

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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 Television Translator)	
Stations)	
)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum through Incentive)	
Auctions)	
)	
Amendment of Part 15 of the Commission’s Rules)	ET Docket No. 14-175
to Eliminate the Analog Tuner Requirement)	
)	
To: The Commission		

COMMENTS OF SINCLAIR BROADCAST GROUP, INC.

Sinclair Broadcast Group, Inc. (“Sinclair”) hereby comments on certain issues raised in the Commission’s Third Further Notice of Proposed Rulemaking¹ in this proceeding seeking comment on a variety of issues involving the impact of the planned broadcast incentive auction on low power television (“LPTV”) and translator stations.

Extension of the LPTV and TV Translator Transition Date and the Construction Permit Deadline for New Digital LPTV and Translator Stations. Sinclair supports extension of the September 1, 2015, deadline for LPTV and translator stations to transition to digital, and extension of the construction permits for new digital LPTV and translator facilities. A date certain should not be set now, because nothing about the

¹ See *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations*, MB Docket No. 03-185, Third Notice of Proposed Rulemaking, 29 FCC Rcd 12536 (2014) (“NPRM”).

timing of the auction and repacking is known. The FCC is still considering auction procedures, no date has been set for the auction, and even after the auction closes, as the NPRM acknowledges, full power and Class A stations will have three months to file construction permits, and additional opportunities to make changes, so the full extent of displacement will not be known until “six or more months” after the conclusion of the auction.² However, that indefinite time – something greater than six months – only marks the start of the period in which LPTV and translator stations that are displaced can begin to seek displacement channels. That process alone could take many months, and perhaps a year or longer, as a filing window is opened and mutual exclusivity is sorted out. For this reason, Sinclair urges the FCC to defer any decision on a new deadline until at least six months after the conclusion of the incentive auction, and not to set a new deadline until after it is clear that LPTV and translator licensees that are displaced have reliable, final information on which to base applications for displacement channels.

Creation of a Digital-to-Digital Replacement Translator Service. Sinclair strongly supports creation of a new digital-to-digital replacement translator service as one important element of a comprehensive approach to preserving the coverage area and population served of broadcast stations that suffer losses in repacking. It is virtually certain that there will be significant losses of service areas and populations served by many or even most repacked stations. It is vitally important to have a replacement translator option for stations that have suffered service area and population losses. Eligibility should not be limited to stations whose channels are changed in repacking, as

² See NPRM at ¶ 10.

proposed in the NPRM.³ Any station that suffers loss of service as a result of repacking – from channel changes, power changes, site changes, or any other factors beyond the station’s control – should be eligible to seek a digital-to-digital replacement translator (“D2DRT”). Moreover, the Commission should be flexible in permitting D2DRTs that result incidentally in expansion of service area. The NPRM proposes that applicants for D2DRTs be required to show that “it is not possible to site a digital-to-digital replacement translator without *de minimis* expansion of the station’s pre-auction digital service area.”⁴ Given the involuntary nature of repacking and Congress’ mandate in the Spectrum Act that the FCC use “all reasonable efforts” to preserve stations’ coverage area and population served, the FCC should not require a showing of impossibility. The FCC should favorably consider other showings (e.g., that a proposed site is the most practical or cost-efficient option, that the gain offsets other loss of service by the broadcaster that cannot be remedied by a D2DRT, or that it better facilitates preservation of service by another repacked broadcaster or displaced LPTV or translator station). A requirement to prove impossibility would not be consistent with the FCC’s obligation under the Spectrum Act to use all reasonable efforts to preserve broadcast service in repacking.

In fact, the FCC should not view D2DRTs as the sole means of filling in coverage “holes” caused in repacking. The FCC should permit broadcasters to deploy any technology available to replicate pre-auction service area so long as the broadcaster does not increase a station’s interference footprint. Thus, a post-auction broadcaster should be

³ *Id.* at ¶ 32.

⁴ *Id.* at ¶ 33.

able to deploy (for example) multiple lower power sites as part of a single frequency network if doing so would, in the broadcaster's judgment, improve service, so long as the broadcaster does not create any additional interference.

Sinclair supports giving D2DRTs co-equal processing priority with applications for existing DRTs that are displaced in repacking. Congress has required the FCC to preserve the coverage area and population served of full power and Class A stations post-auction. Where they exist, DRTs today are integral to providing service, and their coverage should be protected in repacking in the same manner as coverage from a station's primary site. The FCC must make all reasonable efforts to preserve coverage of full power and Class A stations *and* their DRTs, through replacement DRTs or D2DRTs or any other technically feasible method.

Flexibility for displaced LPTV and Translator Stations. Similarly, the FCC should permit great flexibility to LPTV and translator stations that are displaced in repacking to find solutions to continue their service post-auction. The FCC should encourage these stations to seek and propose creative solutions to replicate service. They should be permitted to deploy different network architectures (for example, deploying their own "fill-in translators" or a small network of co-frequency lower power transmitters using advanced transmission standards). The Commission should announce a policy of aggressive efforts to preserve low power and translator services in the wake of repacking. Its efforts should not be limited to those identified in this comment cycle, but should be iterative and continuous as the incentive auction and re-packing planning and execution unfold and as technology advances. While the Commission has rejected the position that it is *required* to protect low power and translator stations in repacking, it

should and must nonetheless work diligently and creatively to minimize disruption and loss of these important services.

Respectfully submitted,

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