



December 3, 1996

Federal Communications Commission  
1919 "M" Street N.W.  
Washington, D.C. 20554

To the Commission,

Enclosed you will find ten (10) copies of Reply Comments in MM Docket No. 87-268, "In the Matter Of Advanced Television Systems and Their Impact upon on the Existing Television Broadcast Service".

We apologize for our tardiness, but we've never before submitted Comments before to the Commission.

If you have any questions, or request further information, please don't hesitate to call.

Sincerely Yours,

Amos Brown III  
On behalf of  
IBL, LLC  
Licensee of W53AV, Indianapolis, Indiana

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Indianapolis, Indiana  
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Before the  
Federal Communications Commission  
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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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Reply Comments

Comes now before the Commission IBL, LLC, (hereinafter referred to as "IBL"), licensee of Low Power Television Station W53AV, licensed to Indianapolis, Indiana. IBL has owned and operated W53AV (hereinafter referred to as "WAV") since October, 1993.

WAV is the only Low Power Television Station owned by IBL, though IBL is also licensee of an FM Radio Station WGGR(FM), licensed to Greenwood/Indianapolis, Indiana.

In the event Low Power Stations are deleted as a result of Advanced Television Allotments, IBL will see the elimination of their substantial investment in WAV and the residents of Indianapolis, Indiana, the 12th Largest City in the United States, and the Indianapolis MSA, the 37th largest Metro Area, will suffer a severe reduction in Local Programming and service.

Of the seven (7) LPTV's the Commission has licensed to serve Indianapolis, Channel 53 is one of just five (5) currently on the air full-

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time. At 37 months, WAV has been on the air longest of any LPTV serving the Indianapolis market.

And WAV is the ONLY LPTV in the Indianapolis market and in the State of Indiana, that is Minority-Owned and Locally Owned.

Since our sign on October 31, 1993, WAV has had, as its mission, to provide a diversity of programming to Indianapolis and to serve undeserved communities.

IBL, LLC, WAV's licensee, is an Indiana Limited Liability Corporation owned by two Indianapolis residents - William G. Mays and William Shirk Poorman.

William G. Mays, who is African-American, owns 51% of WAV. A leading Indianapolis corporate citizen and civic leader, Mays owns Mays Chemical Company, a \$110 million dollar business based in Indianapolis with branch offices in Detroit and Chicago. This year, *Black Enterprise Magazine* ranked Mays Chemical as the 11th largest Black-owned business in the United States, right behind Black Entertainment Television.

Mays is past President of the Indianapolis Chamber of Commerce and the United Way of Central Indiana, and still serves as a Board Member of those organizations, along with the Indianapolis Museum of Art and Indianapolis Convention and Visitors Association.

Mays is a Board Member of NBD Bank, Indiana and has been a former Board Member of Citizens Gas and Coke Utility and the Indiana Bell Telephone Company.

William Shirk Poorman, who is White, is 49% owner of IBL. Poorman, is a longtime Indiana and Indianapolis broadcaster. His father owned WERK Radio in Muncie, Indiana and young Poorman began his

ownership tenure as licensee of WXLW(AM), Indianapolis, which he owned from 1973 to 1995.

Poorman's understanding and knowledge of broadcast operations and engineering, helped to convince the Commission to allocate an 80-90 FM to Indianapolis. After comparative hearings, Poorman's Shirk, Inc. received Commission approval as licensee of WHHH(FM), Indianapolis' first new FM frequency in two decades.

IBL is licensee of WAV and an FM station, WGGR(FM) licensed to Greenwood/Indianapolis. Shirk, Inc., which is 51% owned by Poorman and 49% by Mays, is licensee of WHHH(FM).

The local residency, civic involvement, business acumen and broadcast experience of Mays and Poorman is embodied in the operating philosophy of WAV, which strives to operate in the public interest; VOLUNTARILY adhering to all Commission rules and regulations governing Full Power Television Broadcast Stations.

In that regard:

WAV regularly broadcasts locally produced entertainment, information and news programming; and locally produced programming serving diverse audiences. WAV broadcasts 23 hours of locally produced programming out of our 168 broadcast hours weekly.

WAV broadcasts more locally produced programming than the city's two Public Television Stations, three full power independent stations and the UPN, WB and Fox affiliate - a total of eight full power television stations.

