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Federal Communications Commission

DA 97-1377

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

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

**ORDER**

Adopted: July 2, 1997

; Released: July 2, 1997

By the Chief, Office of Engineering and Technology:

1. By this Order, we are clarifying our action in the Sixth Report and Order in this proceeding with regard to OET Bulletin No. 69, and are providing an additional period of time for parties requesting reconsideration of individual allotments included in the DTV Table of Allotments to submit supplemental information relating to their petitions.<sup>1</sup> As discussed below, we are also releasing OET Bulletin No. 69 concurrent with this Order.

2. In the Sixth Report and Order, the Commission set forth a Table of Allotments for digital TV (DTV) service, rules for initial DTV allotments, procedures for assigning DTV allotments to eligible broadcasters, and plans for spectrum recovery. A number of parties have submitted petitions for reconsideration expressing concern that OET Bulletin No. 69, which is referenced in the new DTV allotment rules as a source of guidance for evaluating DTV coverage areas, is not available and that they therefore have not been able to fully evaluate the DTV channels that were paired with existing television stations.<sup>2</sup> These parties generally argue that without the technical guidance to be provided in OET Bulletin No. 69, they are unable to fully evaluate either the acceptability of the DTV allotments provided for their existing stations or the suitability of alternative channels. These parties also generally request that we provide additional time after the issuance of OET Bulletin No. 69 to evaluate their allotments and then supplement their petitions with additional information relating to specific changes to the DTV Table.

<sup>1</sup> See Sixth Report and Order, MM Docket No. 87-268, adopted April 3, 1997, FCC 97-115 (released April 21, 1997).

<sup>2</sup> See 47 CFR § 73.622(e), § 73.623(c), § 74.703(a), § 74.705(e), and § 74.707(e).

3. OET Bulletin No. 69 provides guidance on the implementation and use of Longley-Rice methodology for evaluating DTV and NTSC coverage and interference. We wish to clarify that the technical guidance to be provided in OET Bulletin No. 69 is generally intended to be used for the purposes of preparing applications requesting facilities that do not conform to the DTV Table; petitions to amend the DTV Table, applications for new DTV stations, changes in authorized DTV stations, and the impact of low power TV and TV translator stations on DTV service areas. In short, the purpose of OET Bulletin No. 69 is to serve as a guide for parties preparing submissions for possible actions that we might take subsequent to the development of the initial DTV Table.

4. We disagree with those parties that assert that information set forth in OET Bulletin 69 is essential for evaluation of DTV allotments. We note that the terrain dependent Longley-Rice propagation model and the methodologies used in evaluating DTV coverage and interference in the Sixth Report and Order are well known to the broadcast industry. These methodologies were in general developed by the broadcast industry through our Advisory Committee on Advanced Television Service. As early as 1992, they were used by the Advisory Committee in evaluating the various DTV technical systems and were also used in evaluating the ATSC DTV system, a modified version of which was selected by the Commission as the DTV standard. In addition, these same methodologies were used by the Association of Maximum Service Television (MSTV), the Broadcast Caucus and many engineering consulting firms in evaluating the draft DTV Table of Allotments that was included in the 1996 Sixth Further Notice of Proposed Rule Making in this proceeding and in evaluating the alternative DTV Table submitted by the broadcast industry.<sup>3</sup>

5. Nonetheless, in view of the concern that has occurred with regard to OET Bulletin No. 69, we believe it is appropriate to provide parties that submitted petitions for reconsideration requesting modification of their DTV allotments a brief period of additional time to file supplemental presentations relating to those requests. We believe that a 45-day period will allow those parties sufficient time to supplement their petitions without delaying our prompt action on the petitions for reconsideration of the Sixth Report and Order.

6. We are issuing OET Bulletin No. 69 concurrent with this Order. Interested parties are advised that this document may be revised based on any actions that the Commission may take on reconsideration.

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<sup>3</sup> See Sixth Further Notice of Proposed Rule Making, MM Docket No. 87-268, 11 FCC Rcd 10968 (1996); see also, Joint Comments of Broadcasters, submitted in response to the Sixth Further Notice.

7. Accordingly, IT IS ORDERED THAT, pursuant to Sections 4(i) and 303(r) or the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Sections 0.31, 0.241, 1.3, and 1.429 of the Commission's rules, 47 CFR §§ 0.31, 0.241, 1.3, 1.429, parties that submitted petitions for reconsideration requesting modification of their DTV allotments MAY SUBMIT supplemental filings relating to those requests on or before August 22, 1997.

## FEDERAL COMMUNICATIONS COMMISSION



*for* Richard M. Smith  
Chief,  
Office of Engineering and Technology