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Federal Communications Commission
Office of the Secretary

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STEPHEN A. HILDEBRANDT
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ORIGINAL
FILE

December 20, 1991

Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: In the Matter of Advanced Television Systems and Their
Impact Upon the Existing Television Broadcast Service

Dear Ms. Searcy:

On behalf of Westinghouse Broadcasting Company, Inc., enclosed for filing with the Commission is an original and nine (9) copies of its Comments In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket No. 87-268.

Should there be any questions in connection with these Comments, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Stephen A. Hildebrandt".

Stephen A. Hildebrandt
Chief Counsel

Enclosures

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

Federal Communications Commission
Office of the Secretary

In the Matter of Advanced)
Television Systems and)
Their Impact Upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268



COMMENTS OF WESTINGHOUSE BROADCASTING COMPANY, INC.

Westinghouse Broadcasting Company, Inc. ("Group W") hereby files its Comments in the above-captioned Notice of Proposed Rule Making on Advanced Television Systems, MM Docket No. 87-268, FCC 91-337, released on November 8, 1991.

In this Rule Making, the Commission has proposed important and far-reaching policies to guide the development of HDTV through its next significant stage. The Commission continues to recognize the importance of free, over-the-air television in this country, and the need of the broadcasting industry to participate fully in HDTV at the earliest possible juncture. As the owner of five major market television stations,¹ and an active participant in the HDTV development process,² Group W applauds the Commission's continued careful effort in the advanced television field

¹ KYW-TV, Philadelphia, Pennsylvania; KPIX, San Francisco, California; WBZ-TV, Boston, Massachusetts; KDKA-TV, Pittsburgh, Pennsylvania; and WJZ-TV, Baltimore, Maryland.

² Group W's Chairman is a member of the FCC Blue Ribbon Committee on HDTV. Group W engineers have been active members of the Advisory Committee working parties. Group W is a member of the ATSC and sits on its Advisory Committee. Group W's parent, Westinghouse Electric Corporation, has been commissioned to conduct audio comparison tests by the ATTC. Over the last four years, Group W has invested close to one million dollars in ATV technology development.

and is prepared to embrace this new technology and thereby improve the quality of free television service to the American public.

While Group W and other broadcasters are anxious to take advantage of this technological advance, the implementation of HDTV does pose difficult economic and technological problems. The manner in which these problems are addressed will determine whether broadcast television can successfully compete in the HDTV marketplace of the future. Broadcasters have thought through these issues carefully and many have joined in Joint Broadcaster Comments ³ which address the complete range of proposals found in the Commission Notice. Group W has joined in and endorses those Comments. These additional Comments will provide a supplement on several issues about which Group W is deeply concerned. These issues include eligibility, timing, allotment and assignment, simulcasting, compatibility, and cable carriage.

I. Eligibility.

Limiting eligibility for the limited additional spectrum available for HDTV to existing broadcasters is absolutely necessary to protect the current free over-the-air broadcasting service in this country. HDTV is truly an enhancement of existing broadcasting service to the public. In addition, established broadcasters are clearly in the best position to most rapidly develop this technology and bring its benefits through free television to all of the American people.

We are hopeful that sufficient spectrum will exist to accommodate existing licensees, permittees and applicants. However, if there is a

³ See Joint Broadcaster Comments filed in this Docket.

spectrum shortfall, public interest dictates that the existing licensees be given preference over unused allotments, permittees and applicants who have not yet established their broadcaster and public service credentials. For the same reasons a renewal expectancy is given to existing licensees, the Commission should find that operating broadcasters have a public interest preference over those who have not yet gotten on the air.

II. Allotment and Assignment.

Group W strongly supports the proposal put forth in the Joint Broadcaster Comments to assign HDTV channels at the same time that a broadcast HDTV transmission standard is adopted and to adopt a channel assignment plan based on technical and engineering considerations rather than random selection. The use of engineering criteria, including the location of current transmitter sites, will provide the Commission with the best opportunity to optimize the number of ATV channels and maximize the extent to which they are capable of replicating the existing broadcast service. These are goals which the Commission should have at the forefront of its public interest agenda as it considers HDTV.

Every effort should be made to accommodate all existing licensees in the allotment process. Furthermore, every effort should be made to allow stations (at a minimum) to serve their entire current service area with an HDTV signal. These should be primary considerations in the selection of an HDTV transmission standard.

After the initial allotment and assignment process is complete, this process should be complemented through the allowance of private negotiations to adjust the marketplace among the assignees of HDTV frequency allocations. It may be that even the best engineering and

technical efforts described above do not bring results which would optimize service in individual markets. In that case, broadcasters should have the opportunity to negotiate privately with other assignees if broadcasters feel that they can better serve their public with different assignments. The multitude of technical and economic considerations are so great that the Commission may not be able to foresee them all. Private negotiation may expeditiously complete that process in some cases.

III. Timing.

The Commission's proposal of three years to apply for a construction permit is aggressive but fair in Group W's view. If HDTV is to be the broadcast medium of the future, broadcasters must move quickly to adopt it in order to meet the challenge of their non-broadcast HDTV competitors. However, there is no factual basis to establish a firm construction period limit at this time. Too many uncertainties and marketplace questions exist to make any reasoned judgment at this early date. For example, it may be extremely difficult for equipment manufacturers to satisfy the needs of all broadcasters under the suggested two-year time frame. It would be unfair and catastrophic to a broadcaster to lose its HDTV opportunity for reasons essentially beyond its control.