Only the ABC, NBC, CBS affiliates in Indianapolis broadcast more locally produced programming than WAV.

WAV adheres to the Commission's policies concerning children's programming. We have broadcast as much as four hours of children's programming each week. Currently, because of a lack of children's TV programs available in our market to LPTV stations, we're down to just two hours of children's programming weekly. But, our GOAL is to increase that to meet the Commission's new children's television policies.

WAV adheres to the Commission's policies concerning equal employment opportunities. As a part of our affirmative action plan, WAV regularly advertises job openings in *The Indianapolis Recorder*, a 11,000 circulation African-American newspaper that's the largest in Indiana. WAV also advertises job openings on our co-owned radio stations which according to Arbitron Company ratings, reach 50.4% of Indianapolis' African-American adult population.

As of November 20, 1996, WAV employs a total of 25 employees, 12 or 48% are women, 6 or 24% are African-American and all are in the Commission's upper four job categories.

The Indianapolis MSA workforce is 48.3% women and 12.2% African-American. Less than 1% are either Hispanic, Asian, Native American.

WAV voluntarily broadcasts some 40 public service announcements per week. And top station management, including owners William Mays, William Poorman, along with top management personnel, regularly ascertains Indianapolis community leaders.

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Before we make Comments concerning the "Report and Order", IBL wishes to apprise the Commission of the opportunities and difficulties Low Power Television Licensees today face. IBL also wants to apprise the Commission of the significance our station plays in the Indianapolis community and why the service WAV provides should be maintained and continued during and after the transition to Advanced Television Service.

**Background:**

Indianapolis is America's 12th Largest City, with a population of 818,014 (1994 Census Bureau Population Estimate). Indianapolis' has the 16th largest African-American community in the country. Black population 183,000 (1994 Census Bureau Black Population Estimate), 22.4% of the population. 1994 Census Bureau estimates say that 10,152 Hispanics, 1.2% of the city's total, live in Indianapolis.

IBL is serious about its commitment to serve Indianapolis through WAV. Unlike some Low Power stations whose investments in equipment and programming are minimal, IBL has made substantial financial commitments and resources so WAV can make a positive difference in our city and market.

Since, 1993, IBL has invested \$761,000, over three-quarters of a million dollars, in equipment and operating capital into WAV. After 37 months of operation, though WAV has yet to show a profit, IBL's commitment and the commitment of owners Mays and Poorman and our employees demonstrates WAV's serious commitment of providing quality broadcasting service to Indianapolis.

*Reply Comments of IBL, LLC - Page 6*

The 23 hours of local programming produced or broadcast by WAV, serves underserved populations or serves specific needs in America's 12th largest city. Besides our local programming, WAV broadcasts syndicated and network programming that specifically targets Black Americans, Hispanics, and the hearing impaired community.

A synopsis of some of our local programming efforts:

Six Thirty PM: Beginning in October, 1995, WAV has produced a nightly television magazine, in cooperation with American Cablevision (hereinafter referred to as "American") the local Time Warner Cable system. Six Thirty PM provides interviews and feature stories of serious issues in the Indianapolis community; profiles of community organizations and stories about the positive efforts of community organizations, institutions and individuals. During the 1995 city elections and 1996 Primary and General elections, Six Thirty PM provided extensive television exposure to candidates of all political parties and viewpoints. Six Thirty PM aired more interviews with candidates (running from 6 to 15 minutes in length) than the news oriented full power stations or the city's two public TV stations.

Six Thirty PM brings our viewers newsmakers and celebrities, in an extended, "non-sound-bite" environment. Over 1,700 have been interviewed in the program's first year. Some of the more distinguished included:

Indiana Governor Evan Bayh, Lt. Gov., nor Governor-elect Frank O'Bannon, Sen. Richard Lugar (R-IN), Se. Dan Coats (R-IN), Congresswoman-elect Julia Carson (D-IN), Congressman Jesse Jackson,

