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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF 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

**COMMENTS OF
THREE ANGELS BROADCASTING NETWORK, INC.**

On behalf of Three Angels Broadcasting Network, Inc. ("3ABN"), we hereby submit these Comments in response to the Commission's *Sixth Further Notice of Proposed Rule Making* ("*Sixth NPRM*") in the captioned proceeding, in which the Commission proposes to allot a second 6 MHz channel to each full power television station for digital television ("DTV") purposes, in a manner estimated to result in the destruction of up to 45% of all existing low power television ("LPTV") stations. *Sixth NPRM*, ¶ 66. Such a proposal would be devastating to 3ABN and its thousands of viewers throughout the United States. Additionally, the Commission's plan to abandon NTSC programming and to force all broadcasters to switch to digital broadcasting will result in the loss of many broadcast stations and the loss of all television service to those who cannot afford the necessary receive equipment.

Three Angels Broadcasting Network

3ABN, which is headquartered in Thompsonville, Illinois, is the broadcast center for the worldwide ministry of the Seventh-day Adventist Church, which has more than 8 million members worldwide. The membership of the North American Division exceeds

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800,000 persons served by more than 4,600 churches. 3ABN's primary method of communicating to and with its members is through a network of LPTV stations throughout the United States. Indeed, as of this writing, 3ABN programming is carried on 79 LPTV stations licensed to it or various affiliates and has 20 LPTV construction permits. A list of stations carrying 3ABN's programming is attached as Exhibit 1. Its programming is also carried by 14 cable systems in 9 different states (and in Canada) and by schools and hospitals located throughout the United States. *See* Exhibit 2.

3ABN's LPTV network, which has been operational for 11 years, brings much more than religious programming to its many viewers. Its unique programming includes health-related and educational programs, childrens programs, documentaries, drama, entertainment and multilingual programming. *See* Exhibit 3. Many of 3ABN's stations serve minorities and communities not otherwise served by any other full power or LPTV stations. 3ABN receives literally thousands of letters every month from viewers whose lives have been touched and improved by 3ABN's programming. Some of those letters come from alcohol and drug dependent persons and even from incarcerated persons who say that 3ABN has helped better their lives. The loss of up to 45% of its stations would be nothing short of devastating to 3ABN and its viewers. 3ABN is heavily dependent upon the financial support provided by its viewers and the public interest would be greatly disserved by depriving those viewers of 3ABN programming, on which they have come to rely for issues of faith, health, education and entertainment.

The Benefits of LPTV Programming Would Be Destroyed by the Commission's Current Proposal

Both Congress and the Commission have extolled the benefits of LPTV stations, yet the Commission's current proposal relegates its recognition of these benefits to mere lip service.¹ As recently as 1994, the Commission recognized that:

The LPTV service is more than meeting its expectations. Today 1400 LPTV stations serve diverse audiences in more than 750 communities and in all 50 states. These communities range in population from the hundreds to the millions. The hallmarks of the LPTV service are TV "localism" and specialized "niche" programming. . . . The LPTV service also has contributed to increased diversity in broadcast station ownership. LPTV station licensees include schools, colleges, churches, community groups, newspaper publishers and radio and TV broadcasters.

First Report and Order in MM Docket No. 93-114, 9 F.C.C. Rcd. 2555, ¶¶ 2-3 (1994). There is nothing in the Communications Act that *requires* the Commission to allot second 6 MHz channels to all full power television stations and to give these channels away for free, at the expense of numerous LPTV stations that will be lost in the shuffle. LPTV stations not only fail to benefit from this giveaway, but must suffer a tremendous net loss of service as envisioned by the Commission's proposed allotment scheme. FCC Chairman Hundt called

¹For example, in urging cable must carry rights for LPTV, Congressman Markey stated that, "low-power television stations that originate programming often provide the only local television service to small communities and to minority, ethnic and specialized interest groups. . . . We should encourage the development of these low-power stations." 136 Cong. Rec. H. 7249-02, H. 7266 (1990). Additionally, in passing copyright legislation rendering LPTV stations "local" for copyright purposes, Senator Mathias stated, "As long as we continue to make the benefits and burdens of compulsory licensing available for full power television, I think it is only fair and equitable to treat low power television in a consistent manner." See 123 Cong. Rec. S. 11109-01 (1986). Senator Leahy added, "I think the public interest will be well served by fulfilling the promise of low power television to expand the choices and viewpoints available to television viewers." *Id.*

this proposal "the single biggest gift of public property to any industry in this century."² The Commission would do well to heed the words of its own Chairman.

