

JUN - 8 1998

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Petition of the)
Community Broadcasters Association)
For Establishment of a "Class A")
Television Services)

RM-9260

ORIGINAL

To: The Commission - Mail Stop 1170

COMMENTS OF SHERJAN BROADCASTING COMPANY

Sherjan Broadcasting Company is the licensee of WJAN-LP in Miami, Florida. The station operates at an ERP of 101 thousand watts circular polarized at a height of 520 feet above average terrain. WJAN originates in excess of 10 hours per week of local live programming for the Spanish speaking minority in South Florida. During the past 3 years has won in excess of 15 national awards including two Emmy's.

These comments are written by Sherwin Grossman, Persident of Sherjan Broadcasting Company, who has been in the broadcasting business since 1950 and has operated network stations of Dumont, CBS, ABC and NBC networks.

Mr. Grossman is also president of Community Broadcasting Association and a member of the Board of Governors of the National Academy of Television Arts and Sciences.

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To supply television service to the United States in the most efficient manner we should auction off 100 to 200 frequencies which can transmit their signal to a satellite, everybody in the United States would be able to receive 100 to 200 signals and we will have a system with the most efficiency. It could also be said that if , we are sitting outside the solar system this could be called local broadcasting to the United States, this however does not conform to the intent of the Communications Act of 1934. In the late 1940s NTSC allocation table was set up to equitably share spectrum across the country and this was supposed to give local service. People took stations allocated to small communities, i.e. St. Cloud, Minn. is assigned Channel 41 the transmitter was moved as close to Minneapolis / St. Paul as they could still meeting St. Cloud's designation. This however made the St. Cloud station a Minneapolis / St. Paul station St. Cloud lost its local service. (St. Cloud now receives local service from LPTV).

WESH Daytona Beach, Florida moved their tower west in order to serve Orlando and Daytona lost its local service, it receives local service from a LPTV. I use the above two cases only as illustrations of what has happened all over the country.

So with full power striving to cover the DMA as put down by Nielsen which effectively divides the country into 200 segments. To make matters worse Wall Street entered into the picture under the new multiple ownership rules gobbling up licenses further diminishing the local service except for local news in major stations. Local broadcasting has virtually ceased to exist in this country except that which is low power.

In 1982 the Commission saw the need for localization and created LPTV. With all its problems, it has and is doing better than their wildest dreams and is giving local broadcasting service to hundreds of communities across the nation. (We are listing 43 stations all giving local programming far in excess of the 3 hours per week which have filed with the Commission that I have received copies of in my capacity as President of CBA).

The position taken by NAB, MSTV does not surprise me. Everything I am saying about NAB could have been said in 1950 when I put a UHF station on the air. The NAB has always been for the status quo dominated by the large VHF stations.

Dominated by a board representing large conglomerates who have spent fortunes purchasing licenses getting most of their programs from network, syndication, no origination. They say we are attempting to go through the back door. I say it is they who are coming through the back door and low power coming through the front door. The same way that the original network stations came in when they created the industry.

A station coming into a market with no newspaper coverage, (WJAN is still not listed in the TV Guide although it is the 6th in audience out of 13 full powers) no cable coverage and in fact all it has is a CP which gives into frequency and power and no other instructions. From that a TV station is designed, built and becomes integrated into its community through hard work and that is the front door, that is what is all about.

It was a false premise LPTV knew it was secondary. It is, it has and will be secondary to the NTSC and DTV table of assignments with all the protection due to those stations. When the Commission began LPTV 15 years ago, the words ATV, HDTV, digital TV, DTV were words not yet in the English language.

During the 15 years the amount of displacement by full service stations was less than 10 with plenty of frequencies to replace them. It was never dreamed that we would be secondary to everything. Even so Class A should have no problem preserving those frequencies for cellular telephones, emergency service and DTV table of assignment as presently being done but we should be primary for those coming along in the future.

No one in their wildest dreams ever envisioned hundreds and hundreds of stations being displaced at one time.

The biggest burden of DTV as percentage of assets is being placed upon the weakest segment of the industry, small business, minorities.

This is not a battle for saving LPTV. In essence it is the battle to save Minority TV, localism, in hundreds of communities across the country, which are the very foundations of the Communication's Act. When Public TV states that local broadcasting should be destroyed because they might increase power beyond replication, 10 to 20 years from now this is self serving greed. Replication is the result of coverage by full power stations that had 40 or 50 years to arrive to that power level and to arbitrarily say that

local broadcasting should cease because they eventually might want more power, the fact that thousands of people will lose their jobs, local TV will be destroyed because of a dream they could not fulfill in 50 years. The above hold true for MSTV arguments and the NAB attempting to hide behind DTV. According to them DTV is tenuous, fragile. If this is true should we not stop the whole DTV program on the grounds that our knowledge is not sufficient?

When the table of assignments for NTSC was originally made 45 or 50 years ago, TV was archaic in some of its technical aspects: no color, no tape, vacuum tubes, no memory chip, no automation, but engineering has a way of compressing itself so advancements take place at a far more rapid pace than they did 10 years ago and to say that one must give up local service in this country is shortsighted, self-serving and certainly not in the interest of the people of this country.