*Reply Comments of IBL, LLC - Page 7*

Jr. (D-IL), Indianapolis Mayor Steve Goldsmith; South Bend Mayor Joe Kernan; Indiana Secretary of State Sue Ann Gilroy; Indiana Superintendent of Public Instruction Dr. Sue Ellen Reed; Indiana House Speaker Paul Mannweiler; Indiana Attorney General Pam Carter; Marion County Prosecutor Scott Newman, Apollo 13 Astronaut James Lovell, race driver Mario Andretti, actor Malik Yoba, boxer Michael Spinks, boxing promoter Butch Lewis, Dr. Gloria Scott, President Benedict College, author Dan Wakefield, NBA star Wayman Tisdale, author Betty Eadie, Dept U.S. Labor Secretary Betty Eadie, Bishop T.D. Jakes, NFL stars Joe Thiesmann and Gale Sayers, Indianapolis Colts General Manager Jim Irsay, Nan Rich, National President National Council of Jewish Women, Dr. Henry Lyons, President, National Baptist Convention, GOP Presidential candidate Pat Buchanan; businessman/entertainer Dick Clark; South African Ambassador Frederick Sonn, journalists Sheila Kast, Michelle Mc Queen, Tavis Smiley, activist Candace Gingrich, several members of the Indiana Legislature, numerous members of the Indianapolis City-County Council.

**Small Business Forum:** This half hour weekly program is the only Indianapolis TV program focusing on Indianapolis small and minority owned businesses. The program tells viewers how to get started in business and segments tell viewers how to bid on state and local government projects.

**Hola!:** Is the city's only half hour TV program targeting Indianapolis' growing Hispanic community. Produced by American, one of several American produced local programs non-cable viewers can enjoy only on WAV.

**Carolyn Churchman Show:** A two hour program that focuses on the entertainment and information needs of Indianapolis' growing senior citizen population.

**The ROAR (Recorder On Air Report):** An hour long weekly newsmagazine on African-American issues and personalities, produced by the editors of *The Indianapolis Recorder* newspaper, at 101, America's second oldest Black newspaper.

**Real Women:** A weekly half hour program of interviews with distinguished women and women entrepreneurs in Indianapolis; and stories on women's issues. It's one of four local programs on WAV produced by women.

**Our Community:** An hour long program focusing on African and African-American culture, heritage and history. The only TV program of its type in Indiana, produced by grassroots Indianapolis African-American producers.

**Destiny Showcase:** A weekly half hour mini-concert of local Indianapolis area gospel music groups and artists.

**Hoosier Shopping Show:** Unlike QVC or Home Shopping Network, this program is local in origin and locally produced. It features interviews with local merchants and allows our viewers to buy merchandise from LOCAL merchants and retailers in the Indianapolis area and the region.

**Local Sports:** WAV along with American regularly produces and broadcasts local sports events. These include University of Indianapolis football and basketball games, and the Coca Cola Circle City Classic, a Black college football game annually held in the RCA Dome.

**Special Local Events:** WAV has provided LIVE broadcasts of the following Indianapolis events:

**The International Festival: A three day festival of culture, history and life of peoples of the world.**

**The Coca Cola Circle City Classic Parade: A two hour parade in Downtown Indianapolis, attracting 50,000 spectators, held in conjunction with what has become the nation's second largest Black sports event.**

**During Indiana Black Expo, which annually attracts over 100,000, and is the largest African-American exposition of its kind in America, WAV produced and broadcast 10 hours of live broadcasts from the event.**

**WAV was the only Indianapolis TV station to broadcast live coverage of the Inauguration of Indianapolis Mayor Steve Goldsmith.**

**On Election Night, in November 1995 and 1996 and Primary Night, 1996, WAV was the only Indianapolis TV station focusing on local contests and local issues during Election Night Coverage.**

**On Dr. Martin Luther King Jr.'s Birthday, WAV broadcasts live the annual citywide service of this birthday celebration.**

**State of the State Address: WAV is the only independent TV station broadcasting the Governor's annual address to the Legislature and citizens of the state.**

**Besides WAV's local programming, we broadcast a number of non-local programs that meet community needs. These include:**

**Univision News: Each weeknight at 7:30pm, WAV broadcasts the nightly evening news from the Univision (Spanish language) network. Our broadcasts have been saluted by both the Hispanic and general community.**

**Kaleidoscope: WAV broadcasts several hours of programming weekly by this network that provides open captioned programming of specific interest to the hearing impaired.**

Black College Sports: WAV broadcasts the only coverage of football and basketball games by historically Black colleges and universities (HBCU's) in the Indianapolis market.

