Before the
Federal Communications Commission
Washington, DC

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

Filed With: **Office of the Secretary**

Directed To: **The Commission**

COMMENTS OF LA PALABRA VIVIENTE MINISTRIES

La Palabra Viviente Ministries ("La Palabra"), permittee of Station K48OL-D, by its attorney, hereby submits comments with regard to the *Third Notice of Proposed Rulemaking*, FCC 14-151 (October 10, 2014). The *Third NPRM* requests comments on extension of the September 1, 2015 transition date for conversion from analog to digital operations; proposed channel sharing of LPTV and TV translator channels; use of LPTV stations to fill-in loss areas by full-service stations; and the continued use of Channel 6 stations for the provision of FM radio service. With respect thereto, the following is stated:

To eliminate the risk that LPTV licensees will have their frequencies and licenses revoked and their service to the public utterly destroyed by the FCC as a result of the repacking process, La Palabra supports the Commission's proposal to allow voluntary channel sharing. The approach proposed by the FCC seems to allow for a sensible way for a greater amount of

service to be preserved to local communities. As the FCC suggests, for the most part those arrangements should be considered to be private contractual arrangements between the local parties. Nevertheless, the idea of granting rights as a licensee to each party to such private agreement is believed to be a good one, insofar as each licensee only will be legally responsible to the Commission for its own programming.

That being said, La Palabra believes that other additional proposals should be considered by the Commission to preserve LPTV service to the public. In 1982, Congress created Low Power Television (LPTV) service to fill a void in local communities that were not fully covered by full-power television broadcasting, and to enhance the diversity of the unique "voices" providing free, over-the-air television service. Today, in many places throughout the country, these stations are the only locally-based broadcast television service available.

In recent years, the Commission has promoted Low-Power FM Service as a service that provides great benefits to the public. As the Commission stated with regard to the LPFM service:

> the LPFM service was created "to foster a program service responsive to the needs and interests of small community groups, particularly specialized community needs that have not been well served by commercial broadcast stations." [quoting *Low Power Television Service*, 15 FCC Rcd 2205, 2213 (2000)]. Numerous LPFM service and comparative licensing criteria are designed to promote these goals…. Based on these factors, we find that LPFM stations are uniquely positioned to meet local needs, particularly in areas of higher population density where LPFM service is practical and sustainable.

Creation of a Low Power Radio Service (Fourth Report and Order and Third Order on Reconsideration), 27 FCC Rcd 3364, 3372-73 ¶ 18 (2012). Similarly, when discussing LPTV service in 2004, the Commission stated:

> From its creation by the Commission in 1982 …. there are approximately 2,200 licensed LPTV stations in approximately 1,000 communities, operating in all 50

> states. These stations serve both rural and urban audiences. Because they operate at reduced power levels, LPTV stations serve a much smaller geographic region than full-service stations and can fit into areas where a higher power station cannot be accommodated in the Table of Allotments. In many cases, LPTV stations may be the only television station in an area providing local news, weather, and public affairs programming. Even in some well-served markets, LPTV stations may provide the only local service to residents of discrete geographical communities within those markets. Many LPTV stations air "niche" programming, often locally produced, to residents of specific ethnic, racial, and interest communities within the larger area, including programming in foreign languages. [7]

Creation of Class A Television Service, 15 FCC Rcd 6355, 6357-58 ¶ 2 (2000) (footnotes omitted). Despite this implicit recognition that both the LPTV and LPFM services help satisfy similar unmet broadcast needs to local communities, while the Commission has taken great effort to foster, promote, and expand the existence of LPFM service (an audio service), it is doing very little in the way of innovation in devising means to foster, promote, and expand the future of LPTV service to the public.

Today, according to the FCC CDBS, there currently are 1779 licensed analog LPTV stations, and 3977 licensed digital LPTV stations serving the United States, with 2464 digital LPTV stations still awaiting construction -- licensed LPTV service therefore has more than doubled since 2004. Many of these stations provide local programming that cannot be found elsewhere, providing local ethnic programming, local sporting events, medical advice, local political news, etc. In the case of La Palabra, the station intends to work with local churches to provide local community-based programming. As the FCC acknowledges on its own website:

> The FCC created the Low-Power Television (LPTV) service in 1982 to provide opportunities for locally-oriented television service in small communities. These communities may be in rural areas or individual communities within larger urban areas. LPTV service offers programming tailored to the interests of viewers in small localized areas in a less expensive and more flexible way than traditional full-service/power TV stations. It has created opportunities for new entry into television broadcasting, provided a means of local self-expression, and permitted

> fuller use of the broadcast spectrum. LPTV stations are currently undertaking their transition to digital operations.

http://www.fcc.gov/guides/low-power-television-lptv-service. This is the sort of service La Palabra intends to provide.

A part of the problem with the FCC's announced policies is that no mechanism is being established to cope with the specific difficulties and spectrum limitations being found in specific markets. Additionally, in even congested spectrum-limited markets, in order for a digital LPTV station to be licensed, it must be granted on a specific channel that will allow 6 MHz of service; and with respect to the full-service stations with which they compete for spectrum, the full 6 MHz of spectrum they are allowed may not be currently effectively used by the stations. In both cases, this could result in an inefficient use of spectrum. Finally, in some markets near especially the Mexican border, there are other constraints which unfairly affect the ability of an LPTV station to survive.

All of these considerations need to be taken in account when devising a means by which these stations can survive. While "channel sharing" is one laudable solution that may, in particular instances, allow some LPTV stations to survive, based on the forgoing, the following also represent suggestions that need to be considered:

Consideration should be given to limiting the amount of bandwidth being reclaimed by the Commission in border regions to 82 MHz (12 channels). Due to the necessity of engaging in Mexican Coordination, reclaiming the same amount of spectrum in border regions unduly limits the amount of spectrum available to preserve the optimal number of digital LPTV stations.

Additionally, consideration should be given to the possibility of delaying the auction long enough for the new ATSC 3.0 standard to take effect. The new standard will change how

displacements will be able to be processed. Reportedly, ATSC 3.0 will provide even more services to the viewer and increased bandwidth efficiency and compression performance. Specifically, because the ATSC 3.0 standard will allow more video to be compressed into less bandwidth, a station that chooses to channel-share might eventually be able to do as much with half a channel as it does now with a full 6 MHz. That may make the channel sharing the Commission is proposing more attractive to a greater number of LPTV licensees, thereby allowing more channels to survive.

It is respectfully requested that these Comments be given full and complete consideration by the Commission.

Respectfully submitted,

LA PALABRA VIVIENTE MINISTRIES

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