If HDTV reaches the promise in the consumer marketplace which is expected, there will be an eventual complete conversion from NTSC to HDTV. However, it is simply impossible at this point to tell how the marketplace will develop and under what timetable. Therefore, the Commission should not set a definite date, or even establish a definitive formula, for ultimate conversion from NTSC to HDTV. There will be plenty of time in the upcoming years for the Commission to revisit this issue after

we all have experience in the HDTV marketplace. The public would be far better served by such an informed decision in the future than a “guess” in the present.

The Commission has asked for comment on whether, after a transition period, broadcasters should be allowed to transfer HDTV back to the VHF band. They ask for further comment on requiring broadcasters to relinquish rights to one of the two channels after the transition is complete. While these questions are important, the time is not ripe to even attempt to answer them. There may be legitimate technological reasons for preferring HDTV in the VHF band rather than the UHF band. This question will not be answerable until after the testing is complete, a system is determined, and years of experience provide practical field-tested solutions. Similarly, it is not necessary or prudent to pre-decide the future fate of spectrum currently used for NTSC transmission. In 10 years, the spectrum needs of various entities may be far different than they are today. Public interest dictates that this spectrum decision be made at a time closer to the completion of the HDTV transition process rather than near its beginning.

IV. Simulcasting.

Since broadcasters will be investing substantial sums of money to bring HDTV to the American public, they should be allowed maximum flexibility in programming the HDTV channel to attract an audience and develop a return on their investment. The availability of HDTV programs will be directly related to the development of the HDTV marketplace. Without a substantial number of stations broadcasting in HDTV and a substantial number of sets receiving HDTV, programmers will not be

investing in HDTV production. It is impossible to predict at this time just when sufficient HDTV programming will be available to fill the channels. In the meantime, broadcasters' existing ability to serve the public on their NTSC channels and receive reasonable revenues from those channels must continue. It is the continuing strength of NTSC channels which will allow broadcasters to invest in HDTV for the future.

As HDTV set penetration increases, and HDTV programming becomes readily available, the Commission will be able to revisit the simulcast question. The important thing to realize is that there will be an extended period of transition. Much as both the industry and regulators would like to make HDTV an instantaneous success, immediate conversion is impossible. The introduction of other new technologies, such as color television and FM radio, have taught us that the transition curve is lengthy and subject to many variables. The future of free over-the-air broadcasting, particularly in view of the increasing competitive challenge of viewer-supported services, requires the Commission to allow maximum flexibility in programming and marketing the new HDTV channels. Broadcasters will have a substantial incentive to seek out and place as much HDTV format programming on their new channels as is possible. This is how they will compete with other media. Special programming, unique to HDTV, may be the driving force for consumer experimentation with HDTV. At the same time, traditional programming, particularly news, may not be available soon in the HDTV format. To replace all local news studio and ENG news gathering equipment with HDTV format equipment will be very expensive. It may not be economically feasible in the early years of HDTV. As set penetration and advertising revenues justify this additional investment, broadcasters will continue to convert their equipment and

bring the full transition to HDTV closer to fruition. The Commission will be able to monitor these developments and make a decision on the public interest issues surrounding simulcasting at that time.

V. Compatibility.

While the compatibility of the HDTV broadcast standard with computers and related alternative media is a legitimate issue, and is desirable over time, delaying the implementation of HDTV for broadcast purposes to determine and answer all the nuances of potential compatibility is not in the public interest. In fact, in a digital television environment, most of the issues of compatibility will be solvable at some future time. Therefore, Group W urges the Commission to move forward rapidly with the testing and adoption of a broadcast HDTV standard and not slow down the process to ensure compatibility in the future. This standard must be tailored to maximize the ability of broadcast stations to serve the public. Technological developments will no doubt provide whatever compatibility is necessary in due time.

VI. Cable Carriage of HDTV Channels.

As has been thoroughly argued in other Commission proceedings, cable carriage of over-the-air broadcast signals is essential to the survival of free broadcast television. This is because the majority of broadcast television viewers receive their signal by cable. Cable carriage of a broadcaster's HDTV signal will be especially important as this new technology attempts to attract viewers and get off the ground. Group W recognizes that requiring must-carry of both a broadcaster's NTSC and HDTV channels may provide a hardship to some cable operators with limited channel capacity. Still, the Commission must address this issue in

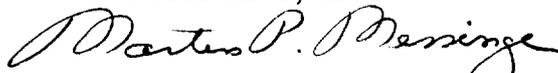
order to meet its public policy goals for HDTV. Therefore, Group W urges the Commission to adopt at this point a policy statement regarding the importance of cable carriage for HDTV and NTSC channels. In addition, the Commission should monitor the progress of HDTV in the marketplace and the rapid expansion of cable channel capacity which is expected in the upcoming years. At the appropriate time, the Commission should adopt reasonable carriage requirements which will allow HDTV to flourish.

CONCLUSION

Group W urges the Commission to carefully consider the marketplace realities of its HDTV decisions today and in the future. While we all should be aggressive in moving forward with the implementation of HDTV, many of the questions posed by the FCC in this Rule Making, particularly those of timing, cannot be answered until we observe how the market reacts. Therefore, the public may very well be best served by the Commission reserving decision on some of these issues until the marketplace develops and the public's acceptance of this new service is established.

Respectfully submitted,

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