

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

To: The Commission

COMMENTS OF THE COUNTY OF LOS ANGELES

The County of Los Angeles ("County"), by its attorneys, hereby submits the following comments in response to the Commission's Public Notice, released December 2, 1997, in the above-captioned proceeding. The Commission seeks comments in response to a recent ex parte submission by the Association for Maximum Service Television, Inc. ("MSTV"), filed November 20, 1997, ("MSTV proposal"), proposing to alter the Commission's existing Table of Allotments for digital television ("DTV") as adopted in the Sixth Report and Order in this proceeding.

The County supports the MSTV proposal insofar as it relates to changes in the Commission's existing DTV Table of Allotments in the Los Angeles area which would eliminate a number of current DTV allotments in channels 60-69, thus making spectrum immediately available for use by public safety agencies. The County opposes, however, MSTV's proposal to amend the Table of Allotments to add numerous additional 60-69 DTV allotments to other areas of the country.

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INTRODUCTION

MSTV's proposal would make 357 changes to the Commission's current DTV Table of Allotments, supposedly to reduce DTV-DTV adjacent channel interference and increase DTV service area replication. See MSTV proposal at 9. To implement these changes, MSTV proposes to increase the number of nationwide channel 60-69 DTV allotments from the current 15 to 47. The County strongly opposes this, and agrees with the concurrently filed comments of APCO, Motorola and others that the addition to the Table of Allotments of any new channel 60-69 DTV allotments will have a severely adverse impact on the Commission's efforts to implement its Congressional mandate to make available 24 MHz of spectrum in the 746-806 MHz band nationwide for public safety use.

There is one aspect of the MSTV proposal, however, which the County strongly supports, as it would do the reverse. The broadcasters have discovered that the number of channel 60-69 DTV allotments in the Los Angeles area can actually be reduced, and it appears that this can be done without the need to change any other current allotments outside of Southern California. The County requests that the Commission adopt this limited aspect of the MSTV proposal which will serve to alleviate the failure of the Commission to make new spectrum available immediately in the 746-806 MHz band for public safety use in the Los Angeles area. The Commission should not pass up this opportunity to correct a glaring flaw in its current DTV Table of Allotments.

**THE COMMISSION MUST AMEND THE DTV TABLE OF ALLOTMENTS TO
ELIMINATE CHANNEL 60-69 DTV ALLOTMENTS IN SOUTHERN CALIFORNIA
AS PROPOSED BY MSTV**

The County has actively participated in multiple stages of this and related proceedings, urging the Commission to make new spectrum available immediately to public safety agencies in Southern California to ensure that they have the tools necessary for the protection of life and property. Currently, the County has a Petition for Reconsideration of the Sixth Report and Order pending before the Commission which requests elimination of the channel 60-69 DTV allotments in the Los Angeles area that preclude public safety use of the 746-806 MHz band until the end of the DTV transition, which will be at least until 2006. See Petition for Reconsideration, filed June 13, 1997.

As the County explained in its Petition for Reconsideration, the Commission has adopted a clear policy to avoid the placement of any DTV channels outside of the "core" broadcast spectrum area, and especially between channels 60-69. See Petition for Reconsideration at 3; Sixth Report and Order at para. 37. However, in allotting six (6) of a total of 15 nationwide 60-69 DTV channel allotments to Los Angeles and neighboring communities, the Commission completely ignored its own policy. Unless changed, the Commission's decision in the Sixth Report and Order will have a devastating impact on Los Angeles public safety agencies who are located in one of the most, if not the most, spectrum congested regions of the country. As described by the County in numerous pleadings in this and other proceedings, public safety agencies in Los Angeles cannot wait until the end of the DTV transition for new spectrum - they desperately need new spectrum now.

