

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

In the Matter of

Advanced Television Systems
Proposed Table of Assignments
Sixth Report and Order

MM Docket No. 87-268

TO THE COMMISSION

**REPLY TO OPPOSITION TO
PETITION FOR RECONSIDERATION**

Ruarch Associates Limited Partnership, by its General Partner and General Manager of W28AZ, comes now before the Commission to offer this Reply to the Opposition to Petition for Reconsideration filed in this proceeding by the attorneys hired by the Maryland Public Broadcasting Commission.

1. Opposers claim that they operate full service television stations serving the State of Maryland and infer that WFPT is, indeed, a locally programmed station which serves the local needs of its community of License, Frederick, Maryland. In point of fact, WFPT is a satellite/translator facility only. WFPT has no studios, no offices and nothing but a receiver, transmitter tower and antenna and has never become a true local station according to definition.

2. Ruarch readily admits that it erred in the listing of the current and proposed future channel assignments for WFPT. It simply reversed the numbers, a very human error for which it humbly begs the forgiveness of the Commission. The Petition should have stated that the WFPT facility is translating MPT programs on Channel 62 NTSC and could be assigned Channel 63 DTV according to its consulting engineers report.

3. Ruarch agrees with the opposers that W28AZ is a secondary service. Further, Ruarch agrees with the opposers that spectrum availability may not accomodate LPTV as well as Translators and that full power stations are entitled to preference when there cannot be room for all television broadcasters. But the Commission agreed in principle that LPTV should be sustained if circumstances would allow that retention.

4. Opposers state that the Commission plans to eliminate all television signals from Channel 60 to 69. Modifications to that plan now under consideration indicate that some stations may be assigned permanent facilities in those frequencies even as some public safety and other agencies assume other frequencies in that spectrum. So the proposed Petition calling for a one channel shift by WFPT could then be granted on a permanent basis with no future channel change, the major concern in the Opposition.

5. Ruarch, in its Petition, recommended that WFPT consider an idea to reduce financial outlay by diplexing its current antenna. Both Channel 62 and 63 could use the same antenna pattern. Ruarch assumed that a public facility would seek to conserve its contributors funds as well as NTIA and other governmental allocations. Using the same tower and antenna for both NTSC and DTV would be a considerable cost saving.

6. Ruarch makes to attempt to dissuade the arguments put forward by MPT/WFPT insofar as the W28AZ status is concerned in the overall scheme of licensed television stations. However, Ruarch needs to convey the fact that it has studios and facilities and is the only local television station serving Winchester (Frederick County) Front Royal (Warren County) and Berryville (Clarke County) with a full time news department, and local informational programs. If there is to be a comparison vis a vis the full local service afforded by WFPT or W28AZ, Ruarch would be superior. But this is not a comparative presentation for survival. Both can continue under the Ruarch petition.

7. Opposers have indicated that Ruarch rather than MPT/WFPT should be the entity to change its channel assignment to accomodate the proposed Frederick DTV Table of Assignments. On the surface, this may seem to be appropriate. But in the instant situation, W28AZ is on the air and operational on Channel 28. WFPT is not. W28AZ is on local cable systems in Warren County, Clarke County and Frederick County. Each cable system has the requisite antennae and receivers to pickup and carry W28AZ. All the cable systems throughout the Frederick, Maryland area which now carry WFPT on Channel 62 NTSC can use the same antennae to receive DTV Channel 63. Mandating a channel change for W28AZ just because it is an LPTV station and a secondary service does not appear to be in the public interest.

Ruarch prays that its original Petition for Reconsideration as corrected in (2) above be granted and that the Opposition to the Petition be denied.

Respectfully submitted,

~~RUARCH ASSOCIATES LIMITED PARTNERSHIP~~

By: _____

Arthur D. Stampler, Ph.D.
General Partner and General Manager

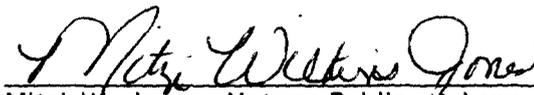
CERTIFICATE OF SERVICE

I, Mitzi W. Jones, a Notary Public for the Commonwealth of Virginia at Large, hereby certify that I have on this 28 day of July, 1997, sent by First Class United States Mail, postage paid, copies of the foregoing **REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION** to the following:

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Mitzi W. Jones, Notary Public at Large for the
Commonwealth of Virginia
My Commission Expires April 30, 2000