

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

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Federal Communications Commission  
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

PETITION FOR CLARIFICATION OF SCANLAN TELEVISION, INC. OF THE SIXTH  
REPORT AND ORDER

Scanlan Television, Inc. ("Scanlan") submits its Petition for Clarification of the Commission's Sixth Report and Order, MM Docket No. 87-268, FCC 97-115 (rel. Apr. 21, 1997) (the "Sixth Report and Order"). Scanlan owns and operates WBKP-TV in Calumet, Michigan, as well as WGTU-TV, Traverse City, Michigan and its satellite, WGTQ-TV, Sault Ste. Marie.

The Commission stated in the Sixth Report and Order that it would follow a flexible approach in reviewing DTV transmitter site relocation requests that do not cause an increase in impermissible interference to surrounding stations.<sup>1</sup> In a companion order released on the same day, the Commission further indicated that it would clarify the procedures for

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<sup>1</sup> Sixth Report and Order, FCC 97-115 at ¶ 102 (noting that it will "provide as much flexibility as possible with regard to changes in transmitter locations," and that it will "allow stations to relocate to other locations or co-locate their facilities with other broadcasters where such relocations and co-locations would not increase interference.").

obtaining such permission to relocate in a future Public Notice.<sup>2</sup> Scanlan petitions that such clarification is needed now to enable broadcasters to prepare for the smooth and efficient transition to DTV. Specifically, the Commission must clarify that it will consider relocation requests before broadcasters are required to spend thousands -- or millions -- of dollars to convert their analog systems to DTV.

The advent of DTV presents an unparalleled opportunity to correct the inefficiencies of the old analog system in bringing digital television technology to a broader section of the viewing public. By approving requests now to permit broadcasters to relocate their DTV transmitters in order to provide broader coverage to more Americans, the Commission would advance its goal of speeding DTV service to the public, while addressing the concerns of broadcasters -- such as Scanlan -- that the inefficiencies of the analog environment will not be replicated in a DTV world.

Scanlan's current transmitter site location, at the base of the Keweenaw Peninsula, is not as well positioned as it could be to serve the communities within its Designated Market Area ("DMA"). Indeed, in order to meet its NTSC city grade coverage requirements, WBKP-TV's transmitter is located in a manner that much of its signal is delivered to Lake Superior. Because of the superior technology offered by DTV, Scanlan believes that it will be able to locate its transmitter to better serve its DMA, while maintaining coverage of its community of license. Before expending the substantial funds needed to convert to DTV, Scanlan seeks

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<sup>2</sup> Fifth Report and Order, MM Docket No. 87-268, FCC 97-116 (rel. Apr. 21, 1997) at ¶ 67.

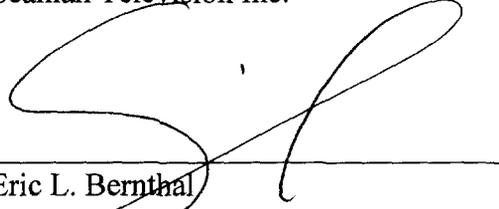
assurance that it will be permitted to construct such facilities at the outset at the location that will permit it to best serve the public.

Accordingly, for the reasons set forth above, the Commission should clarify in its rules that broadcasters will be permitted to relocate their DTV transmitter sites prior to construction and operation of facilities at their analog locations, so long as the move would not cause an impermissible increase in interference to existing NTSC stations or planned (or operating) DTV stations.

Respectfully submitted,

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