The Commission must develop an allotment plan that takes LPTV into consideration. Its proposal to "recover" Channels 60-69 and consideration of an auction for such channels in the face of such a massive loss of LPTV service strongly suggests that the Commission is putting monetary considerations ahead of the public interest. Although LPTV is a secondary service subject to displacement by full power stations, the viewing public does *not* differentiate between full and low power TV stations and, in most cases, viewers do not even realize they are watching a low power station. The Commission implicitly recognized the public interest benefits and audience loyalty attributable to LPTV stations when it imposed an application freeze on LPTV in the same markets in which it had earlier frozen full power applications in anticipation of DTV. *See Public Notice*, Mimeo No. 12124 (released Mar. 12, 1991). The Commission froze new LPTV stations in these areas "to minimize the extent to which low power TV and TV translator service to the public may be disrupted." *Id.*

The Commission took further steps to "contribute greatly to the orderly development and stability of the low power television service," when it adopted its "displacement" policy, permitting LPTV stations that are displaced by conflicting primary services to move to a different channel without facing competition from other applicants. *Report and Order* in MM Docket No. 86-286, 2 F.C.C. Rcd. 1278 (1987). Accordingly, we applaud the Commission's proposal to "continue to permit displaced low power stations to

²*Broadcasting & Cable* at 18 (July 29, 1996).

apply for a suitable replacement channel in the same area without being subject to competing applications" in the context of the DTV proceeding. *Sixth NPRM*, ¶ 67. We also applaud the Commission's proposal to permit LPTV operations on channels outside the core digital TV spectrum. *Id.*, ¶ 68. However, more can and must be done to protect the LPTV service and to prevent the loss of up to 45% of all LPTV stations, which appear to have been deemed expendable by the Commission.³

Recommendations

First, the Commission should rethink its proposed allotments to include LPTV in the DTV data base with a view toward causing the least possible disruption to existing LPTV stations. Second, since the Commission is proposing to give second channels to full power licensees without charge, it only makes sense to have those licensees compensate existing LPTV stations for any required move or displacement, as suggested in paragraph 68 of the *Sixth NPRM*. It is the LPTV licensees who can ill afford additional expenses, much less a cessation of all operations, while the wealthier full power licensees get a second equally valuable channel for free. This is a flagrant example of the Commission allowing the

³In the *Second Report and Order* in this proceeding, the Commission stated that it would "not deviate from established precedent and afford a preference to translators over low power stations should displacement be required." 7 F.C.C. Rcd. 3340, ¶ 41 (1992). We note, however, that in the *Sixth NPRM*, the Commission states that "about 80-90 percent of all TV translators would be able to continue to operate" under the Commission's current proposal while only "about 55-65 percent of existing LPTV operations" would be saved. *Sixth NPRM*, ¶ 66. We assume this disparity results from the fact that TV translators tend to be in more remote areas where there are fewer full power licensees, and thus, more channels are available. However, to the extent this represents a change in Commission policy favoring translators over the LPTV service, 3ABN strongly objects to such a discriminatory policy. Indeed, it can be argued that LPTV stations tend to be more localized, and thus, serve the public interest better than translators that are merely repeating the signal of a distant full power station.

rich to get richer while the poor become poorer. Perhaps it is too cynical to suggest that the Commission's allotment scheme confirms that "money talks." Yet, it does not take a brain surgeon to recognize that a loss of up to 45% of its existing stations would be devastating to 3ABN and its viewers.⁴

