

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

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
AUG 28 1997

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

TO: The Commission

**REPLY TO
JEFFERSON-PILOT COMMUNICATIONS COMPANY'S OPPOSITION
TO SUPPLEMENTAL INFORMATION SUBMITTED BY
SHENANDOAH VALLEY EDUCATIONAL TELEVISION CORPORATION**

Shenandoah Valley Educational Television Corporation ("Shenandoah"), licensee of public station WVPT(TV) (NTSC Channel 51, Staunton, Virginia), submits this Reply to the Opposition^{1/} filed by Jefferson-Pilot Communications Company ("Jefferson-Pilot") in response to the supplemental information submitted by Shenandoah on August 22, 1997 to support its Petition for Partial Reconsideration in the above-captioned proceeding (the "Supplement").^{2/} The information provided in the Supplement

^{1/} Opposition of Jefferson-Pilot Communications Company to Supplemental Engineering Information in Support of Petition for Partial Reconsideration of Shenandoah Valley Educational Television Corporation, MM Docket No. 87-268 (September 23, 1997) (hereinafter "Jefferson-Pilot Opposition").

^{2/} Supplemental Information in Support of the Petition for Partial Reconsideration of Shenandoah Valley Educational Television Corporation, MM Docket No. 87-268 (August 22, 1997); *see also* Petition for Partial Reconsideration of Shenandoah Valley Educational Television Corporation, MM Docket No. 87-268 (June 13, 1997) (hereinafter "Petition").

11

further supported Shenandoah's request that the Commission change the DTV channel assigned to WVPT(TV) from Channel 19 to Channel 11. Specifically, Shenandoah set forth engineering information explaining the special technical problems facing Shenandoah if it is required to initiate digital television operations on Channel 19.

As explained in Shenandoah's Supplement, these technical barriers result because much of Shenandoah's service area is within the National Radio Quiet Zone (the "Quiet Zone").^{3/} In a letter to Shenandoah's engineers, the National Radio Astronomy Observatory made it clear that Shenandoah would face formidable technical obstacles in providing DTV service on Channel 19 consistent with the Quiet Zone restrictions.^{4/} Overcoming these technical obstacles, even if feasible, would impose an onerous financial toll on WVPT(TV) -- an already struggling noncommercial and educational television station.^{5/} Moreover, accommodating the Quiet Zone restrictions using Channel 19 could threaten WVPT(TV)'s ability to provide adequate service to its viewers.^{6/} The alternative DTV assignment sought by Shenandoah would avoid these harmful consequences.^{7/}

^{3/} The Quiet Zone was established to protect the Naval Research Laboratory Station ("NRL") at Sugar Grove, West Virginia and the National Radio Astronomy Observatory ("NRAO") at Green Bank, West Virginia, and has imposed limitations on Shenandoah's ability to provide service in the area.

^{4/} See Supplement at 2-3 and Figure 1.

^{5/} *Id.* at 3.

^{6/} *Id.*

^{7/} If permitted to operate on DTV Channel 11, Shenandoah would face fewer technical obstacles in constructing an antenna that would adequately protect the NRAO.

Lacking the financial resources available to commercial stations, small noncommercial educational television stations face special challenges in undertaking the transition to digital television, but these challenges are compounded by the special situation that WVPT(TV) faces. These special circumstances result from WVPT(TV)'s Channel 19 DTV assignment, which poses even greater financial and technical burdens on Shenandoah because of the special Quiet Zone restrictions (high cost of designing and maintaining a highly customized antenna) and the displacement of its own Channel 19 translator in Charlottesville (loss of revenues and service).^{8/} These obstacles threaten the very existence of WVPT(TV).

Jefferson-Pilot urges the Commission to disregard the serious concerns raised in Shenandoah's Petition and Supplement because it also seeks an alternative assignment of DTV Channel 11 for temporary use by its Richmond station, WWBT(TV). Without any reasonable explanation, Jefferson-Pilot claims that "the proximity of WVPT

^{7/}(...continued)

In addition, Shenandoah would not face the staggering economic consequences resulting from the loss of its Charlottesville service area and from the construction and operation of a highly specialized antenna. While a commercial television station might be able to absorb such costs, they are potentially devastating to a small public station like WVPT(TV). *See id.* at 4.

^{8/} Shenandoah's situation is extraordinary, in that its financial stability rests primarily on access to the Charlottesville/Albemarle community, a community served by its Channel 19 translator rather than by its main transmitter. The use of translator service is necessitated by the mountainous terrain in Shenandoah's service area. A loss of service to the Charlottesville/Albemarle community would harm the public interest by disenfranchising members of the community who currently receive the educational programming historically provided by Shenandoah. Moreover, loss of the Charlottesville/Albemarle viewership would cause severe economic harm to WVPT(TV) and threaten its ability to continue providing service to *all* of the communities it currently serves.

to the Quiet Zone is not a sufficient basis for challenging its DTV assignment."^{9/} Jefferson-Pilot also suggests that the serious public interest concerns raised by Shenandoah should be dismissed.^{10/} But the Commission has long recognized the important public service provided by noncommercial educational stations such as WVPT(TV) and has determined that such stations require special accommodations to survive the transition.^{11/} Because of the unique technical obstacles and devastating service losses resulting from its DTV assignment, however, WVPT(TV) faces a much more dire situation than other public television stations. Shenandoah's current DTV assignment threatens WVPT(TV)'s continued survival and thus the continued provision of quality noncommercial and educational programming, including a full schedule of in-school, over-the-air educational programs. These are just the sort of public interest harms that the Commission strives to avoid.

