously implement MSTV's proposal.

Respectfully submitted,

**Morgan Murphy Stations**

/s/ Elizabeth Murphy Burns

Elizabeth Murphy Burns, President