**Problems LPTV's Have to Overcome, Including WAV:**

The biggest problems faced by LPTV's are cable access, advertiser prejudice and the Nielsen Ratings Service.

IBL has attempted to creative deal with the first problem in some unique, creative ways.

The Commission doesn't require cable access for LPTV's, but because cable access is a necessity for any television station, including LPTV's, IBL formed creative partnerships with the two cable systems serving the city of Indianapolis.

In May, 1994, we began a partnership effort with American. Through that effort, WAV simulcasts local programming produced by American, allowing non-cable viewers to enjoy the benefits of that programming.

In return WAV programming is carried on American's Local Origination Channel.

In October, 1994, Comcast Cablevision (hereinafter referred to as "Comcast") began broadcasting WAV programming, during limited hours, on a channel in their rebuilt system areas.

In new franchise agreements negotiated by the City of Indianapolis, both American and Comcast agreed to broadcast at least 25 hours a week of local, produced community interest programming. As part of the

agreement, WAV agreed to simulcast that programming for non-cable viewers, and Comcast and American agreed to continue to carry WAV's programming on a full-time basis.

The work and compromises necessarily to achieve cable carriage were nerve racking for IBL to obtain. Cable carriage is an economic necessity for LPTV's who are committed to serve the community as WAV.

It's important that the Commission understand that the advertising community and many viewers consider ANY television station, whether full power or low power not to be on television at all if it is NOT on cable.

Advertiser bias and ignorance is another major hurdle.

Indianapolis has 333,000 households (1994 Estimate ACB Data Consulting of Indianapolis). Of that number, only 58.5% subscribe to cable. 41.5% of Indianapolis residents, (some 339,000), don't receive, either by economic circumstance or choice, the benefits of cable.

A city larger than Las Vegas and Buffalo and slightly smaller than Minneapolis doesn't have a choice of some 38 to 60 channels of television service. They have to choose between the 11 full-power and 5 low-power signals in the market.

Is it fair to deny 339,000 people, during the transition to Advanced Television, an LPTV station, WAV, which is a major part of their TV service?

In spite of the large numbers of people, with and without cable, who can receive WAV's programming in Indianapolis, many advertisers shy away from us. It's not for economic reasons. The cost to advertise on WAV

is a tenth of what it costs on one of Indianapolis' independent TV stations and a FIFTIETH of the cost of advertising on an affiliate station.

Advertiser resistance is directly related to cable carriage issues and to repeated mistreatment by the Nielsen Ratings Service (hereinafter referred to as "Nielsen").

Fair, equitable treatment by Nielsen is a serious OBSTACLE to the health and viability of LPTV's. Let us outline the ridiculous hoops Nielsen makes LPTV's jump through.

Since May of 1995, WAV has MET Nielsen minimum viewership requirements to be included in their ratings report. That requirement states that any over-the-air TV station which is viewed by 2.5% of all TV Households on an average week, in a Designated Market Area (hereinafter referred to as "DMA) must be included in Nielsen ratings reports.

For eight (8) consecutive "sweeps" periods, WAV has met Nielsen criteria, yet has been barred from appearing in their printed ratings reports.

In October, 1996, Nielsen reported that WAV was viewed in 5.0% of all Indianapolis DMA Households. To WAV this is significant, since the Indianapolis DMA is 35 counties, but our signal is viewed in just seven of those counties.

Yet, Nielsen continues to exclude WAV from their ratings reports. Nielsen privately estimates WAV has some 60,000 overall viewers, but refuses to report that to advertisers.

The reason is because of Nielsen outmoded technology. In today's multi-channel television universe, Nielsen only reports audience estimates, in a market, for ONLY the top 25 over-the-air stations or cable networks.

WAV ranks between 26th and 30th according to Nielsen calculations. But, Nielsen will break their own policies, and INCLUDE WAV and EXCLUDE another cable network or over-the-air signal, IF we become a Nielsen subscriber.

Nielsen's rank discrimination against LPTV's like WAV continues to place an economic hardship on IBL and the quality of additional service we can provide our viewers and community.