Jefferson-Pilot is the *only* party opposing Shenandoah's request that the Commission change its DTV channel assignment from Channel 19 to Channel 11. Indeed, the only other entity directly addressing Shenandoah's proposal has supported it.^{12/} Jefferson-Pilot opposes Shenandoah's request because it would prefer DTV

^{9/} Jefferson-Pilot Opposition at 2-3.

^{10/} *Id.* at 2.

^{11/} See, e.g., Fifth Report and Order, MM Docket No. 87-268 (rel. April 21, 1997) ¶ 104 ("We also acknowledge the financial difficulties faced by noncommercial stations and reiterate our view that noncommercial stations will need and warrant special relief from measures to assist them in the transition to DTV. ").

^{12/} See Comments of Association of America's Public Television Stations and Public Broadcasting Service in Support of Supplements to Petitions for Reconsideration Filed by Public Television Licensees, MM Docket No. 87-268 (September 23, 1997).

Channel 11 to its current DTV assignment and because "the proximity of Richmond to Staunton appears to foreclose assigning DTV Channel 11 to both licensees."^{13/} Jefferson-Pilot openly admits that its use of Channel 11 would be limited to the transition period,^{14/} yet urges the Commission to favor this *temporary* use over Shenandoah's need for a permanent DTV channel on which to provide its noncommercial and educational programming.

Thus, the only opposition to Shenandoah's proposal stems from a commercial station that wishes to operate on DTV Channel 11 for a temporary period of time strictly for reasons of convenience. Notably, Shenandoah faces no opposition from *any* party based on interference to (i) existing NTSC operations, (ii) future DTV operations on an assigned channel, or even (iii) proposed DTV operations on an alternative DTV channel sought for permanent use. By contrast, Jefferson-Pilot's proposal is opposed both by an existing NTSC station (WAVY-TV, Channel 10, Portsmouth, Virginia) which would receive harmful interference from Jefferson-Pilot's

^{13/} Opposition to Petition of Shenandoah Valley Educational Television Corporation for Partial Reconsideration filed by Jefferson-Pilot Communications Company, MM Docket No. 87-268 (July 18, 1997) at 2; *see also* Petition for Reconsideration of Jefferson-Pilot Communications Company, MM Docket No. 87-268 (June 13, 1997).

^{14/} Jefferson-Pilot plans to move its DTV operations after the transition to its current NTSC channel, Channel 12. *See* Jefferson-Pilot Opposition at 2.

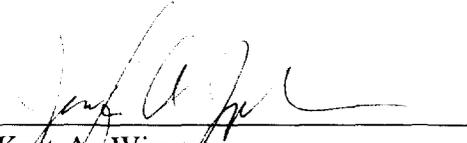
Channel 11 operations^{15/} and by Shenandoah, which seeks Channel 11 as a *permanent* home for its DTV operations.

Shenandoah is committed to moving forward expeditiously to initiate digital operations on WVPT(TV). If its request for DTV Channel 11 is granted, Shenandoah immediately will concentrate its efforts on building out its DTV facilities as quickly as possible. Because the public interest strongly favors the assignment of DTV Channel 11 to Shenandoah rather than to Jefferson-Pilot, Shenandoah again urges the Commission to assign DTV Channel 11 to WVPT(TV), dismiss Jefferson-Pilot's opposition to Shenandoah's proposal, and deny Jefferson-Pilot's petition for

^{15/} See Reply to Supplemental Engineering Information Submitted by Jefferson-Pilot Communications Company to Support Petition for Reconsideration filed by WAVY Television, Inc., MM Docket No. 87-268 (September 23, 1997); Opposition to Petition for Reconsideration Filed by Jefferson-Pilot Communications Company filed by WAVY Television, Inc., MM Docket No. 87-268 (July 18, 1997).

reconsideration to the extent that it seeks an alternative DTV channel assignment of Channel 11 for WWBT(TV).

Respectfully submitted,



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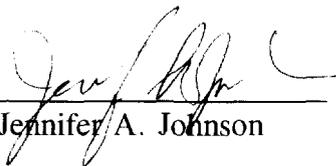
October 8, 1997

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply to Jefferson-Pilot Communications Company's Opposition to Supplemental Information Submitted by Shenandoah Valley Educational Television Corporation has been served by first-class mail, postage prepaid, this 8th day of October, 1997 on:

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