

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

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
	)	
To: The Commission		

**REPLY COMMENTS OF SIGNAL ABOVE LLC**

Signal Above LLC (“Signal Above”)<sup>1</sup> files these Reply Comments in response to comments filed in the above-referenced Notice of Proposed Rulemaking (the “NOPR”). The Commission seeks comment on a number of issues effecting translator and low power television (“LPTV”) broadcasters. Signal Above filed comments in support of the Commission’s tentative conclusion that it should extend the September 1, 2015 digital transition deadline for LPTV and TV translator stations. Signal above also filed comments in support of allowing digital LPTV stations to operate analog FM radio-type services on an ancillary and supplementary basis.

Signal Above, as did numerous other parties, made the following specific comments:

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<sup>1</sup> Signal Above is the licensee of channel 6 WDCN-LP, Fairfax, VA (Facility ID No. 20450) (“WDCN-LP”), and channel 6 WDCO-LP, Salisbury, MD (Facility ID No. 130439).

- The September 1, 2015 LPTV and TV Translator Digital Transition Date Should Be Extended
- The Commission Should Establish a New Deadline for Conversion to Digital after the Incentive Auction
- The Commission Should Allow Analog Radio Services by Digital LPTV Channel 6 Stations as Ancillary or Supplementary Services
- Digital LPTV Will Be Able to Operate an Analog Transmitter without Interfering or Derogating Its Co-Channel Digital Operation
- There Is No Potential for Interference from Digital LPTV Stations' Ancillary or Supplementary Analog FM Radio-Type Operations to Primary Licensees, Including NCE FM Radio Stations
- Analog FM Radio-Type Operations by LPTV Stations on an Ancillary or Supplementary Basis Should Not Be Subject to the Part 73 Rules Applicable to FM Radio Stations
- Analog FM Radio-Type Service on an Ancillary or Supplementary Basis, Should Not Be Subject to a 5% Fee

With only one outlier exception, the comments were unanimous in support of each of the above positions. Attached as Exhibit A is an Excel spreadsheet summarizing comments filed on the issues above. The only opposing comments were filed by National Public Radio Inc. ("NPR") which opposes auxiliary FM type radio service.

**The Public Interest Supports Continued Operation of Analog FM Radio Service by Channel 6 LPTV Stations**

NPR filed the only comments opposing continued analog radio service by Channel 6 LPTV operators. That fact in itself undercuts any gravitas to NPR's claim that continued radio service as an auxiliary service is not in the public interest.

NPR argues at great length the importance of the Commission's long-sought goal of promoting diversity in broadcast programming. Comments at 10-12. Signal Above agrees, and

that is precisely what allowing continued channel 6 FM service will provide. A notably large percentage of current channel 6 analog operators providing FM service are providing unique foreign language and other diverse programming to underserved listeners. Currently there are approximately 17 stations broadcasting on 87.7 in a foreign language providing service to approximately 6 million minority listeners and an additional six 87.7 radio stations providing religious programming. In total there are at least 37 channel 6 operators providing radio service to over 40,000,000 listeners. See Exhibit B.

As noted in its Comments, Signal Above is providing important Hispanic programming to the underserved D.C. market. See generally, Signal Above Comments. As of January 31, 2015, WDCN-LP La Nueva 87.7 has more than 200,800 Facebook likes and active followers. In the past three years, the station has raised about \$750,000.00 for St. Jude Children's Research Hospital through three radiothons, and has been active in the community for St. Jude's and other community programs. After a hurricane decimated an El Salvadorian village in 2011, the station was approached by various El Salvadorian and minority members of the Washington D.C. metro community and asked to help with some radiothon-type fundraising for the village. The station helped organize and distribute approximately \$75,000.00 to the El Salvadorian community known as the Committee of Solidarity with Monsignor toward the rebuilding of the village.

Ironically, NPR also argues the importance of expanded radio service. Signal Above agrees and applauds the Commission's efforts to provide additional radio service by allowing continued fuller use of licensed spectrum through the rule-compliant and non-interfering radio service by Channel 6 operators. This continued service would not stand in the way of NPR's suggestion that additional radio service be explored in a separate rulemaking following the Incentive Auction. In fact the operation of this radio service by Channel 6 (analog before digital

conversion, and as an ancillary service post A-D conversion) can provide real world data on maximizing the use of licensed spectrum through rule-compliant and non-interfering uses, which could helpfully inform NPR's suggested rulemaking to explore expanding available frequencies at the lower end of the FM dial.

