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ADMITTED IN D.C. ONLY

November 16, 1992

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

OUR FILE NO.
0200-130

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Washington, D.C. 20554

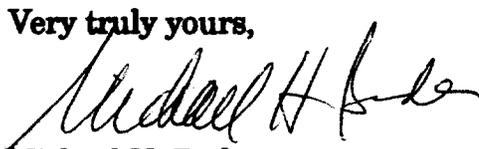
Re: MM Docket No. 87-268

Dear Ms. Searcy:

On behalf of TV 14, Inc., licensee of WTLK-TV, Rome-Atlanta, Georgia, I transmit herewith, for filing and distribution to the Commissioners, an original and nine copies of its Comments on Second Further Notice of Proposed Rule Making in the above-referenced proceeding.

Kindly communicate any questions concerning this matter directly to this office.

Very truly yours,


Michael H. Bader

MHB/app

Enclosures

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before The
Federal Communications Commission

Washington, D.C. 20554

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

MM Docket No. 87-268

TO: The Commission, *en banc*

**COMMENTS ON SECOND FURTHER
NOTICE OF PROPOSED RULE MAKING
MM DOCKET NO. 87-268
FILED FOR WTLK-TV, CHANNEL 14
ROME-ATLANTA**

WTLK-TV, Channel 14, Rome-Atlanta, Georgia, files these comments on the FCC's *Second Further Notice of Proposed Rule Making, MM Docket No. 87-268.*

WTLK-TV operates on Channel 14 with a major transmitting location ideally suited for the entire northwest part of Georgia. Its city grade coverage extends over Atlanta. It has achieved FCC status as a Rome-Atlanta station for syndicated exclusivity purposes, and has pending a petition to redesignate for all purposes as Rome-Atlanta.

WTLK-TV suffers from lack of cable carriage. Its plight is well known to the Commission.

WTLK-TV believes that the following nine principles should control the course of these proceedings:

1. Which ATV System? It is vital that there be no preclusion of alternative technology, such as that under development by William Schreiber, simply for speed of implementation of ATV. As it is in all forms of electronic technology, the greatest advancements have come with refinement and adaptation once the system has been introduced-- not with the introduction itself. We are deciding our future. In doing so, we should avoid repeating the mistakes of the past--NTSC and AM stereo, for example. There is no need to rush for speed's sake only.

2. Minority and Small Broadcasters. There must be no undue burden placed on the small or minority-owned broadcaster by ATV, to the benefit of the larger broadcaster. Many large broadcasters are also cable operators, or have close alliances with cable operators. These alliances can and often do work hand-in-hand to prevent local competition from smaller or minority-owned broadcasters. With the necessity of second-channel carriage, it must be assured that the small or minority-owned broadcaster is both protected from removal (to make room for the larger broadcaster's ATV signal,) and guaranteed of carriage if he makes what will be a monumental investment in ATV.

3. How to Allot the ATV Channels. There must be fair and equitable criteria established for channel pairing, and this must also guarantee the status of the small, minority-owned or rural broadcaster. For example, in the Atlanta ADI, such a broadcaster might be at a definite disadvantage when he begins the proposed negotiations with Cox, TCI/Turner, Gannett, Gillette, Tribune, and Chase. These are the major players in the market.

The proposals of assignment by present market ranking and of allowing the large broadcaster to "negotiate" changes outside his immediate market, are certain to force the small, minority-owned or rural broadcaster into inferior positions.

The only obvious solution seems to be by frequency-based pairing, where the existing stations receive the lowest available ATV channel in order of their NTSC frequency assignments.

Accordingly, since it seems evident that the FCC prefers an all-UHF service, the test of equality of signal between all broadcast interests should be supported. All viewers should not have to pay for VHF/UHF ATV receivers when only a small minority will receive the VHF ATV channels that are proposed.

4. Land Mobile. Serious consideration should be given to elimination of conflict between television and land-mobile assignments. This might best be done, for example, by reassigning the lower two-thirds of Channel 14 (WTLK-TV's current channel) and the upper two-thirds of Channel 69 to land-mobile, and removing these from ATV allocation. A permanent two megahertz guard band could then be established between land-mobile and each side of a unified TV band. In addition, existing land-mobile in the UHF TV band could be reassigned to these newly-created spaces outside the TV band and guard band.

5. Timetable. No small market or minority broadcaster should be forced into an arbitrary timetable for conversion to ATV, abandonment of NTSC, or a requirement for non simulcast programming on the ATV/NTSC channel pairs. These are likely to create an impossible

burden on small and minority-owned broadcasters, many of whom already face severely restrictive competition from on-air and cable.

Consumer response to ATV is initially likely to be lethargic, as it was during the first fifteen years of NTSC color, and it seems certain that all set manufacturers will make ATV receivers downwardly-compatible with NTSC. Therefore, there need be no rush, especially if the lowest-to-lowest channel pairing proposed in item (3) above were adopted, eliminating channel competition.

6. Equipment Usage. To further lessen the economic burden of adding ATV capability, stations should be allowed complete freedom to develop or modify present equipment to generate their ATV signal, provided that all adopted technical standards are met.

7. Interference. While it is recognized that certain assignments, such as the Atlanta assignment of ATV Channel 15 within forty-two miles of WTLK-TV's present NTSC Channel 14 site, are likely to cause interference, the potential of ATV outweighs the harm of such temporary interference, and such interference should be tolerated.

8. Coverage. Existing contours for NTSC stations should be the minimum criterion for ATV coverage areas, and wherever possible, ATV contours and protection should meet or exceed present maximum NTSC service areas. To facilitate this, a definite end date for actual beginning of operation of new or majorly-changed NTSC facilities should be adopted, and the remaining channels, unused as of that date, be available for ATV use in the same market area.

Further, the rules should allow the possibility of dual swaps, where the conversion and reversion channels may be interchanged at

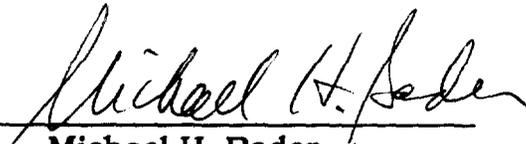
some point. This should be allowed within the UHF band if all interference criteria are met.

9. Adequacy of Signal. There should be no arbitrary limit, such as 10 dB below maximum NTSC power level, established until there has been sufficient field analysis during actual station operation in urban areas to determine real-world signal adequacy.

WTLK-TV believes that the above criteria are vital to the establishment of a sound and workable ATV system.

Respectfully submitted,

TV 14, INC.

By 
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Its Attorneys

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