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FEDERAL COMMUNICATIONS COMMISSION
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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 Existing Television Broadcast Service	)	MM Docket No. 87-268

TO: The Commission

REPLY OF "CERTAIN CHANNEL 2-6 LICENSEES"
TO OPPOSITION OF NATIONAL PUBLIC RADIO

On May 29, 1997, the undersigned -- an ad hoc group of commercial and noncommercial broadcasters operating NTSC stations between channels 2 and 6, or slated to operate DTV stations between channels 2 and 6 -- filed a Petition for Reconsideration in this proceeding ("Channel 2-6 Petition"). The Petition argued that the Commission has inappropriately placed a special burden on channels 2-6 to prove themselves appropriate for digital transmission before being designated part of the ultimate core DTV spectrum. We requested specifically that the Commission make clear that all channels between 2 and 51 will be fairly and equally considered for the ultimate core.

On June 9, National Public Radio ("NPR") filed an Opposition to the Channel 2-6 Petition, to the extent it addressed channel 6, in light of "the long history of adjacent channel interference" (i.e., interference between television transmission on channel 6 and adjacent noncommercial

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educational FM radio transmissions). No other party opposed the Channel 2-6 Petition; indeed, as noted below, considerable support was expressed. While we agree with NPR that channel 6 and adjacent channel noncommercial FM operations present special interference protection issues, the use of channel 6 for digital operations should alleviate, not exacerbate, these concerns. Accordingly, these concerns should not in any way preclude the use of channel 6 for DTV or cast doubt on its appropriateness for the core spectrum.

First, it is critical to remember that noncommercial educational FM operators will fare better in the DTV environment than they have in the NTSC environment, even if channel 6 is retained in the core. If channels 2-6 were included in the core and if every broadcaster currently operating NTSC on channel 6 chose to return to channel 6 to provide ongoing DTV service, there would be no more television stations operating on channel 6 than at present.[1/] And because the digital signal is more efficient, each station would need much less power than it needs now to reach the same service area. As a result, adjacent channel non-commercial FM stations would be subject to less adjacent channel interference than they presently are. Moreover, because digital operations are more robust (i.e., less vulnerable to interference), noncommercial FM stations could be less

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[1/] If, in addition, every broadcaster operating on channel 6 for DTV chose to retain the channel for DTV service after the transition, this would add only three more stations.

constrained than they presently are by the need to protect channel 6 television operations from interference.

Second, within the context of the Commission's rules specifying how channel 6 television stations and non-commercial educational FM stations should co-exist, the two sets of parties can employ engineering designs and safeguards to enable channel 6 to be used for television transmissions during the transition period and then in the all-DTV world.[2/] The Petition for Partial Reconsideration filed by WCPX License Partnership, for instance, which documents a 40-year working relationship between WCPX and noncommercial FM stations in the Orlando area (including, for example, the fact that one of the FM stations uses the WCPX antenna) demonstrates well that mutually satisfactory engineering solutions can be devised, and that channel 6 television transmissions can co-exist harmoniously with the FM transmissions of noncommercial educational stations.[3/] In short, several decades of experience have shown that satisfactory engineering solutions can be found.

Finally, in the nearly two months since we filed our request for relief, several hundred filings have been made in

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[2/] See, e.g., Broadcasters' Comments on the Sixth Notice of Proposed Rulemaking, MM Docket No. 87-268 (Nov. 22, 1996) at 46; Joint Broadcaster Comments, MM Docket No. 87-268 (Nov. 16, 1992) at 30.

[3/] See WCPX License Partnership, Petition for Partial Reconsideration of the Sixth Report and Order, MM Docket No. 87-268 (June 13, 1997) at 8-10.

the docket and with the exception of the NPR Opposition, none opposed the Channel 2-6 Petition. Indeed, over a dozen parties, representing scores of Channel 2-6 licensees or prospective DTV licensees, explicitly supported it.[4] They agree that imposition of "wait and see" status has no support in the engineering data[5] and that it creates destructive uncertainty for numerous broadcasters;[6] they affirm that the efficient wide-area propagation characteristics of channels 2-6, which are particularly important for service to rural areas, outweigh the disadvantage of any noise that may be encountered in the use of these channels;[7] and they support the view that engineering solutions can be found to any noise problem that is encountered.[8] Finally, they agree that the Commission should affirmatively search for ways in which the