NPR makes a procedural argument that consideration of the radio supplemental service is outside the scope of the NOPR. It claims the purpose of the NOPR is to "facilitate the final conversion of an LPTV and TV translator stations to digital service." Comments at 8. NPR ignores the equally important purpose, which was to "consider additional means to mitigate the potential impact of the Incentive Auction and the repacking process on LPTV and TV translator stations to help preserve the important services they provide." *Third Notice*, 29 FCC Recd at 12,537. This radio service offered to 40 million listeners provided by many LPTV channel 6 operators is exactly the type of important service that should be preserved, and is clearly within the scope of the NOPR. The fact that the majority of these listeners are being served by ethnic and other narrow-cast programming, or generally outside the mainstream served by NPR, should underscore the need for its preservation.

NPR goes on to state that consideration of the channel 6 radio service is, "contrary to the Commission's broader DTV policy objective of an expedited and successful transition for all digital services, so the public will be able to enjoy the benefits of digital broadcast television technology." Comments at 4. Providing an additional radio benefit is not in any way contrary to providing digital television technology. All channel 6 stations will, in fact, be providing digital television service. What is being proposed is the *additional* benefit of a radio service, through the more efficient use of the licensed spectrum.

NPR's comments for the most part are based on a series of incorrect assumptions. It incorrectly assumes that the analog FM radio service will utilize more spectrum than it will; it incorrectly assumes that there are significant technical issues; and incorrectly assumes that even though DTV rules authorize ancillary or supplementary service, that such services are limited to digital television. NPR states that "the promise of digital television long touted by the Commission should amount to more than an LPTV station masquerading as an analog FM radio station." Petition at 5. This demonstrates a fundamental disconnect with what is actually proposed. Neither the Commission nor any channel 6 operator is proposing that a digital channel 6 television station should function solely or even primarily as a radio station. A channel 6 digital station will be a digital TV station providing complete digital TV services as required by the Rules, but will also have the option to provide an additional radio service. The service would be provided as an ancillary service utilizing only a small amount of spectrum. Digital television operations utilize 5.38 MHz of the 6.00 MHz channel assigned to a station. The proposal for the FM radio service uses the currently unused 0.62 MHz bandwidth of the channel for a supplementary audio signal operating at 5.76 MHz of the bandwidth of the channel on digital channel 6 (87.76 MHz).

With no data or reasoning, NPR conclusively asserts that "the proposal is at odds with the underlying rationale for allowing ancillary or supplemental services—to promote the efficient use the spectrum and to enhance the use of existing spectrum—which, in turn, is based on the Commission's basic statutory responsibility to manage the radio frequency spectrum in the public interest. An LPTV analog FM radio service is neither an enhancement nor an efficient use the spectrum" (footnotes omitted). Comments at 5. In reality, the opposite is true. The proposal is exactly what supplemental services are intended to do. The proposal is to use a small amount of

the unused spectrum without diminishing or interfering with the underlying channel 6 digital TV operation to provide an additional radio service, which to date has served a significant minority listenership.

The overwhelming majority of digital TV spectrum would be used for digital TV broadcasting purposes. Taking advantage of proven technology to deploy a small amount of unused spectrum for radio in conjunction with a digital TV operation is maximizing the public benefit of the spectrum. If the demand and public benefit were non-existent or negligible no channel 6 operator would be incurring the significant expense of providing this additional analog service. As is typical, the market has proven to be an effective driver for the productive engagement of this small amount of underutilized spectrum and the deployment of it for radio services. The market is achieving exactly what the Commission in authorizing LPTV services envisioned. Since low power means lower costs and generally small businesses, these small LPTV broadcasters are often agile and entrepreneurial enough to see food where those at the big table see scraps. Thus, Signal Above and many other small business LPTV owners have been able to deliver rule-compliant, non-interfering, broadcast services, on a cost-affordable basis to often underserved ethnic and other minority communities, that large, multi-station program providers like NPR are not structured or incentivized to reach. Signal Above, agrees with the Commission's proposal that continuing the significant public benefit on the current analog basis until after the post-auction dust has settled, and then after digital conversion as an ancillary service, has no downside but, rather, a huge upside to the minority communities being served and the small LPTV broadcasters providing these services.

