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November 22, 1996

VIA COURIER

William F. Caton, Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, NW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: **COMMENTS OF COMMUNITY TELEPLAY, INC.**
MM Docket No. 87-268
FCC 96-317

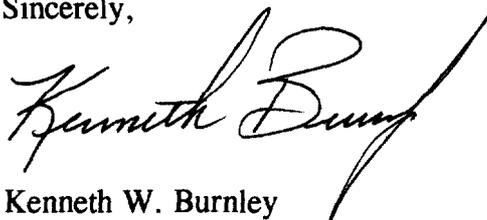
Dear Mr. Caton:

On behalf of Community Teleplay, Inc. ("Community Teleplay"), enclosed is an original and ten (10) copies of Community Teleplay's comments in response to the Commission's Sixth Further Notice of Proposed Rulemaking in MM Docket No. 87-268, FCC 96-317, released August 14, 1996 ("Sixth Notice").

Also enclosed is a related file copy for our office. Please stamp as received the enclosed file copy and return it to our office in the envelope provided.

If you have any questions or concerns, please contact me at (202) 371-1078.

Sincerely,



Kenneth W. Burnley

Enclosures

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

NOV 22 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact Upon the)
Existing Television Broadcast)
Service)

To: The Commission

COMMENTS OF COMMUNITY TELEPLAY, INC.

Community Teleplay, Inc. ("Community Teleplay") hereby submits comments in response to the Commission's Sixth Further Notice of Proposed Rulemaking in MM Docket No. 87-268, FCC 96-317, released August 14, 1996 ("Sixth Notice").

Community Teleplay is the licensee of a low power television ("LPTV") station presently broadcasting on UHF Channel 45 to viewers in the Norfolk, Virginia area. Community Teleplay also is the licensee in the Interactive Video and Data Service ("IVDS") for the Norfolk-Virginia Beach Metropolitan Statistical Area, having won its IVDS license at the FCC's IVDS auction in July, 1994.

Community Teleplay is an entrepreneurial company focused on bringing new interactive media services to the public in the Norfolk-Virginia Beach MSA. Community Teleplay is diligently working with a number of IVDS equipment and technology developers for that purpose. Community Teleplay intends to construct a wireless network capable of providing a wide variety of services including interactive television ("ITV"), two-way mobile messaging, vehicle tracking, remote reading of utility meters, and remote

vehicle tracking, remote reading of utility meters, and remote monitoring of vending machines and security systems.

Community Teleplay's LPTV station is a crucial element of its plans. First, as a start-up company, Community Teleplay requires revenue to fund its developmental stage, which includes purchasing equipment and constructing a pilot system that can demonstrate IVDS applications. The LPTV station provides Community Teleplay with revenue to serve that need. Second, apart from being a revenue generator, Community Teleplay's LPTV facility figures prominently in its plans to develop ITV applications. Specifically, one ITV technology Community Teleplay is exploring will permit information from a host server to be encoded onto the Vertical Blanking Interval portion of the Community Teleplay's television channel. The information could be decoded by a set-top box and viewed over the user's television screen. A radio modem embedded in the set-top box would transmit the viewer's responses over Community Teleplay's IVDS frequency.

Community Teleplay's LPTV station thus plays a crucial role in Community Teleplay's plans to develop innovative interactive media services in its market. Community Teleplay believes the Commission should take such facts into account when analyzing the impact of Advanced Television Systems ("ATV") on existing television service, including LPTV stations which, in Community Teleplay's case, is being operated and developed by a small, entrepreneurial business.

The Commission's Sixth Notice addresses LPTV concerns at paragraphs 64-72. Community Teleplay supports the following

specific proposals made by the Commission in the Sixth Notice:

1. Displaced LPTV stations should be able to apply for a suitable replacement channel in the same area without being subject to competing applications, including those LPTV licensees whose facilities have or would be predicted to conflict with a DTV station operation (Sixth Notice, ¶67).
2. LPTV stations should be permitted to operate until a displacing DTV station or a new primary service provider is operational (Sixth Notice, ¶67).
3. LPTV stations should be permitted to file non-window displacement relief applications to change their operating parameters to cure or prevent interference caused to or received from a DTV station or other protected service (Sixth Notice, ¶67).
4. The actual criteria for controlling interference between LPTV and DTV should be based on specific desired to undesired (D/U) signal levels and the actual technical parameters of each station (Sixth Notice, n. 68).
5. The parameters for a D/U study should be based on the actual findings of the Grand Alliance DTV system, which shows 1.81 dB as the value for a co-channel D/U ratio for NTSC to DTV (Sixth Notice, Appendix A at p. A-2).

