



July 27, 2004

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Communication, CS Docket 03-15

Dear Chairman Powell:

It has come to our attention that the Commission may be considering various DTV build-out rules in its August 4 meeting. It is with grave concern that we have heard reports that the Commission is likely to require replication and/or maximization of broadcast facilities *prior to* the date on which analog transmission would cease.

Thirty public television stations have DTV allotments outside the DTV core and have no choice but to relocate their DTV operations either to their former analog channel (if in the DTV core) or another channel. A number of other public television stations anticipate voluntarily relocating their digital operations to their former analog channels in order to preserve the brand-recognition associated with their channel number that they have so carefully cultivated over years of broadcasting, a move that the Commission specifically authorized in recognition of the importance of this fact.

In both cases, a replication and maximization requirement that would apply prior to the return of one of a station's dual channels would require redundant and wasteful expenditures as a station is required to replicate and/or maximize twice. For public television stations, this would entail an unnecessarily wasteful investment of private and public capital that public television stations – and the governmental and community funding sources upon which they rely – can ill afford.

To illustrate the financial burden that a *duplicative replication requirement* would impose, the Commission should consider the case of KCTS, Seattle. Its DTV channel 41 operates at 427 kW. If required to replicate the analog service area prior to transition, it would have to operate at 1,000 kW, which would require it to spend an additional \$500,000-\$700,000 on supplemental transmitter equipment. However, KCTS is planning to convert its analog Channel 9 to digital at the point of transition, and this will require a similar equipment investment. This public broadcaster would therefore have to spend \$500,000-\$700,000 on equipment that would be used for a very short period of time and

no longer needed after transition, over and above an additional equivalent amount required to convert its analog channel to digital operation.

For these reasons, public television stations support requiring replication and/or maximization only *after* digital transition is complete.

Respectfully submitted,

/s/ Lonna M. Thompson
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