In the "Report and Order", the Commission writes "We continue to recognize the benefits that low power stations provide the public. LPTV stations have increased the diversity of television programming and station ownership, and serve many rural and urban ethnic communities...We therefore desire to minimize the impact of our DTV allotment and spectrum recovery proposals on low power TV operations."

Yet only data and information relevant to Full Power Stations being provided an additional Advanced Television Allotment is contained in the "Report and Order". The "Report and Order" does NOT adequately address the LOSS of Low Power Stations and the impact that will have on the PUBLIC and LICENSEES.

The Commission hasn't provided data on the actual number of Low Power Stations which would go silent, though the Commission does indicate a possibility that in excess of half of all LPTV's may not be accommodated by the Advanced Television Allotments.

Even though the number of LPTV's silenced may vary by market, the chilling effect of the Commission's action would be devastating.

IBL strongly Urges the Commission to adopt policies, rules and procedures that maintain LPTV service in large cities like Indianapolis.

Especially for LPTV stations such as WAV that voluntarily adhere to the Commission's policies for full power stations; stations like WAV that provide significant amounts of locally produced programming and programming for minority groups and other underserved populations.

As the Commission states in the "Report and Order" LPTV stations have "increased...diversity of station ownership". IBL, as one of the minority-owned LPTV's in this country, and the minority-owned LPTV in the State of Indiana, IBL Urges the Commission to maintain LPTV service during and after the transition to DTV. It would be a shame if the upgrade to Advanced Television leads to the eradication of minority and women owned television stations and a reduction of television programming and service to these underserved communities and populations.

The "Report and Order" addressed Land Mobile Sharing in as much detail as Low Power and TV Translator Stations, though the impact won't effect as many users of that service. Land mobile end users should NOT be considered as relevant as the millions of viewers who are served by LPTV's nationwide.

Two LPTV stations in Indianapolis, our WAV on Channel 53 and WALV-LP on Channel 27 are now, based on the "Report and Order", located on channels designated as Advanced Television channels.

Both WAV and WALV serve the same market. WALV serves the northern half of Indianapolis/Marion County and the southern half of Hamilton County, while WAV serves Indianapolis/Marion County.

The number of viewers and square mileage serviced are roughly the same. Yet, the Advanced Television proposal considers Full Power Stations and their coverage based on potential viewers, while not taking

into consideration the loss of service to viewers in America's 12th Largest City from the removal of two LPTV stations.

IBL feels the "Report and Order" is flawed given that Low Power and Full Power Stations are considered different classifications, but no realistic separation or delineation can be made by those who view Low Power Stations and those who view Full Power stations. Thus, because of that the Public and the Public Good are not being served by the Advanced Television "Report and Order."

IBL is also concerned that, while the American TV manufacturing industry and American retailers and technology will benefit with the implementation of Advanced Television, we're skeptical that American consumers are excited over the prospect of conversion of their TV sets.

It took nearly two decades for American consumers to convert their black and white sets to color models. It didn't really occur until the price of color sets fell and convenient models became readily available.

IBL feels the public is largely unaware of the prospect of DTV and the massive change in viewing habits and practices that will ensue. And add to that the loss to millions of the television service they've become accustomed from their community-based LPTV stations.

The "Report and Order" provides several possible remedies for Low Power Stations affected by the allocation of new Advanced Television Stations but does not indicate absolute relocation for ALL Low Power Television Stations.

IBL feels strongly that the Commission must take into account the local service provided by LPTV's like WAV. IBL admits that there are LPTV's that provide no local service, but IBL feels and agrees with other groups like the Community Broadcasting Association (hereinafter referred

to as "CBA") that Low Power Stations who are providing local service, even in major cities, should NOT be frozen out or forced them off the air in the conversion to HDTV.

IBL offers the Commission some solutions which, in our opinion, would resolve most of the relocation problems Low Power stations will be facing in the change to Advanced Television Broadcast Service:

Solutions:

1) The Commission needs to AMASS a detailed data base on Low Power Television Stations. We are not convinced the Commission has an accurate handle on the state of low power stations in this country. The Commission can require LPTV licensee's to inform the Commission of their operating hours; the amount of local, produced programming broadcast weekly; whether the station is carried by cable systems; and how much programming is broadcast weekly that serves Women and Minorities (Black, Hispanic, Asian and Pacific Islander, and American Indiana, Eskimo and Aleut).

