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

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In the Matter of

Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service	)))	MM Docket No. 87-268

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To the Commission:

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COMMENTS OF CANNELL CLEVELAND, L.P.

Cannell Cleveland, L.P., ["Cannell"], licensee of Television Station WUAB, Lorain, Ohio, submits herewith its Comments in response to the Commission's Sixth Further Notice of Proposed Rule Making in the above-captioned matter.[1/]

Introduction

Cannell shares the Commission's interest in efficient and effective development and implementation of digital television service (DTV). It acknowledges and applauds the time and dedication to this goal which are reflected in the efforts of the Commission, its staff and members of the broadcast industry. Cannell supports Commission adoption of industry-wide Grand Alliance DTV standards: uniform, nationwide standards afford the only certain path to nationwide availability of the benefits of digital television service.

1/ Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Sixth Further Notice of Proposed Rule Making, MM Docket No. 87-268, FCC 96-317 (August 14, 1996) ["Sixth Notice"].

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At the same time that Cannell supports the general concept of DTV, it has serious reservations concerning the equity of the various allotment schemes which have been proposed thus far. The proposals appear to exacerbate the still-extant disparity between UHF and VHF stations' service capabilities, and in doing so, tend to favor established network affiliates at the expense of UHF independent stations like WUAB which in spite of these significant hurdles have established themselves as highly-rated, competitive stations. Cannell therefore asks the Commission to rework its allotment table and, at a minimum, permit stations to negotiate, both with other market stations and with more distant stations, to optimize their coverage areas.

Proposed Allotments Would Unfairly Affect WUAB

Both of the principal allotment schemes currently being considered (those prepared by the FCC and by the Broadcast Caucus/MST) would have a devastating adverse impact on WUAB. Both proposals contemplate use of both UHF and VHF spectrum. Such use would, however, create significant competitive inequities within individual markets, as stations lucky enough to receive a permanent VHF DTV allocation on channels 7-13 would enjoy far better signal propagation and lower operating costs than stations that are assigned UHF channels. In order to avoid this inequitable result, Cannell urges the Commission to establish a core DTV spectrum that is entirely within the NTSC UHF band.[2/] As reflected in the attached Engineering Statement, Cannell also urges that adjacent channels not be assigned within a single market.

2/ If this is not done, Cannell believes that the Broadcast Caucus table is superior to the FCC's proposed table.

Commission Proposal - Channel Changes. Television Station WUAB operates on Channel 43; the station is licensed to Lorain, Ohio, part of the Cleveland television market. Under the Commission's proposed allotment scheme, WUAB would be one of those stations assigned a DTV channel -- channel 2 -- that is outside the core (channels 7 through 51) DTV spectrum. In consequence, WUAB would be required to purchase a transmitter for channel 2 DTV operations, and then, at some future date, resume DTV operations on channel 43 (and purchase a second DTV transmitter) when that channel becomes available for such use.

Although the Sixth Notice sets forth this scenario as if it can be readily and inexpensively accomplished, Sixth Notice at pars. 15 et seq., the fact is that the costs of purchasing and installing a new channel 2 transmitter and related equipment will be tremendous. Moreover, that equipment will become completely worthless once the move to a core DTV channel is accomplished. Such governmentally-mandated investment in equipment that will have absolutely no use in a few years is not a rational use of resources and is grossly unfair to those licensees like Cannell that must make that investment while their market competitors are free of such economic burdens.

Equipment costs are, however, only the tip of the iceberg of transitional burdens. Television stations invest a substantial amount of time and effort on a continuing basis to build their identity with viewers. Stations like WUAB that are faced with the prospect of several channel shifts will have to multiply their expenditures in order to minimize viewer confusion and audience loss associated with changing channel assignments. Again, their competitors that must only change channels once will not bear these extra costs.

Cannell submits that the Commission's proposal inadequately addresses the costs associated with multiple channel reassignments. A channel change is not just a simple process of increasing height or power: in the real world a channel change takes time and money. Many stations are already bearing the costs involved in converting analog circuitry to far more expensive digital hardware. Adding the costs of wide ranging digital conversion (particularly if there are several channel changes associated with the transition to DTV) could have a devastating impact on stations' financial -- and thus their public service -- capabilities. The Commission must rethink the notion of interim DTV allocations outside of any "core" spectrum. At a minimum, it must develop a scheme of compensation for those licensees that must invest in soon-to-be useless equipment to place them on a more competitive footing with other stations that do not face such financial costs.

Service Area Loss. The proposed WUAB allocation is not only one that would require a substantial investment in new equipment: it involves a substantial reduction in the station's existing service area. WUAB's DTV service area will be only 87.4% of its existing NTSC area.[3/] This is not only the greatest reduction in service areas of any Ohio television station, but one of the greatest in the country. Cannell recognizes that some stations may

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3/ It should also be noted that there appears to be a significant potential for interference to WUAB's current channel 43 operations. The FCC's table assigns channel 41 to WKYC-TV, Cleveland (4,633 kw ERP) and channel 28 to WQHS, Cleveland (111 kw ERP). Under the current FCC rules for NTSC stations, second adjacent channels (41) are to be separated by 19.5 miles, and 15th adjacent channels are separated by 74.5 miles. Yet both WKYC-TV's and WQHS' transmitters are located within a couple of miles of WUAB's transmitter. There is thus a significant possibility that other market stations' DTV operations could interfere with WUAB's NTSC operations.

have to compromise a little in the transition to DTV, but a loss of 13% of WUAB's service is totally unacceptable.

The "double whammy" of a requirement to change channels twice as well as a substantial loss in service area is grossly unfair. If WUAB is required to move to channel 2, it should at least be allowed additional power to more closely replicate its NTSC coverage area.