MSTV's proposal proves that the Commission's decision with respect to the Los Angeles area DTV allotments is wrong, and that spectrum between channels 60-69 can be immediately made available to public safety agencies in the Los Angeles area without having any adverse impact on other areas. As shown in the following chart, MSTV's proposed amendments to the Table of Allotments with respect to the Southern California area would eliminate three (3) of six (6) current DTV station allotments in the Los Angeles area, most importantly channels 68 and 69 which are to be reallocated nationwide for public safety use.

Current NTSC and DTV Allotments / Proposed Changes to DTV Allotments in the Los Angeles Area

<u>Channel Number</u>	<u>Existing NTSC Allotment</u>	<u>FCC DTV Allotment</u>	<u>MSTV DTV Allotment (Proposed)</u>
60		Los Angeles	
61		San Bernardino	Riverside
62	Riverside		
63*	Oxnard		
64*	Barstow		Oxnard
65		Los Angeles	
66		Los Angeles	San Bernardino
67			
68*		Los Angeles	
69*		Riverside	

* Proposed for Allocation to Public Safety (ET Docket 97-157)

MSTV's proposal as illustrated above would free up channels 68 and 69 in the Los Angeles area thereby making 12 MHz of spectrum immediately available for use by public

safety agencies. While this is only half of the 24 MHz which the Commission has proposed for reallocation to public safety,¹ it is clearly a substantial improvement over the zero allocation which would occur without a modification of the current Table of Allotments.²

Further, the elimination of three (3) of the Los Angeles area channel 60-69 DTV allotments as proposed by MSTV may be undertaken without the addition of channel 60-69 DTV allotments elsewhere or additional adverse impact on other areas of the country. MSTV's plan focuses on three regions, the Northeast, the Great Lakes and California coast. See MSTV proposal at 3. The vast majority of MSTV proposed changes, however, effect the Eastern Coast and Great Lakes Region. In fact, only 32 changes are proposed in the entire state of California, with 21 of these proposed in Southern California, which is surrounded by the Pacific Ocean on one side, and mountains and desert on the other. Therefore, the proposed elimination of three (3) channel 60-69 DTV allotments in the Los Angeles area can easily be done without the need to alter the Table of Allotments as to any other part of the country.

In light of this development, the Commission now has a clear legal duty to follow its own policy with respect to avoiding the allotment of DTV channels in channels 60-69 wherever possible, and amend the Table of Allotments with respect to channels 60-69 in

¹ Reallocation of Television Channels 60-69, the 746-806 MHz Band, Notice of Proposed Rulemaking, ET Docket 97-157, FCC 97-245, released July 10, 1997.

² The Commission should also explore whether it can relocate MSTV's proposed allotments of channel 64 in Oxnard, and channel 66 in San Bernardino. On one hand this might permit use of channel 64 in certain parts of the region, and on the other hand, it would preserve an option of using channels 66 and 67 for public safety at least on an interim basis if that proves to be the best way to obtain sufficient spectrum.

Southern California as proposed by MSTV.³ As the broadcasters have clearly demonstrated that DTV channel requirements can be satisfied in Southern California without the need to allot six (6) DTV channels in channels 60-69, the Commission has no choice but to accept this constructive suggestion. Indeed, failure by the Commission to amend the Table of Allotments accordingly to delete the three (3) DTV allotments no longer sought by broadcasters, would constitute clear violations of the Commission's own policies, Section 307 (b) of the Communications Act of 1934, and would be contrary to the public interest.

³ The County does not support MSTV's proposed allotment of DTV channel 21 to Los Angeles. Channel 20 (506-512 MHz) is allocated for land mobile use in Los Angeles. While the County does not have licenses on channel 20, many other public safety agencies in the region do operate on that channel and could face destructive adjacent channel interference as a result.

CONCLUSION

The County therefore requests that the Commission reject MSTV's proposal to modify the Table of Allotments except with respect to the elimination of channel 60-69 DTV allotments in Southern California as discussed above.

Respectfully submitted,

THE COUNTY OF LOS ANGELES

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