The Commission has attempted this before in their surveys on children's programming on full power stations. IBL is confident that with the cooperation of the CBA and other grass roots groups supporting LPTV stations, the Commission will be able to obtain this data.

This data can be matched with the Commission's data on the racial/ethnic ownership of LPTV licensees. The Commission should also ascertain how many LPTV would be forced off the air under the "Report and Order" and how many of those stations are owned by Minorities and Women.

2) To determine the impact the elimination of LPTV services in some markets might mean, the Commission should request Nielsen ratings and audience data on all LPTV stations operating during the calendar year 1996. This data can easily be extracted by Nielsen from their "sweeps months" data in metered and non-metered markets. As the Commission deliberates, they should be aware of the millions of Americans who depend on LPTV's for information and entertainment programming.

3) REQUIRE that new Advanced Television Stations NOT be constructed until their current Broadcast License has been submitted for reallocation or for new use by Low Power Stations. This will insure that Advanced TV stations use their new station, rather than warehouse their new allocation, keeping it as a commodity to be held and used at a future date. Full Power Stations should not use the warehousing of their Advanced TV frequency as an ploy to force a competing Low Power Station off the air.

4) The Department of Justice (hereinafter referred to as "DOJ") should have some jurisdiction in overseeing how Low Power Stations are treated in local market places. Just as DOJ has been intervening in local markets in television and radio station deals and acquisitions, DOJ should examine the anti-trust implications of how Full Power Stations, which hold substantial percentages of TV advertising revenues in a market, treat their Low Power competitors in this transition.

5) Full Power Stations should NOT be allowed to SIMULCAST their current programming on their newly allocated Advanced Television

Broadcast Channel. Once the Full Power has completed construction on their Advanced TV channel, then that station's programming should be transferred to the new channel. This again will insure that current licensees use the channels as a separate entity rather than simply SIMULCAST their current programming and hold or warehouse the Advanced Television Channel for use at a future date. This would also keep a Full Power Station from forcing a competing Low Power Station off the air to simply SIMULCAST their current programming.

6) The "Report and Order" allocates Channel 53, where WAV currently broadcasts, to LWVI, LLC, licensee of Full Power WISH-TV. As a solution, IBL proposes that WAV be allocated to either Channel 50 or Channel 51.

The Commission had assigned Channel 50 to another Low Power licensee, who failed to put the station on the air within the time required by the Commission.

The licensee assigned by the Commission to Channel 51 has failed to put the station on the air in the specified time period and in all probably will default the license/construction permit.

As Channel 50 and in all probability Channel 51 has not been reassigned to another licensee by the Commission and the fact that no Full Power station has been assigned that Channel in the Indianapolis market, IBL humbly requests that WAV be assigned either Channel 50 or Channel 51 which had been assigned to low power broadcasting.

7) If, because of the allocations in the "Report and Order", existing Low Power Stations which provide local service, must be moved, IBL proposes

that the Commission be **REQUIRED** to provide the Low Power Stations with another channel that provides **EQUAL** coverage of the Low Power station's service area.

IBL proposes that this relocation should occur under the following circumstances:

A. The low power station should have been operating for at least Three (3) years.

B. The low power station should be devoting at least 10 percent of its broadcast week to airing locally produced programming.

C. Preference should be given for low power stations that are locally owned and/or owned by Women or Racial Minorities.

If Low Power Stations are displaced by an Advanced Television Station, that station should be **REQUIRED** to cover **ALL** costs associated with moving and constructing the Low Power Station on the new channel.

IBL feels this provision would prevent a Full Power Station from constructing their Advanced Television station simply to remove a Low Power competitor.

8). The "Report and Order" asks for comments regarding allotment of channels for LPTV stations, after DTV channels have been allotted to full service stations. IBL feels **STRONGLY** that LPTV's that are serving their local communities; especially those that are **LOCALLY** owned and owned by Women and Minorities should receive accelerated consideration.

These LPTV's should receive **IMMEDIATE** assignment of vacant channels in their markets. After those LPTV's have been accommodated, then LPTV's owned by licensees outside the community and/or those providing satellite or network services should be considered.