Broadcast Caucus Table. The Broadcast Caucus' proposed table of allotments treats WUAB somewhat better than the FCC's table. This table assigns DTV channel 51 to WUAB.[4/] The proposed power is only 189 kw, significantly lower than that assigned to WKYC-TV (channel 15, 1,186 kw). There is no logical reason why one market station should be awarded such a substantial power advantage over another market competitor.[5/] Any table of allotments should be based on competitive equity within individual television markets.

Additional Considerations

DTV Channel Identification. The Sixth Notice seeks comments on possible DTV numbering schemes. Sixth Notice at par. 78. Assuming use of a core spectrum of NTSC channels 7 through 51, it suggests that those channels be renumbered as channels 1 - 45 for DTV service. What, then, would be WUAB's channel designation if it is forced to operate

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4/ There appears to be an error in the database that was used to generate this table. the HAAT for WUAB is listed as 343 meters, while the station's authorized HAAT is 336 meters.

5/ The Broadcast Caucus allotments present the same potential for interference set forth in note 2, supra.

on channel 2? Cannell urges the Commission to retain existing NTSC channel designations, simply adding a "D" to the number to indicate DTV operation.

Power Equity. Cannell strongly urges the Commission to permit all UHF stations within a market to increase their power to the same maximum power, so long as such an increase does not cause interference. For example, assume the following allocation within a market:

WAAA	channel 20	3,000,000 w
WBBB	channel 38	1,700,000 w
WCCC	channel 27	450,000 w

Both channels 38 and 27 would be entitled to increase power to 3,000,000 w so long as no interference to other signals results.

Negotiated Channel and Power. The Sixth Notice proposes to permit voluntary negotiations among broadcasters as part of the DTV allotment/assignment process. Sixth Notice at pars. 46 et seq. Cannell supports voluntary negotiations as both a pre-adoption and post-adoption means of permitting the marketplace to assume a role in determining optimal DTV allocations and facilities. Government fiat will, as demonstrated above, create substantial inequities within the marketplace. Allowing private negotiations would be one means of ameliorating those inequities by permitting the parties to assign an economic value to disadvantages and advantages in facilities.

Conclusion

Cannell Cleveland, L.P., believes that DTV will be the standard for future United States television service. The proposed DTV allocations, however, are imperfect and unfair

and need to be rethought and re-engineered. If the Commission nonetheless adopts the proposed DTV table, it must also address issues set forth herein and, at a minimum, permit individual licensees to negotiate with other licensees to obtain allocations and facilities which licensees believe are economically reasonable and feasible.

Respectfully submitted,

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ENGINEERING STATEMENT OF
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ENGINEERING STATEMENT
in Support of Cannell Cleveland L.P.'s Response to the FCC's Sixth Further Notice of Proposed Rulemaking in the Matter of Advanced Television Systems MM Docket No. 87-268

EVANS
ASSOCIATES

This engineering statement has been written by Ralph E. Evans III, of Evans Associates Consulting TeleCommunications Engineers in Thiensville, Wisconsin, on behalf of Cannell Cleveland L.P. This statement is in response to the FCC's *Sixth Further Notice of Proposed Rulemaking* (MM Docket 87-268) which addresses the matter of Advanced Television Systems and their impact upon the existing broadcasting service. Evans Associates has been retained by WUAB to assess the effect the proposed migration to digital television would have upon the industry as a whole, and WUAB in Lorain, Ohio in particular. Accordingly, this exhibit has been prepared.

Background

Cannell is the licensee of WUAB assigned to Lorain, Ohio, a suburb of Cleveland, Ohio. WUAB utilizes the following television facilities:

CALL	CHANNEL	HAAT (m)	ERP (kw)	CITY	STATE
WUAB	43	336	4680	Lorain	Ohio

WUAB is understandably concerned that the migration to the advanced television service proceed in a manner which is non-disruptive, protects the public investment in free television service, and uses only the resources which are required to form a proper and robust nationwide infrastructure. In this spirit, then, these comments in response to the *Notice* are offered.

WUAB DTV Assignment

The following allocation has been made to WUAB as part of the Sixth *Notice*:

CALL	NTSC Ch	FCC DTV Ch	FCC ERP (kw)	MST DTV Ch	MST DTV ERP (kw)
WUAB	43	2	1.0	51	189.3

This table reflects an issue of concern to all broadcasters, and all viewers of free TV as outlined subsequently, namely adjacent channel operation by separate licensees.

WUAB believes that adjacent channel assignments should not be made to different licensees in the same market. Although the FCC allotment table attempted to avoid such assignments, the *MST* table is more successful. Under the FCC proposal, WUAB would have to employ a low-power DTV facility directly adjacent to a non-co-located high power NTSC station. WUAB supports the channel assignment made by the *MST/Caucus* table as a substantial improvement over the FCC table.

EVANS
ASSOCIATES

WUAB is also concerned about the assignment of DTV channel 41 to Cleveland, at the extremely high power level of 4,663 kilowatts. WUAB believes that not enough information has been obtained by the engineering community to ensure that no interference will be caused to channel 43 as a result of DTV operation on channel 41. Similarly, the assignment of DTV channel 28 at 111 kilowatts in Cleveland carries at least the potential of interference, since the 15-channel taboo has been in effect for over 30 years. WUAB therefore requests that the maximum number of possible channels be reserved by the FCC so that dynamic re-allocations can be made. This would be made substantially more difficult if the "core approach" were used, for instance.

It is therefore WUAB's opinion that the full band from 2 to 69 be reserved for use by DTV and NTSC facilities, and that such reservation would be in the public interest. WUAB also requests that the FCC continue to accept allocation table modifications as interference parameters become more refined. WUAB therefore respectfully requests that the instant response be considered in the final formalization of the DTV transition Rules and Regulations.