

Cohen, Dippell and Everist, P.C.

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Incentive Auction Task Force And Media)	MB Docket No. 16-306
Bureau Seek Comment on Post-Incentive)	GN Docket No. 12-268
Auction Transition Scheduling Plan)	

Comments
on Behalf of
COHEN, DIPPELL AND EVERIST, P.C.

The following comments are submitted on behalf of Cohen, Dippell and Everist, P.C. (“CDE”) and is in response to the Public Notice, DA 16-1095, released by the Commission on September 30, 2016. CDE and its predecessors have practiced before the Federal Communications Commission (“FCC”) for over 75 years in broadcast and telecommunications matters. The firm or its predecessors have been located in Washington, DC since 1937 and perform professional consulting engineering services to the communications industry.

The undersigned is licensed as a Professional Engineer in the District of Columbia and has been in continuous employment with this firm or its predecessors for over fifty (50) years.

The Federal Communications Commission (“FCC”) has prepared in this proceeding a comprehensive program to address the challenges posed by the repack and outlines what it believes are the necessary orderly steps to facilitate the repack. The FCC believes that the orderly repack can be accomplished within the framework of all the existing related equipment manufacturers, station personnel resources competent in RF, competent structural engineers,

competent tower riggers, technical design personnel of new RF systems, and technical preparers of information to be filed with the FCC to report the system as authorized and constructed etc. Station resources also need to be available within that framework to deal with local issues such as zoning, local approvals to meet local codes for modification to transmitter building, electrical and other items necessary for the removal of existing RF equipment and installation of new RF equipment. The FCC envisions that there will be temporary authorizations required to maintain continuity of service. To meet the challenge of possible repack of upwards of 60% or greater full-service digital stations (including Class A) in a 39-month timeframe, the FCC has developed three additional computer programs – optimization program to complete final channel assignments, the phase assignment program and the phase scheduling program.

The overall FCC plan can be analyzed by separation of the various elements into five steps.¹

Step

One: FCC provides procedures and requirements for channel repack of upwards of 1100 stations

Two: Method by which the above procedure and requirements can be compared with prior complicated allocation changes to provide a realistic result

Three: Industry capability to achieve the above

Four: Impact to “off-air” reception, to cable headends and to supplemental operations such as translators

¹Adopted and revised from June 2013 publication of *InCompliance* article entitled, “ESQ Standards and Annual Process Report” page 45

Five Implementation of all the above within 39 months.

Step One: This element is under the full control of the FCC including the inauguration of FCC electronic Form 2100, Schedule A and Schedule 399 in Licensing and Management System (“LMS”).² For non-licensed groups who will be involved in assisting in some capacity of the repack, the FCC has to date foreclosed these groups from independent evaluation. In order to obtain either form, one must have a facility’s Federal Registration Number (“FRN”) and password³. Firms such as ourselves are left out of this process with LMS, Form 2100, Schedule A and Schedule 399.

Step Two: There is no comparable proceeding known that compares with the magnitude of the repack. This firm has participated in AM competitive hearings⁴, the FM Class A⁵ proceeding and the TV transition from analog to digital⁶. None provide a comparable experience to that envisioned for the repack.

Step Three: This firm invites those RF equipment manufacturers and suppliers, structural engineers, tower crews and other providers to provide their insight and expertise of meeting and fulfilling unique to their industry the challenges imposed by the transition and repack. As to this firm, it is

²Informal requests have been made to the FCC and to-date have been overlooked. This was not a requirement for FCC Form 301, 302, etc. whereby download of blank form was possible

³This firm over the past sixty (60) years has provided filing assistance to a number of TV stations

⁴The KOB proceeding, Docket No. 6584, File No. BMP-1738; Docket No. 6585, File Nos. BL-1799 and BZ-1583

⁵*“In the Matter of Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments”* BC Docket No. 80-90, RM-2587, RM-3226, RM-3367, Report and Order, Adopted: May 26, 1983; Released: June 14, 1983

⁶*“In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service”*, MB Docket No. 87-268, Seventh Report and Order and Eighth Further Notice of Proposed Rule Making, Adopted: August 1, 2007; Released: August 6, 2007

composed of a secretarial, drafting and IT staff who on average have been with the firm over 25 years. That timeframe included the TV transition from analog to digital.

