

Cohen, Dippell and Everist, P.C.

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

In the Matter of)	
)	
Amendment of Parts 73 and 74 of the)	MB Docket No. 03-185
Commission’s Rules to Establish Rules for)	
Digital Low Power Television and)	
Translator Stations)	
)	
Expanding the Economic and Innovation)	
Opportunities of Spectrum Through)	GN Docket No. 12-268
Incentive Auctions)	
)	
Amendment of Part 15 of the Commission’s)	
Rules to Eliminate the Analog Tuner)	ET Docket N. 14-175
Requirement)	

Comments
on Behalf of
COHEN, DIPPELL AND EVERIST, P.C.

The following comments are submitted on behalf of Cohen, Dippell and Everist, P.C. (“CDE”) and is in response to the Third Notice of Proposed Rulemaking released by the Commission on October 10, 2014. CDE and its predecessors have practiced before the Federal Communications Commission (“FCC”) for over 70 years in broadcast and telecommunications matters. The firm or its predecessors have been located in Washington, DC since 1937 and performed professional consulting engineering services to the communications industry.

The undersigned is licensed as a Professional Engineer in the District of Columbia and has been in continuous employment with this firm or its predecessors for over fifty (50) years.

The FCC is urged to focus on the variety of programming services that licensed translator and low power television stations¹ offer. Not only do these licensed services offer minority groups the ability to own and operate TV stations, but offer over-the-air services² that full service stations do not provide.

There is precedence for protection to translator/low power stations. For example, in the adoption of Automated Maritime Telecommunications System (“AMTS”), the current rules provide that in Section 80.215(h), any interference to an existing analog or digital translator/low power station must be considered. The current FCC procedure permits the presence or absence of interference caused by AMTS throughout the continental United States using a version of Longley-Rice as described in OET Bulletin 69. Therefore, the FCC does recognize off-the-air translator/low power service and has done so for over 20 years. The FCC needs to review its procedures during this proceeding and modify them to the extent that off-the-air licensed translators and low power stations service areas are recognized. Further, in the implementation of the Incentive Auction, if a translator and/or low power station needs to change channel, the FCC should provide every opportunity for that to occur.

¹Approximately 20% of the translators and low power stations are located east of the Mississippi. It is believed that the majority will be located in highly urbanized areas resulting in a significant population coverage.

²Currently, this firm is aware of areas where applications for translator/low power stations to provide new programs have been prohibited due to the current freeze.

The FCC should adopt a similar procedure as now provided whereby a translator/low power station is displaced by a change or a new full service DTV station. For example, recently, there have been changes to authorized Channel 51 full service stations to a lower UHF channel. Translators that are on the current newly assigned DTV channel will be permitted to be displaced and if possible select a new channel. A similar procedure should be adopted by the FCC so a replacement translator and low power service can be maintained.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Donald G. Everist", written in a cursive style.

Donald G. Everist

Date: January 12, 2015