Signal Above agrees that no channel 6 auxiliary radio service should interfere with existing radio broadcasters. There have been no documented cases of any such interference, but

in the unlikely event there is any such interference, the channel 6 operator would have the burden to remedy any interference. NPR points to no technical prohibition on the proposal to provide supplemental radio service. It cites only the Gumm/Rhodes study. However, that study only suggests certain power limitations in order to avoid signal reception issues. NPR suggests that FM reception “would likely be too noisy for quality service.” Petition at 9. This is on its face mere speculation, but, more importantly, the market can determine, as it always does, whether a signal is marketable.<sup>2</sup>

### **Conclusion**

Signal Above supports extension of the digital conversion date to a date to be determined sometime after the incentive auction repacking is final. It is only at that point that LPTV operators will have certainty concerning the availability of a channel and avoid the risk and very significant expense of a double build.

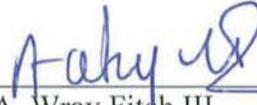
Signal Above also supports allowing channel 6 digital operators to continue to offer analog radio service. The public interest benefits are evident. In addition to providing digital television, channel 6 operators could continue to provide much needed radio service—especially to minority or other underserved communities. In the case of Signal Above and many other operators the service is to minority and underserved populations. There is also no impediment to the proposed ancillary radio service. The technology now exists to provide such ancillary radio service without interference.

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<sup>2</sup> See also Comments of Island Broadcasting confirming the FM service will not interfere with existing stations or, at proper power limits, with reception of digital LPTV signals.

Date: February 2, 2015

Respectfully submitted,



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**EXHIBIT A**

## SUMMARY OF KNOWN LPTV COMMENTERS TO FCC ON NPRM CHANNEL 6 ISSUES

	<b>SPECIFIC ISSUE IN NPRM</b>	<b>SIGNAL ABOVE</b>	<b>VENTURE TECHNOLOGIES GROUP</b>	<b>Centro Cristiano De Vida Eterna</b>	<b>CTV BROADCASTING</b>	<b>GARY WHITE</b>	<b>HISPANIC FAMILY NETWORK</b>	<b>CENTRAL PARK CHURCH OF GOD</b>	<b>LA MEGA MUNDIAL</b>
1)	The September 1, 2015 LPTV & TV Translator Digital Transition Date Should Be Extended	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports
2)	The Commission Should Establish a New Deadline for Conversion to Digital after the Incentive Auction	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports
3)	The Commission Should Allow Radio Services by Digital LPTV Channel 6 Stations as Ancillary or Supplemental Services	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Fully Supports
4)	Digital LPTV Will Be Able to Operate an Analog Transmitter without Interfering or Derogating Its Co-Channel Digital Operation.	Agrees	Agrees	Not Addressed					
5)	There is No Potential for Interference from Digital LPTV Stations' Ancillary or Supplemental Analog FM Radio-Type Operations to Primary Licensees, Including NCE FM Radio Stations.	Agrees. No complaints in 5 years	Agrees	Not Addressed					
6)	Analog FM Radio-Type Operations by LPTV Stations on an Ancillary or Supplementary Basis Should Not Be Subject to the Part 73 Rules Applicable to FM Radio Stations.	Agrees. Service only subject to Interference rules.	Supports / Accepts Main Studio & Public Interest (PI) Obligations	Supports / Accepts Main Studio & PI Obligations	Supports / Accepts Main Studio & PI Obligations	Supports / Accepts Main Studio & PI Obligations	Supports / Accepts Main Studio & PI Obligations	Supports / Accepts Main Studio & PI Obligations	Supports / Accepts Main Studio & PI Obligations
7)	Analog FM Radio-Type Service on an Ancillary or Supplementary Basis Should Not Be Subject to a 5% Fee.	Agrees	Agrees	Agrees	Agrees	Agrees	Agrees	Agrees	Agrees
A)	LPTV Radio Stations & Geographic Markets Served	Wash DC Metro Area, WDCN -	San Fernando Valley, CA KSFV-CD,	Odessa, TX Ft. Morgan, CO:	Rio Grande City, TX: KRGT;	Lebanon, KY: W06AY-D	Panama City, FL: WHDY	Dallas, TX: KZFW	