Third, the Commission should not require mandatory conversion to digital broadcasting. Such a conversion will be prohibitively expensive to small businesses, nonprofit organizations and independent broadcasters. Aside from the discriminatory impact it would likely have on minority-controlled broadcasters, low power TV stations would be literally forced off the air, even if they had a channel on which to broadcast. TV broadcasting would become the exclusive domain of those who have the financial wherewithal to make the required conversion. The resulting loss of diversity in both ownership and viewpoints would greatly disserve the public interest. Additionally, many viewers who cannot afford DTV receiving equipment would lose all TV service. This would likely include minorities, the elderly and those who are economically disadvantaged, whether they live in metropolitan or rural areas. The Commission must allow NTSC and digital broadcasting to coexist indefinitely and to let the marketplace determine if and when a conversion to digital broadcasting is both feasible and appropriate. If necessary, the Commission should divide the current NTSC television band into two separate bands to accommodate digital and standard NTSC broadcasting. We note that the Commission did not force AM broadcasters to convert to FM when FM service was developed. Yet, the

⁴The predicted 35%-45% loss of all LPTV stations does not include those stations that will be displaced to different channels, even though such displacement inevitably incurs additional expense, loss of viewership and disruption to an existing and established service.

Commission envisions the total loss of NTSC broadcasting, which will surely be to the detriment of many. Perhaps instead of figuring out how to make money by auctioning off Channels 60-69, the Commission should be considering how to further the public interest by preserving existing broadcasting services (including LPTV) on which so many have come to rely.⁵

3ABN supports all measures suggested by the Commission to preserve existing LPTV service, including (1) setting aside channels specifically for use by displaced LPTV stations (*Sixth NPRM*, ¶ 70); (2) taking terrain and other engineering factors into account in finding replacement channels, (*id.*, ¶ 71); (3) giving preference to LPTV over new broadcast applicants in seeking primary use of available DTV channels (*id.*, ¶ 72); and (4) requiring full power licensees to permit multiplexed use of their second channels by LPTV stations that would otherwise be displaced by the Commission's allotment scheme. (*Id.*)

In those areas where LPTV stations would be lost completely by awarding a second channel to all full power licensees (*i.e.*, because there are no other channels available), the Commission should consider awarding second channels to fewer than all full power licensees. After all, full power licensees, like their LPTV brethren, are free to begin digital broadcasts on their primary channels at any time (at least those who are in the so-called "core spectrum"). In markets where there are more than 5 or 6 full power stations, we question

⁵To the extent that much of the equipment required for digital broadcasting would be manufactured abroad, a mandatory conversion could also have a severe detrimental effect on the trade deficit. Additionally, many jobs would be lost in this country as a result of stations forced off the air by a mandatory conversion to digital broadcasting.

whether the public interest requires *all* full power stations to have dual allotments, if the end result is a net loss of service to the public.

CONCLUSION

In summary, we urge the Commission to put its money where its mouth is. In the instant *Sixth NPRM*, the Commission confirms yet again that it "continue[s] to recognize the benefits that low power stations provide to the public. LPTV stations have increased the diversity of television programming and station ownership, and serve many rural and urban ethnic communities." (§ 67). If the Commission is to truly "recognize" those benefits, then it cannot permit an allotment scheme to go forward that would result in the loss of 35%-45% of all existing LPTV operations, as would be the effect of its current allotment proposal.

Whether the Commission changes its allotment scheme, sets aside channels specifically for LPTV, or gives away second channels to fewer than all full power licensees, the Commission should not go forward with a plan that would result in a net loss of broadcast service to the public.

Additionally, the Commission should not render NTSC service extinct when it may be the only economically feasible means for many broadcasters to continue operating and for many viewers to continue receiving TV service. We recognize that digital broadcasting is considered technically superior to the current NTSC standard. However, there are more than 1,700 LPTV stations, 1,500 full power TV stations and approximately 12,000 translators operating successfully under the NTSC standard. We have no desire to prevent those who want to upgrade their signal to digital from doing so. As to the rest, however, why fix it if it ain't broke? The Commission's current DTV proposal clearly disserves the public interest,

defeats the recognized benefits of the LPTV service and hurts those who most need the Commission's help to survive.