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[4] See, e.g., A. H. Belo Corporation at 1; California Oregon Broadcasting, Inc. at 2; Capitol Broadcasting Co. at 6; Citadel Communications Co., Ltd. at 4-5; Gannett Co., Inc. at 3; Harte-Hanks Television, Inc. at 4; Hubbard Broadcasting, Inc. at 3-4; JDG Television, Inc. at 1; Mt. Mansfield Television, Inc. at 3; Nexstar Broadcasting Group, L.P. at 3; Ramar Communications, Inc. at 5; Retlaw Enterprises, Inc. at 7; WCPX License Partnership at 7. For simplicity's sake, the document titles have been omitted. All of the above were filed on June 13, 1997. See also KHQ, Incorporation, Comments In Support of Petition for Reconsideration by Certain Channel 2-6 Licensees (July 18, 1997) at 2.

[5] See, e.g., WCPX License Partnership at 7.

[6] See, e.g., Mt. Mansfield Television, Inc. at 3-4.

[7] See, e.g., Retlaw Enterprises, Inc. at 7.

[8] See, e.g., Nexstar Broadcasting Group, L.P. at 3.

channels could be preserved for terrestrial DTV despite any noise problems that do arise.[9]

In sum, not a single television broadcaster has disagreed with the position taken by the undersigned -- that the benefits to the public of the propagation characteristics of channels 2-6 outweigh any noise problems that may materialize during DTV implementation, and that the Commission should not single these channels out for presumptive recapture. The Opposition filed by NPR overlooks the fact that the switch-over to digital will materially ease the interference constraints imposed on noncommercial educational FM stations by channel 6 television operations (rather than add to them). Accordingly, we respectfully reiterate our request that the Commission as soon as possible (and without waiting to deal with other reconsideration issues) clarify that all channels between 2 and 51 will be equally considered for the ultimate core.

Respectfully submitted,

KAUZ-TV, NTSC Channel 6, Wichita Falls, TX
KBSD-TV, NTSC Channel 6, DTV Channel 5, Ensign, KS
KDLH (TV), NTSC Channel 3, Duluth, MN
KGBT-TV, NTSC Channel 4, Harlingen, TX
KGWL-TV, NTSC Channel 5, Lander, WY
KGWN-TV, NTSC Channel 5, Cheyenne, WY
KIMT (TV), NTSC Channel 3, Mason City, IA
KLBY (TV), NTSC Channel 4, Colby, KS
KPRC-TV, NTSC Channel 2, Houston, TX
KRON-TV, NTSC Channel 4, San Francisco, CA
KTVS (TV), NTSC Channel 3, Sterling, CO
KXAS-TV, NTSC Channel 5, Fort Worth, TX
WANE-TV, DTV Channel 4, Fort Wayne, IN

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[9] See, e.g., KHQ Corporation at 3.

WCIA (TV), NTSC Channel 3, Champaign, IL
WDIV (TV), NTSC Channel 4, Detroit, MI
WFSB (TV), NTSC Channel 3, Hartford, CT
WGBH-TV, NTSC Channel 2, Boston, MA
WHSV-TV, NTSC Channel 3, Harrisonburg, VA
WIVB-TV, NTSC Channel 4, Buffalo, NY
WJBF (TV), NTSC Channel 6, Augusta, GA
WJXT (TV), NTSC Channel 4, Jacksonville, FL
WOWT (TV), NTSC Ch. 6, Omaha, NE
WPSD-TV, NTSC Channel 6, Paducah, KY
WRBL (TV), NTSC Channel 3, Columbus, GA
WTVY (TV), NTSC Channel 4, Dothan, AL

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July 31, 1997

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CERTIFICATE OF SERVICE

I, Erika F. King, hereby certify that a copy of the foregoing **Reply of "Certain Channel 2-6 Licensees" to Opposition of National Public Radio**, was sent this 31st day of July, 1997, by first class mail, postage prepaid to the following:

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Erika King

Erika F. King