**SUMMARY OF KNOWN**

**SUMMARY OF KNOWN LPTV COMMENTERS TO FCC ON NPRM CHANNEL 6 ISSUES**

	<b>SPECIFIC ISSUE IN NPRM</b>	<b>JUAN CARLOS MATOS BARRETO</b>	<b>EDUCATIONAL MEDIA FOUNDATION</b>	<b>MURRAY HILL BROADCASTING</b>	<b>ISLAND BROADCASTING / RICHARD BOGNER</b>	<b>NICKOLAUS LEGGETT</b>	<b>GUMM &amp; RHODES</b>	<b>GEORGE FLINN</b>	<b>ABRAHAM TELECASTING CO.</b>	<b>NPR</b>
1)	The September 1, 2015 LPTV & TV Translator Digital Transition Date Should Be Extended	Not Addressed	Not Addressed	Not Addressed	Not Addressed	Fully Supports	Not Addressed	Fully Supports	Fully Supports	Supports
2)	The Commission Should Establish a New Deadline for Conversion to Digital after the Incentive Auction	Not Addressed	Not Addressed	Not Addressed	Not Addressed	Doesn't want all digital conversion	Not Addressed	Fully Supports	Supports	Not Addressed
3)	The Commission Should Allow Radio Services by Digital LPTV Channel 6 Stations as Ancillary or Supplemental Services	Fully Supports	Fully Supports	Fully Supports	Fully Supports	Not Addressed	Not Addressed	Fully Supports	Fully Supports	Opposes. Should be separate NPRM
4)	Digital LPTV Will Be Able to Operate an Analog Transmitter without Interfering or Derogating Its Co-Channel Digital Operation.	Agrees	Agrees	Not Addressed	Agrees	Not Addressed	Not Addressed	Fully Supports	Unclear	Doesn't Agree
5)	There is No Potential for Interference from Digital LPTV Stations' Ancillary or Supplemental Analog FM Radio-Type Operations to Primary Licensees, Including NCE FM Radio Stations.	Agrees	<b>Agrees</b> No Interference from Experience	Not Addressed	Agrees	Not Addressed	Eng. analysis says possible	Agrees	Unclear	Doesn't Agree
6)	Analog FM Radio-Type Operations by LPTV Stations on an Ancillary or Supplementary Basis Should <b>Not</b> Be Subject to the Part 73 Rules Applicable to FM Radio Stations.	Most Agreemnt. Some - Not all PT 73 rules . Public Interest Obligations	<b>Unclear</b> - It observes all rules for licensed FM stations	Not Addressed	Not Addressed	Not Addressed	Not Addressed	Not Addressed	Supports / Accepts Main Studio	Not Addressed
7)	Analog FM Radio-Type Service on an Ancillary or Supplementary Basis Should <b>Not</b> Be Subject to a 5% Fee.	Agrees	Not Addressed	Not Addressed	Not Addressed	Not Addressed	Not Addressed	Not Addressed	Agrees	Not Addressed
A)	LPTV Radio Stations & Geographic Markets Served	Licensee & Applicant - Puerto Rico	San Jose, CA: KBKF; Also Over 300 Full Power Stations	Cleveland: WLFM; Chicago: WGWG	New York Metro Area WNYZ			Memphis TN. WPGF-LP	Beaumont TX: KIPS-LD	