Within the last six weeks, this firm has been in the process of preparing the engineering portion of 2 TV existing translator site moves and 2 digital full service relocation applications. Two of the three transmitter sites were known to this firm. One of the facilities required update to the microwave system. All sites were multi-use sites which required detailed exposure studies to determine compliance with Section 1.1306 of the FCC Rules. This firm strongly believes the recent filings by others it has reviewed that only “check the box” with a simple narrative is not necessarily sufficient. With the repack, it is almost a certainty a lower channel will be assigned. This will result in a longer antenna aperture and a heavier antenna. For many installations in order to not compromise that tower’s integrity a shorter, lower gain antenna may be required.

If that occurs downward exposure levels may be increased significantly. If true, this will require more than a checked box and a simple explanation to the question entitled, “Environmental Effect” Page 13 of 18⁷. The lower channel will result in the reduction in effective radiated power (“ERP”) the provision of Section 73.625 entitled, “DTV Coverage of Principal Community and Antenna Systems” of the FCC Rules may be required. That question to our knowledge does not appear in FCC Form 2100, Schedule A.

The significance of this firm’s recent experience of preparing the above-referenced engineering portions of an application is they were all generally routine filings requiring

⁷FCC Form 2100 does not have page numbers

additional information about the antenna site and the location of the antennas on the tower.

These filings take more time to prepare and it is anticipated there will be a high percentage of filings that will fit this category.

This firm will not be a known participant whereby providing incomplete or incorrect information when providing assistance with FCC Form 2100, Schedule A or Schedule 399 or routine updates that will be required on the status of the buildout. In other words, this firm due to the complexity of the transition and the ability to acquire reliable technical information will be constrained by the number of applications it will be able to participate and complete within the three months proposed window. This is with a seasoned staff that participated in the prior analog to digital transition.

Step Four: The impact to off-the-air reception will be considerable, especially in outlying areas where outdoor antennas are installed. As Richard Janssen, then-Head of Nationwide Insurance Company's broadcast group said, "Stations can lose their audience faster than they can gain them back." He opined it cost 5 times more to regain a lost audience member than it cost to keep them. The whole process with the viewer receiver reprogramming of channels, the differences in propagation of the new channel, the inevitable changes in antenna pattern compromises due to the expected lower channel, the anticipated interference permitted in the repack does not bode well for off-the-air viewers. This off-the-air audience has been acquired over the past 7 years. This is certainly be true for translator stations including those associated with full service stations in outlying areas that will probably be forced off-the-air.

The FCC is urged to be cognizant of these factors during its further deliberation.

Step Five: In the FCC Public Notice dated June 9, 2015 entitled, "Media Bureau Announces Incentive Auction Eligible Facilities and July 9, 2015

Deadline for Filing Pre-Auction Technical Certification Form”, Released: June 9, 2015, numerous problems were encountered when filing electronically with FCC Form 2100, Schedule 381. The Public Notice gave initial July 9, 2015 or 1 month. Issues with the effective radiated power in terms of power or dBk, the directional antenna relative field authorized value in CDBS uses 3 digits - LMS uses 2 digits. Also, the then-381 schedule provided a pre-filled that was incorrect and could not be changed. The problem was the FCC expects the authorized representative to certify all information.

Another instance which came to our attention is a long time tower crew company is now being formed with new tower climbing members. Routine maintenance on the tower by these new members is taking 3 to 4 times longer than anticipated. This has occurred 2 or 3 of the last scheduled tower maintenance. We do not believe this is an unusual occurrence.

Summary

This firm looks forward to a repack transition with sufficient time that all stakeholders will be able to achieve and meet the goals outlined in the repack.

Respectfully Submitted,

Donald G. Everist



DATE: October 31, 2016