Respectfully submitted,

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November 22, 1996

3ABN 79 Downlinks

10/24/96

<i>City/State</i>	<i>Channel</i>	<i>Potential Viewers</i>	<i>City/State</i>	<i>Channel</i>	<i>Potential Viewers</i>
Albuquerque, NM	Ch 17*	400,000	Little Rock, AR	Ch 55	250,000
Asheville, NC	Ch 41	150,000	Madison, WI	Ch 54	250,000
Battle Creek, MI	Ch 20	120,000	Mayaguez, PR	Ch 67*	150,000
Bend, OR	Ch 23*	40,000	Medford, OR	Ch 42*	160,000
Berrien Springs, MI	Ch 25*	71,000	Medford, OR	Ch 52*	Incl. above
Boise, ID	Ch 25	200,000	Merlin, OR	Ch 56*	n/a
Bozeman, MT	Ch 02*	22,660	Midland, TX	Ch 31	300,000
Brookings, OR	Ch 57	10,000	Minneapolis, MN	Ch 69	2,000,000
Canyonville, OR	Ch 38	15,000	Minocqua, WI	Ch 31	1,280
Cave Junction, OR	Ch 61*	18,000	Moses Lake, WA	Ch 39	75,000
Cayman Islands	Ch 30*	1,000,000	Nome, AK	Ch 11	4,000
Champaign, IL	Ch 21	200,000	Palm Springs, CA	Ch 21	68,000
Charlotte, NC	Ch 34	400,000	Prosser, WA	Ch 05	30,000
Chattanooga, TN	Ch 26	100,000	Provo, UT	Ch 34	100,000
Christmas Valley, OR	Ch 17	5,000	Quincy, IL	Ch 40	120,000
Clarkston, WA	Ch 18*	10,000	Redding, CA	Ch 34*	75,000
Collegedale, TN	Ch 05	45,000	Rhineland, WI	Ch 04	20,000
Coos Bay, OR	Ch 67*	35,000	Richland, WA	Ch 54	110,000
Delta Junction, AK	Ch 10*	5,000	Rochester, MN	Ch 21	100,000
Dillingham, AK	Ch 05*	4,000	Rogue River, OR	Ch 67*	500,000
Durham, NC	Ch 56	450,000	Roseburg, OR	Ch 57*	25,000
Florence, OR	Ch 62	8,000	Sacramento, CA	Ch 27*	100,000
Glennallen, AK	Ch 08*	4,000	Salem, IL	Ch 28	50,000
Glide, OR	Ch 63	25,000	Salt Lake City, UT	Ch 26*	500,000
Grand Rapids, MI	Ch 61	250,000	San Juan, PR	Ch 21	1,500,000
Grants Pass, OR	Ch 65*	30,000	Sarasota, FL	Ch 34	200,000
Grants Pass, OR	Ch 69*	Incl. above	Sault Ste. Marie, MI	Ch 67	140,000
Green Bay, WI	Ch 57	120,000	Seattle, WA	Ch 68	1,000,000
Hemet, CA	Ch 53*	150,000	Shreveport, LA	Ch 57	200,000
Hermiston, OR	Ch 48	25,000	Spokane, WA	Ch 63*	500,000
Huntsville, AL	Ch 38	200,000	St. Louis, MO	Ch 48	3,000,000
Jacksonville, FL	Ch 65	700,000	Texarkana, TX	Ch 52	95,000
John Day, OR	Ch 08	3,000	Tulsa, OK	Ch 69	600,000
Johnston City, IL	Ch 17	110,000	Tyler, TX	Ch 14	151,000
Klamath Falls, OR	Ch 56*	56,000	Vicksburg, MS	Ch 26	52,000
Knoxville, TN	Ch 50	200,000	Walla Walla, WA	Ch 22*	70,000
La Grande, OR	Ch 07*	15,000	Walla Walla, WA	Ch 27*	Incl. above
Lakeview, OR	Ch 05	3,000	Walla Walla, WA	Ch 45*	Incl. above
Lawton, OK	Ch 15	100,000	Yakima, WA	Ch 58	90,000
Lincoln, NE	Ch 31	260,000			

*denotes affiliate station

Cable Systems Carrying Three Angels Broadcasting Network

ARIZONA

Satellite Management - Sun Village, Surprise

BELIZE, Country of

Belize Mission of Seventh-day Adventists

CALIFORNIA

Comcast Cable - Grand Terrace and Loma Linda

Cox Cable - Eureka

Marks Cablevision - Gerber, Hayfork, Lewiston, Los Molinos, Palo Cedro, Tehama and Weaverville.

