

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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JAN '6 1997

FEDERAL COMMUNICATIONS COMMISSIC.  
OFFICE OF SECRETARY

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

**MOTION PROPOSING FOUR-WEEK LEEWAY FOR LATE-FILED  
COMMENTS ON UHF POWER ISSUE  
AND OPPOSING BROADER REQUEST FOR EXTENSION OF TIME**

The Association for Maximum Service Television ("MSTV") hereby opposes the request for an extension of time to file reply comments on the Sixth Further Notice of Proposed Rule Making, 11 FCC Rcd. 10968 (1996) (the "Notice"), filed by Sinclair Broadcast Group, Inc. and Sullivan Broadcasting Company, Inc. on January 3, 1997 ("Extension Request"). Although MSTV is sympathetic with the concerns expressed in the Extension Request, we believe that those concerns may be addressed without further delaying this crucial proceeding. Thus, we oppose the excessive request for 60 days to attend to the discrete issue raised in the Extension Request, but support leave to file late comments on that discrete issue.

As we and other broadcasters stated in our November 15 Opposition to Request for Extension of Time of the initial comment date, it is critical that the Commission wrap up this proceeding and license DTV stations so that the transition process may begin. The rapidly changing world of telecommunications necessitates that the broadcast industry in this country proceed with the conversion to DTV now or risk becoming a second-rate video delivery service. Fully aware of the fast pace of telecommunications, the Congressional leadership has urged the

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Commission to complete the proceedings necessary for the DTV conversion by April 1, 1997. The Commission, having now issued the Fourth Report and Order resolving the DTV transmission standard issue, is poised to respond to that call and to conclude this proceeding.

The Extension Request is based on the discrete issue concerning the designated DTV power levels for current UHF licensees. In short, the Extension Request expresses the concern of some current UHF licensees that the power levels specified in the Broadcasters' Modified Table and in the FCC DTV Table for their stations might be inadequate to ensure reliable and sufficiently extensive service in their service areas. The Extension Request proposes a 60-day extension for the development of a proposal to deal with this perceived problem. One of the proposals raised informally, although not expressly, in the Extension Request, is to raise the power levels of all DTV stations assigned to current UHF licensees. The most likely effect of doing this would be to increase interference to existing UHF licensees -- a fact which underscores the complexity of this issue.

The power levels reflected in the Broadcasters' Modified Table were calculated in a uniform manner throughout the UHF band and are predicated on nine years of development and testing under the Advisory Committee on Advanced Television Testing, in which Commission officials participated. In accordance with the replication/maximization principle endorsed by the Broadcasters Caucus (MSTV, NAB, ALTV, APTS, ABC, CBS, NBC, FOX, PBS, Chris Craft, and Tribune) since 1992, the goal was to determine what power was needed, given a particular tower height, to replicate the NTSC service area. The Broadcasters' approach is not intended, as the Extension Request suggests, to "merely replicate" existing service areas. Instead, the principle of maximization is intended to allow many smaller stations to more than replicate their NTSC service areas and to allow many smaller stations that were not operating at maximum NTSC facilities to replicate maximum facilities in the future or even achieve coverage

greater than their UHF NTSC channels would have permitted. A large majority of the commenting broadcasters in this proceeding has endorsed the principles of replication and maximization, as has, to a large extent, the Commission itself.

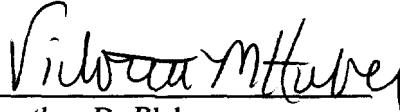
Although the planning factors used to develop the predicted DTV power levels in the UHF band are well-established and widely accepted, adjustments may be appropriate, and it is important to attempt to resolve or narrow outstanding concerns over the specified UHF-station power levels. However, such exploration should not be permitted to delay the rulemaking, as would, first, the across-the-board 60-day extension request and, second, the submission of any proposal that could require still another round of comments. In this respect, we strongly disagree with the naked assertion in the Extension Request that a 60-day extension would not "measurably delay" adoption of a DTV table or prejudice "any party to this proceeding." Extension Request at 5. It could, in fact, jeopardize the industry and the public it serves.

Therefore, we urge the Commission to deny the Extension Request and instead to accept late-filed reply comments on the UHF power issue for four weeks after the January 10, 1997 deadline to afford broadcasters the opportunity to evaluate and respond to questions concerning this issue. The UHF power issue is an important but discrete issue that the broadcasting industry can fruitfully explore during such an extension. Meanwhile, the

Commission can proceed to close the record<sup>1/</sup> and finalize consideration of the broad sweep of other issues covered by the Sixth Further Notice.

Respectfully submitted,

ASSOCIATION FOR MAXIMUM  
SERVICE TELEVISION, INC.



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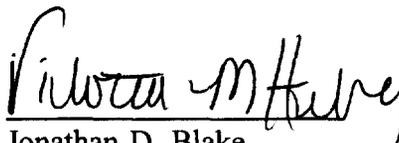
January 6, 1997

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<sup>1/</sup> Of course, the Commission is always open to important new information or ideas even if they emerge after comment deadlines. If this should occur with respect to other issues in this proceeding, the Commission should follow this practice.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Motion Proposing Four-Week Leeway for Late-Filed Comments On UHF Power Issue and Opposing Broader Request for Extension of Time was served, via hand delivery, on this 6th day of January, 1997 to Martin R. Leader/Gregory L. Masters, Fisher Wayland Cooper Leader & Zaragoza, L.L.P., 2001 Pennsylvania Avenue, N.W., Suite 400, Washington, DC 20006-1851, Counsel for Sinclair Broadcast Group., Inc. and Sullivan Broadcasting Company, Inc., ("Group Owners").



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