

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
And Their Impact Upon the)
Existing Television Broadcast)
Service)
To: The Commission

COMMENTS OF FOX TELEVISION

Pursuant to Public Notice dated December 2, 1997, Fox Television (Fox), on behalf of Fox Broadcasting Company, Inc. (FBC) and Fox Television Stations Inc. (FTS), hereby files the following comments in response to certain limited aspects of the *ex parte* submissions of the Association of Local Television Stations (ALTV) and the Association of Maximum Service Television (MSTV) and other broadcasters in the above-referenced docket.

Introduction

FBC is one of the four major television networks, with over 175 affiliated television stations nationwide, including FTS, which comprises Fox's twenty-two owned stations, nine of which are in the top ten markets and fifteen of which are in the top thirty markets. FTS comprises over forty percent of FBC's total affiliate body. Along with other large group owners, Fox has committed to construct digital facilities in three markets in the top ten in which it owns stations within eighteen months of issuance of channel allocations and service rules for digital television.

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I. ALTV Proposal

Fox respectfully submits that the procedure for modification of the operating parameters of digital television stations as specified in Appendix B to the Sixth Report and Order in this proceeding¹ described at paragraphs 31 and 222 thereof, i.e., the filing of an engineering showing indicating that no new interference would be caused to any other DTV or NTSC operations (or an agreement among affected parties as to acceptance of any new interference), will suffice to achieve both desirable goals of (1) increasing signal strength within a DTV station's protected contours and (2) extending DTV coverage beyond those contours, where possible. There is no reason to engraft additional, complicated procedures on what otherwise is a rather straightforward, time-tested process.

Based on Fox's internal engineering analysis, Fox believes that substantial replication was achieved by the FCC table. However, Fox further believes that it is in the interest of every television station, and, more importantly, of the public, to attempt to improve the quality of its stations' digital signals to the greatest extent possible, at least where no new interference would be created. Nonetheless, we do not believe it is in the interest of either the industry or the public, or the Commission, for that matter, to complicate and possibly further delay what already is one of the lengthiest and most complex rulemaking proceedings in communications history with yet more process and procedure. Nor are these complications necessary to achieve the laudable goal of high-quality digital television reception for the public.

¹FCC 97-115, adopted April 3, 1997; released April 21, 1997.

Fox is on record in this proceeding in support of "[m]echanisms (e.g., beam tilt) used to improve a station's DTV service by increasing power..."² We continue to maintain the view that "DTV stations should be permitted to increase power...in order to improve service to local viewers without risking objectionable interference to stations in other markets."³ Precisely because FBC originated with a substantial number of UHF owned and affiliated television stations, its technical experts already have had significant experience in achieving in-market signal improvement in the NTSC environment, utilizing a number of sophisticated engineering techniques developed and perfected over the past decade. Furthermore, we are optimistic that similar results will be achievable in the digital world. It is our intention to pursue these goals vigorously for both our owned (including the five UHF stations among them) and affiliated stations as they commence digital operations.

Notwithstanding, our statement that "[e]ngineering a station's coverage pattern based on interference to other stations has worked well for AM radio and should prove valuable for DTV,"⁴ in our Petition for Reconsideration, was not an endorsement for any across-the-board change in UHF DTV station operating parameters. Importantly, the kinds of engineering solutions to perceived signal deficiencies envisioned by ALTV (as well as by Fox) must be pursued on an individualized basis, utilizing a panoply of more-or-less sophisticated and novel

²Petition for Reconsideration of Fox Television Stations Inc., MM Docket No. 87-268, June 12, 1997, at p. 3.

³Id.

⁴Id.

engineering techniques, including, but by no means limited to, traditional "beam tilting." As each station's situation is unique, in terms of site, terrain, channel number, surrounding stations and any number of other factors, the precise technical means to improve coverage and the amount of signal enhancement achievable will vary from station to station.

Nor do we endorse shifting the traditional burden of proof in cases in which a particular digital station seeks to deviate from the operating parameters prescribed by the Commission. Creating a presumption that UHF DTV stations may increase power to an arbitrary maximum, unless opposed by a showing that additional interference will be created, will cause an administrative logjam and slow the overall introduction of DTV.

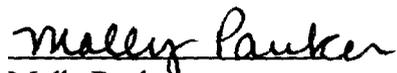
The process outlined by the Commission, whereby a party seeking modification of its assigned DTV operating parameters must provide an engineering showing that no new interference would be created (or an agreement among the affected broadcasters) is both consistent with past practice and stunning in its simplicity. There simply is no reason to engraft additional, complicated procedures to this procedure.

II. MSTV Proposals

Fox takes no position on MSTV's proposals, except to note that there are multiple pending applications for an open NTSC allotment on Channel 38 in Santa Barbara, California. If any of these were granted, the Channel 38 digital allotment that MSTV proposes for KTTV in

Los Angeles, California, would be unacceptable, on account of the significant amount of interference it would sustain from the co-channel Santa Barbara operation.

Respectfully submitted,



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December 17, 1997

CERTIFICATE OF SERVICE

I, Linda Kay Givens, hereby certify that, on this 17th day of December, 1997, I caused to be delivered a copy of the attached Comments of Fox Television to each of the following:

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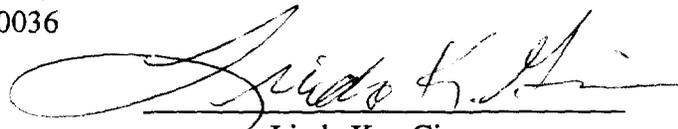
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