While Community Teleplay supports these Commission proposals which reflect an intent to accommodate LPTV concerns, additional rules are needed. First, the final rules should make clear that, when performing interference analyses, parties should use the currently licensed parameters of the stations involved, i.e., Height Above Average Terrain ("HAAT") and Effective Radiated Power ("ERP"), rather than the maximum parameters permitted under the Commission's rules. Permitting parties to use hypothetical maximum parameters -- parameters which may never be implemented -- will result in inefficient use of the broadcast spectrum by unnecessarily restricting low power operations based on hypothetical interference concerns.

Further, the final rules should make clear that allocated DTV channels can only be used for DTV, not NTSC, and a primary station should not be allowed to switch from digital to analog operations on the allocated DTV channel during the transition period unless affected co-channel stations have consented to the switch. The reason is simple. Whereas an analog LPTV station may not cause interference to a digital station's operations on an allocated DTV channel, interference concerns might arise if the station switched and began higher-power analog transmissions on the DTV allocated channel. Since DTV allocations were made to avoid interference, the rules should be clear that the station cannot use its DTV allotted channel for analog operations.

In addition, LPTV operations should be accommodated by restricting such stations only to the necessary D/U ratios to prevent interference to other services and other LPTV stations, and unnecessary "taboos" should be eliminated.

As a specific example, the + 7 NTSC-DTV taboo should be eliminated. The + 7 taboo is an oscillator image taboo which is outdated due to technological improvements in television sets and changes in the Commission's regulations regarding incidental radiation. In addition, because of the digital design of DTV sets, it is unlikely that elimination of the + 7 taboo would have any effect on DTV reception.

Moreover, LPTV operations should be permitted on channels outside the core digital TV spectrum area. If available, displaced LPTV stations should be permitted to relocate to such channels and

continue their operations.

Further, in order to provide low power operations with additional flexibility, those that are adversely affected by the implementation of DTV or spectrum recovery efforts should be allowed to take terrain and other appropriate engineering factors into account, including the use of directionalized antennas, in identifying replacement channels. Low power stations should be permitted to use any available channel provided interference is not caused to any authorized full service NTSC or DTV operations or to other authorized low power operations.

The final rules should also make clear that a new primary station could displace an LPTV station only if there was another channel available to the LPTV station and the new station was willing to pay the costs associated with the relocation.

Moreover, the Commission should set aside frequencies between channels 52 and 59 as a guard band specifically for displaced LPTV stations.

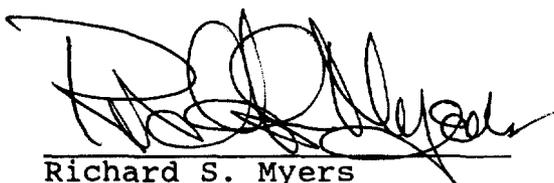
Once DTV channels have been allotted to full service television broadcasters, licensed LPTV stations should be afforded a window of opportunity to seek "primary" use of DTV channels ahead of new broadcast entrants. Such station should be permitted to seek either full service DTV licensees or facilities that would replicate their LPTV coverage area. In areas where there would be more LPTV stations than available channels, the FCC should conduct the appropriate licensing proceeding using a lottery. The FCC should allow multiple LPTV licensees to share a DTV channel, by

multiplexing their signals because such operations will maximize the efficient use of the spectrum.

Once the final DTV allocation has been made, LPTV stations also should be permitted to apply for primary status as analog stations. The Commission should entertain such applications by LPTV stations to convert to primary, full-service licensees based on a showing that the station does not and will not cause interference with any other primary station (NTSC or DTV) and agrees to accept all of the public interest obligations of a primary, full-service licensee.

As a final matter, it appears that Community Teleplay may be displaced under the current DTV allotment table by the DTV allotment (channel 52) made to current Channel 13 NTSC licensee in Hampton, Virginia. Community Teleplay will be filing further comments in this proceeding suggesting changes to the allotment table that will eliminate this displacement effect.

Respectfully submitted
COMMUNITY TELEPLAY, INC.

By: 
Richard S. Myers
Its Attorney

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November 22, 1996