**EXHIBIT B**

Callsign	City	ST	City Population	Minority Population	Language	Program Format	Licensee (CDBS Record)
KSHW-LP	SHERIDAN	WY	29,000		English	SPORTS	LOVCOM, Inc.
KXKW-LP	LAFAYETTE	LA	729,000		English	CLASSIC COUNTRY	Delta Media
KSFV-CD	SAN FERNANDO VALLEY	CA	1,770,000	739,860	Spanish	SPANISH RELIGION	Venture Technologies Group
WPGF-LP	MEMPHIS	TN	1,174,961		English	SPORTS	Flinn Broadcasting
KBEX-LP	AMARILLO	TX	190,695	54,920	Spanish	Country Music	Viva Media
WLFM-LP	CLEVELAND	OH	390,113	39,011	Spanish	SPANISH	Murray Hill Broadcasting
WNYZ-LP	NEW YORK	NY	8,405,837	1,487,833	Korean/Russian	ETHNIC	Island Hill Broadcasting
WGWG-LP	CHICAGO	IL	9,855,655		English	REBROADCAST WGN	WLFM, LLC
WDCO-LP	SALISBURY	MD	30,000		English	CONTEMPORARY CHRISTIAN	Signal Above
WEYS-LP	MIAMI	FL	419,777	293,844	Spanish	SPANISH RELIGION	AlmaVision
WDCN-LP	FAIRFAX	VA	4,033,000	900,000	Spanish	SPANISH	Signal Above
KBKF-LP	SAN JOSE	CA	6,946,114		English	CONTEMPORARY CHRISTIAN	Venture Technologies Group
KNIK-LP	ANCHORAGE	AK	300,000		English	JAZZ & BLUES	Fireweed Communications
KNNN-LP	INDIO	CA	76,036	51,552	Spanish	SPANISH RELIGION	Venture Technologies Group
KLOA-LP	INYOKERN	CA	310,576	142,693	Spanish	SPANISH	Robert Adleman
KCIO-LP	VICTORVILLE	CA	120,336	57,521	Spanish	SPANISH RELIGION	Obidia Porras
KRPE-LP	BANNING	CA	30,506	12,538	Spanish	SPANISH RELIGION	Venture Technologies Group
KUHD-LP	VENTURA	CA	106,433	33,846	Spanish	SPANISH	Obidia Porras
KEFM-LP	SACRAMENTO	CA	475,122	127,808	Spanish	SPANISH RELIGION	Venture Technologies Group
KFLZ-LP	SAN ANTONIO	TX	1,409,019	890,500	Spanish	SPANISH RELIGION	B Communications Partnership
KFMP-LP	LUBBOCK	TX	239,538		English	Alternative Rock Music	Venture Technologies Group
KXDP-LP	DENVER	CO	649,495	206,539	Spanish	Hispanic - Sports ESPN	Syncom Media
WDDA-LP	DALTON	GA	33,128		English	CHRISTIAN	Word of God Fellowship, Inc.
KZFW-LP	DALLAS	TX	1,257,676	533,255	Spanish	SPANISH RELIGION	DFW Broadcasting, Inc.
KGHD-LP	OVERTON	NV	600,000	172,200	Spanish	SPANISH OLDIES	Obidia Porras
WPGF-LP	MEMPHIS	TN	653,450		English	VARIETY MUSIC/SPORTS	George Flinn
KIPS-LD	BEAUMONT	TX	118,296		English	RELIGIOUS	Abraham Telecasting
WJMF-LP	JACKSON	MS	173,514		English	CLASSIC HITS	Kids Television Inc.
WNNY-LP	AUBURN	NY	27,687		English	RELIGIOUS TEACHING	Rennard Communications
WVOA-LP	WESTVALE	NY	4,963		English	CHRISTIAN MUSIC	Metro TV Inc.
KRGT	RIO GRANDE CITY	TX	13,045	11,506	Spanish	SPANISH	CTV Broadcasting
W06AY	LEBANON	KY	24445		English	VARIETY MUSIC/SPORTS	Gary White
KPOM	INDIO	CA	83,539		English	VARIETY MUSIC	Loop Media
KESU-LP	KAUAI	HI	67,091		English	HAWAIIAN MUSIC	Jeff Chang
W06BD	PRINCETON	IN	8,644		English	EDUCATIONAL SERVICES	North Gibson School Corp
WHDY-LP	PANAMA CITY	FL	36,484				Hispanic Family Christian Network
<b>TOTAL POPULATION SIZES</b>			<b>40,793,175</b>	<b>5,755,426</b>			

\*\* Ethnic Demographics is the actual ethnic population size for that market (Per Census Bureau)  
Calculated by Total City Population X % of Ethnic Population