OPTEL - Loma Linda Springs Apartments

Tuolumne County Community Cable - Sonora

CANADA, Country of

Gretsinger Cable Vision - Spences' Bridge B.C.

KENTUCKY

The Perfect TV Company - Manchester

MASSACHUSETTS

Continental - Bolton, Clinton, South Lancaster and Sterling

WCCA-Cable 13 - Worcester

NEVADA

Nevada Cable - Ely, Eureka, McGill and Ruth

TEXAS

Harron Cable - Keene

UTAH

Nevada Cable - Fillmore, Milford, Minersville and Wendover

HOSPITALS AND INSTITUTIONS

Adventist School of Salisbury North Carolina

Florida Hospital (Orlando)

Forest Glen Senior Residence (Canyonville, OR)

Loma Linda Medical Center and School

New England Memorial Hospital

White Memorial Medical Center



Program Descriptions

AS OF NOVEMBER 1996

CHILD/FAMILY DEVELOPMENT & EDUCATION

Family Matters - Dr. Kay Kuzma presents two series, the first is designed to help parents with discipline of children, the second is designed to help in selecting a life partner.

Home Grown Kids - Dr. Raymond Moore hosts a series on homeschooling, including several programs that deal with commonly asked questions.

Thinking About Home - An on-going series dealing with family issues and family spiritual well being.

CHILDREN'S PROGRAMMING

Janice's Attic - A weekly kids program with Janice Smith and her friends. The programs feature music, stories, interviews, and lessons drawn from the Bible.

Witnesses for Jesus - A program presented by kids for kids. Sara Matthews tells of the adventures of the apostles and early Christians, while other kids present musical features.

DOCUMENTARIES/DRAMA

Digging Up The Past - Australian series with Host David Downs, featuring trips to famous archeological sites in the Holyland.

Keepers Of The Flame - Australian production on the Great Advent Movement and the life of Ellen G. White.

Westbrook Hospital - A production of *Faith For Today*, this hospital drama applies Christian principles to everyday living.

Special Feature - Programs featured include: *Esther*, *Mary's Song*, *Tony Mavrakos' Conversion Story* and *Mending Broken People: The 3ABN Story*.

HEALTH

AIDS...What You Need to Know - A half hour program hosted by Dr. Lorraine Day.

At Home with the Benton Sisters - A weekly half hour hosted by teens for teens. This program features inspiration, music, and vegetarian cooking.

Cooking By The Book - Marcella Lynch hosts this series and shows you how to prepare delicious vegetarian cuisine.

Food For Thought - This second series by Marcella Lynch, also features many favorite dishes in vegetarian cuisine.

Help Yourself To Health - Dr. Agatha Thrash deals with subjects from strengthening your immune system to grief recovery. Also presented are many home remedies.

Homeschool Of Health - A series of lectures by various speakers and doctors on healthful living.

Newstart Cooking - Dottie Allen hosts a series of programs which present healthful living and vegetarian cuisine.

Smoking Clinic - Dr. Arthur Weaver has hosted 5 Day Stop Smoking Clinics for many years, and this series takes you along step by step.

Viewpoint - This program deals with health issues relating especially to alcohol and tobacco consumption.

Wonderfully Made - Various speakers and doctors speak on different health-related topics.

INTERVIEWS

3ABN Presents - Hosted by Danny & Linda Shelton, this is the flagship program for Three Angels Broadcasting Network. Their guests come from all over the US and other countries and share their stories of how God has moved in their lives.

3ABN Presents LIVE - This is a 2 hour version of 3ABN Presents, aired LIVE on Thursday nights and repeated on Friday and Sunday.

Drugs Close To Home - Hosted by Cliff and Freddie Harris, this program features personal accounts of people whose lives have been changed from their former drug addictions, and interviews with other guests.

Power To Cope - Various guests share how they've coped with difficult situations in their life with Host Juanita Kretschmar in New York.