IBL recognizes that in rural areas of the country and in the State of Alaska, LPTV translator stations rebroadcast the signals of distant television stations. IBL understands the importance of the service these LPTV's and translators provide, and wish that they, because of their unique service, be allowed to continued.

9) The "Report and Order" asks for comments on local broadcasters utilizing Frequency Coordinator Committees to resolve disputes and accommodate full power and low power stations in a market/community.

While a good idea on paper, it has been IBL's experience, (particularly with our radio stations) that sometimes local frequency coordinators and committees can be hampered by institutional and personal jealousy and personality conflicts between the engineers involved.

IBL would rather that the Commission create a system of arbitration (perhaps under the auspices of the American Arbitration Association) to resolve local interference and displacement issues fairly and equitably.

Such arbitration by a neutral party not only removes costly legal costs for a Low Power Station (many of which don't have the financial resources for such legal proceedings) but also removes competitive jealousy and possible restraint of trade issues between rich competitors taking out weaker competition.

10) The Commission should CREATE a new set of Engineering Standards which provides compatible interference standards for Low Power and Full Power Stations relevant to new technology employed in Advanced Television Receivers. If everyone is on the same playing field there will be ample room to allow for current Low Power stations to continue to operate.

11) IBL feels that the Commission should RELAX Engineering Standards employed to reflect the new Advanced Television Standards. Again, all stations should be on an equal playing field which reflects new technology.

12) IBL Agrees with the Commission that Low Power Stations SHOULD be allowed to relocate to Full Power Channels without having to compete with other applicants for these new channels in their immediate area. This could involve the opening of a filing window specifically for Low Power Stations displaced in the DTV process.

The LPTV should be allowed to apply, immediately upon publication in the Federal Register of the final "Report and Order" in this matter. The application process should also allow Defective Applications to be corrected by the Low Power Licensee.

13) IBL feels EXTREMELY STRONGLY that NO LPTV, especially in Urban Areas, who are locally owned, minority owned and providing significant local programming serving underserved groups, should be forced off the air.

HOWEVER, IF a local or minority owned LPTV is forced off the air, IBL feels strongly that the Commission should require the existing DTV which displaces that local or minority owned LPTV to continue the local and/or minority programming of the LPTV.

Other than our WAV, no other Indianapolis full power TV station produces local minority oriented programming geared to Indianapolis' large African-American community, nor its growing Hispanic and senior citizen communities. If DTV eliminates WAV, that programming will vanish. The

market's full power broadcasters don't produce such programming currently, knowing that WAV is "picking up the slack".

If DTV forces LPTV's like WAV which provide specific local programming for underserved groups off the air, the Commission should require that full power DTV stations pick up that programming so the community won't lose service.

14) Upgrade Low Power Stations to another class of a Full Power station. In this manner the stations now "at risk" or "in jeopardy" of losing their license will not face future risk of license loss due to upgrades of Full Power Stations or other changes which would displace Low Power Stations.

15) IBL is intrigued by the Commission's suggestion that LPTV's to share an existing DTV's channel. The Commission should further explore this proposal, but only in the context of the difficulty viewers/consumers who don't invest in Advanced Television receivers would have in viewing a LPTV like WAV broadcasting over a shared DTV channel.

## CONCLUSION

For the reason outlined in our associated "Reply Comments", IBL feels the impact on Low Power television interests have not been fully addressed and should be further considered before the implementation of Advanced Television Allotments.

IBL is concerned that minority owned broadcasters and television programming servicing local needs, especially needs of local, minority and

underserved communities will be adversely harmed and should be further considered before implementation of the Advanced Television Allotments.

IBL feels the impact upon Indianapolis will be devastating, as the city will lose its only minority owned television service and only local, minority owned facility. IBL feels the service WAV provides will be lost at the expense of growth by the dominant television interests in our market.

As a result, IBL feels the impact upon Indianapolis and the loss of Low Power Television Stations should be considered and thoroughly investigated by the Department of Justice prior to ANY proceeding which would silence Minority Low Power Stations, nationally and especially here in Indianapolis and our WAV.

IBL feels the effect on the Viewing Public has not been fully considered with respect to the implementation and cost of a new system and these concerns should be addressed prior to the implementation of the Advanced Television Allotments.

Respectfully Submitted December 3, 1996

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