In the petition of John Kompas and Jackie Biel, they brought up the problem of "market area". They are correct, it is a problem that should be addressed at this point. Market areas were defined by men. I am not advocating to do away with present DMA or Nielsen nor I am advocating a change in full power quest to serve the markets.

The Class A Stations should put a 74 DBU signal over all its city of designation. The city of designation should be a geographical / political subdivision that it serves. i.e. a Class A Station in New York that covers Manhattan and the Bronx but not all the city of New York can be licensed to Manhattan-Bronx it does not cover the New York DMA.

It will hold true for Hopkinsville, Kentucky, Dothan, Georgia, or Miami, Florida. This will be a fair way to define market area and not lead people to the conclusion that it covers an area it does not. Stations should be meeting all the requirements of Class A before applying for it. At this stage there should be no room for speculators. There are too many stations that have proven their mettle. This should be done because to become a Class A Station is a very serious thing of long standing nature and should be allowed in only one direction, so that stations cannot go back and forth.

Interference between Class A Stations can be protected and accomplished by mutual consent. However, the same interference rules should apply between Class A and full power as presently exists between full power stations.

We should protect all DTV allocations in the sixth report. We should protect land mobile channels whenever applicable and certainly those emergency channels in 60 to 69 but by the same token stations should be allowed to apply for increase in power after they receive Class A licenses without windows.

Respectfully submitted,

SHERJAN BROADCASTING COMPANY



Sherwin Grossman, President

Date: June 5, 1998

WJAN - Channel 41
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Miami, Florida 33126

RM-9260
COMMENTS RECEIVED BY SHERWIN GROSSMAN
AS PRESIDENT OF COMMUNITY BROADCASTERS ASSOCIATION

WPQP-TV 12 - 3101 North R St, Pensacola, Florida

KSSY-TV - 1263 Pomeroy Road - 93420 U.S.A.

KATA-LP 60 - Landmark Broadcasting - 7241 Martha Lane, Ft. Worth, Tx

ASIAVISION -- 7501 Greenway Center Dr. # 740, Greenbelt, Md

K53FO - Knowledge, L.C. 300 West Douglas # 1000, Wichita, KS

Island Broadcasting Co. for Stations:

WXNY-LP, New York, N.Y.

WNYX-LP, Mineola, N.Y.

WXXY-LP, N.Y.

WXIV-14 -P. O. Box 270, Reidsville, N.C.

W19BC - P.O. BOX 10352, Lynchburg, Va

ZGS Broadcast Holdings Inc. for

WZGS, Washington, DC

WTMO, Orlando, Fl

WRMD, Tampa, Fl

W53AV - Le Pas Trail, Indianapolis, Ind.

KHRR-TV40 - 2919 E. Broadway, Telemundo AZ

K49EI - Ch 49 - Ellensburg, Washington

K52FQ - Ch 52 - Yakima, Washington

K60FX - Ch 60 - Kennewick, Washington

K16DD - Ch 16 - Pendleton, Oregon

K62DV - Ch 62 - Portland, Oregon

K56EI - Ch 56 - Portland, Oregon

K19CT - Ch 19 - Camas, Washington

K66EJ - Ch 66 - Newberg, Oregon

K55HS - Ch 55 - Salen, Oregon

K41DF - Ch 41 - Eugene, Oregon

K25FG- Ch 25 - Roseburg, Oregon

K49DM - Ch 49 - Coos Bay, Oregon

K18DW - Ch 18 - Redmond, Oregon

K15DO - Ch 15 - Bend, Oregon

K20DT - Ch 20 - Grants Pass, Oregon

K68EW - Ch 68 - Medford, Oregon

K39EF - Ch 39 - Ashland, Oregon

K39DP - Ch 39 - Klamath Falls, Oregon

K28FP - Ch 28 - Astoria, Oregon

WYLN35 - 750 Thompson St. # 2, Hazelton, Pa

WFEM-TV 12 - Post Office Box 121, Heisbell, Tenn.

W25AW a/k/a WZBNTV 25 - 77 Shady Lane, Trento, N. J.

KQEG-LPTV - 505 King St. # 221 La Crosse, WI

WRDM - TV 13 - Hartford, Conn.

WDMR - TV 65 - Springfield, MA

WBCF-LP - 3 - Florence, Alabama

WXFL - LP 5 - Florence, Alabama

Fox 67 - 2115 Allentown Road - Lima, Ohio

WAOH-LP # 29 - Akron, Ohio

W35AX - Cleveland, Ohio

WAZT-L - Woodstock, Va

W24AZ - Harrisonburg, Va

W28AZ - Front Royal, Va

W48AZ - Winchester, Va

Video Voice, Inc. for WUVH - LP - Southampton, N.Y.

WZBN TV 25 - 77 Shady Lane, Trenton, N. J.

WGTB - Charlotte, N.C.

W24AM - DeFurniak Springs, Fl