Talking About Jesus - A series dealing with the life of Christ.

United Prison Ministries International - Hosted by Richard Bland, this program shows how God works on the lives of inmates across the US, in Russia and Romania.

When God's People Pray - Ruthie Jacobsen hosts this series of programs where a variety of guests share how God has worked in their lives, especially in the answering of prayers.

MUSIC

An Evening With... - A full half hour with one artist.

Melody From My Heart - A half hour program with a variety of singers and musicians.

NEWS

Adventures in Missions - Brian Dunne interviews Frank Stanyer in this series, giving updates from the mission fields.

ADRA's World - This program shows the work of an international organization, dedicated to worldwide relief and development. Stories include hurricane aftermath and building new churches.

Global Mission Front Line - A program hosted by Shirley Burton about the missionary work being done around the world by the Seventh-day Adventist church through its Global Mission endeavors.

PREACHING/TEACHING

3ABN On Location - Programs videotaped on location across the US and abroad.

Amazing Love - A series of sermons videotaped on location in South Lancaster, Massachusetts.

Bible Answers - Hosted by Evangelist Doug Batchelor, this on-going series seeks to answer viewer questions using only the Bible for answers.

Breath Of Life - Pastor Charles Brooks is featured in this program as he travels around the country and abroad.

Central Worship Service - Church Services from the Sacramento Central Seventh-day Adventist Church, with Pastor Doug Batchelor.

Christian Concerns - A continuing series with various speakers presenting current concerns for Christians.

Closer Look, A - This program features two series. The first focuses on the beliefs of the Seventh-day Adventist church and is hosted by Rick Odle. The second series focuses on the book of Revelation with Ty Gibson and James Rafferty as hosts.

Clairemont Church Service - Church Services with the Clairemont Seventh-day Adventist Church in San Diego, California, with Pastor Ted Tessner.

Dimensions of Prophecy for Today - Kenneth Cox presents a powerful message during this crusade, originally taped in Australia.

Discover Jesus - A ten part series with Mark Finley. Mark presents exciting topics in a seminar form.

Dynamics in the Science of Prayer - Pastor Tyrone Phillips brings a whole new perspective to prayer through this in-depth series.

Genesis to Revelation Seminar - A series hosted by George Knowles going through the Bible from Genesis to Revelation.

Give Me The Bible - Various pastors present sermons on a variety of subjects, including the book of Hebrews and some of the "character classics" of the Bible."

Glendale Church Service - Church services from the Community Adventist Fellowship in Glendale, California, with Pastor John Carter.

Gospel In Symbols - Pastor Ted Tessner looks at the symbols of the Bible.

Holy Spirit Series - This series looks at the Holy Spirit's work in our lives.

It Is Written - A well known religious telecast begun by George Vandeman more than 40 years ago. Hosted by new speaker/director, Mark Finley.

New Perceptions - Church services from the Pioneer Memorial Church in Berrien Springs, Michigan, with Pastor Dwight Nelson.

Power For Successful Living - Series with Evangelist Tony Mavrakos.

Revival Time Ministries - Tony Mavrakos hosts this series on revival.

Sacramento Central Sabbath School - Bible lessons from the Sacramento Central SDA Church, pastored by Doug Batchelor.

Walking with the Master - This series, hosted by Pastor James Micheff, is designed to help viewers find a closer walk with Jesus Christ.

Words of Life - Claudia Rose reads selected passages of the Bible verse by verse.

PROPHECY

Prophecy Seminar - A half-hour program with Dr. William Register, focusing on Bible prophecy, especially in the book of Daniel.

Israel of the Alps - A three part series on how the Waldensians in central Europe fulfilled Bible prophecy.

VARIETY

A Better Way of Life - Join Dwight and Deb Hall as they bring you into their home to hear a special message for those preparing to be end-time servants of the Lord.

It's All About Love - A one-hour program with Ullanda Innocent. In each episode, this program has a guest interview, a few songs, devotional thoughts and a segment with "Mr. Innocent" for young people relating health & fitness to the christian life.

SPANISH

Aprendiendo a Vivir
Conociendo La Verdad
La Fe De Jesus
Escrito Está
El Israel de los Alpes