

**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 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)	ET Docket No. 14-175
Rules to Eliminate the Analog Tuner)	
Requirement)	
)	

REPLY COMMENTS OF ABC, INC.

ABC, Inc. (“ABC”), licensee of WPVI-TV, Philadelphia, Pennsylvania (“WPVI”), by its attorneys, hereby submits reply comments in response to the Notice of Proposed Rulemaking (“NPRM”) in the above-captioned proceeding.¹ In the NPRM, the Federal Communications Commission (the “Commission”) seeks comment on whether it should allow low power television (“LPTV”) stations on digital television channel 6 to operate analog FM radio-type services on an ancillary or supplementary basis.² As the licensee of WPVI, a full-power broadcast television station that operates on digital channel 6, ABC urges the Commission not to allow LPTV stations on digital

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

² See NPRM, ¶ 47.

channel 6 to operate such analog services.³

Permitting LPTV stations on digital channel 6 to provide the type of analog services proposed in the NPRM would be inconsistent with, and would undermine, the Commission's efforts to optimize the allocation of digital spectrum through the upcoming broadcast incentive auction. The Commission is currently in the process of planning an incentive auction that is intended to maximize the efficient use of digital spectrum, in part, by incentivizing broadcast licensees to relocate to VHF channels, which include channel 6 in the low VHF band.⁴ Allowing analog radio-type services on channel 6, however, would increase the potential for harmful interference and impose additional constraints on the use of the low VHF spectrum at the same time that the Commission is attempting to conduct the channel repacking process. Contrary to the Commission's objectives, this would discourage relocation to low VHF spectrum and further exacerbate the interference issues that already must be overcome in order to successfully repack channels following the incentive auction. Given that it is not yet clear that the repacking process can be conducted successfully, it is critical that the Commission first complete the repacking process, evaluate the real-world results, and ensure that the repacking process does not result in harmful interference to broadcast stations before it considers permitting any such additional services in the band. Accordingly, permitting LPTV stations on digital channel 6 to provide the proposed analog radio-type services at this stage would be both premature and ill-advised.

³ Only a handful of commenters expressed support for permitting such services. *See, e.g.*, Comments of Signal Above, LLC (filed Sept. 12, 2015); Comments of Murray Hill Broadcasting, LLC and WLFM, LLC (filed Jan. 9, 2015); Comments of Venture Technologies Group, LLC (filed Jan. 11, 2015).

⁴ *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, ¶ 27 (2014) (explaining that bidding options in the incentive auction will include reassignment from UHF to VHF channels, as well as reassignment from a high VHF channel to a low VHF channel).

Furthermore, allowing LPTV stations to provide analog radio-type services on digital television channels would be directly contrary to the entire purpose of the digital television transition, which is to convert all television broadcast stations from analog to digital transmissions. Since the initiation of the digital conversion process, the Commission has consistently sought to carry out the mandate of the digital conversion by ensuring an expedited and successful transition to digital service for all television services.⁵ The Commission should not undermine the core mandate of the digital transition by allowing the use of digital television channels for analog radio-type services after the deadline for the LPTV digital transition.

Conclusion.

For the foregoing reasons, ABC urges the Commission not to permit LPTV stations on digital television channel 6 to operate analog FM radio-type services on an ancillary or supplementary basis.

Respectfully submitted,

ABC, INC.

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February 2, 2015

⁵ See, e.g., *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 and to Amend Rules for Digital Class A Television Stations*, MB Docket No. 03-185, Second Report and Order, 26 FCC Rcd 10732, ¶ 6 (2011).