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**

REPLY COMMENTS OF CENTRO CRISTIANO DE VIDA ETERNA

Centro Cristiano de Vida Eterna ("CCVE"), licensee of Channel 6 LPTV station K06QA, Odessa, Texas, and licensee of Stations K20KE-D and K25LA-D, hereby submits its reply comments with regard to the *Third Notice of Proposed Rulemaking*, FCC 14-151 (October 10, 2014) ("*Third NPRM*"). 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:

As stated previously, CCVE strongly supports the proposal for formally allowing licensees of Channel 6 stations to provide audio service on 87.76 MHz, as already is implicitly

allowed in the Commission's rules, and supports those Comments providing the same view. Licensees already providing the service are adding to the overall competitive environment in their communities, and are making optimal use of the spectrum to the overall betterment of Section 307(b) of the Communications Act. Section 74.790(i) of the Commission's Rules plainly allows for digital LPTV stations to offer "services of any nature, consistent with the public interest, convenience, and necessity, on an ancillary or supplementary basis" consistent with Rule 73.624(c). Section 73.624(c) of the Commission's Rules state that "[t]he kinds of services that may be provided include, but are not limited to … audio signals … that do not derogate DTV broadcast stations' obligations under [Rule 73.624(b)]." In this regard, CCVE agrees with the Comments filed by Venture Technologies Group ("VTG"), in particular, that "[t]he radio service is also "consistent with the technology or method designated by the Commission for the provision of advanced television services." Notably, digital LPTV stations will continue to transmit an over-the-air video program signal when offering the FM radio service. As described in VTG's Comments, the FM radio service will not derogate co-channel digital operation.

CCVE also supports, and sees as prudent, the *NPRM*'s proposal that if the operation of the LPTV station causes any actual interference to the transmission of any authorized FM broadcast station, the LPTV station would be required to eliminate the interference or immediately suspend its operations. CCVE also is of the belief that VTG's observation is correct, and that "...the NPRM's proposed prohibition on an "overlap between the 100 dBU interfering contour of the Channel 6 LPTV station and the 60 dBU protected contour of [an] NCE FM station" is unnecessary. Channel 6 television stations have operated an aural carrier at

87.7 MHz for decades without causing interference to NCE FM stations. As such, it is not anticipated that such interference will arise from their operation in the future.

As stated previously, the LPTV-based radio stations should not generally be subjected to a 5% surtax, and CCVE supports those comments opposing such a tax. The FM signal on 87.76 MHz already cannot be received on all FM radios, and such a tax would place them at a further competitive disadvantage *vis a vis* other stations. The 5% tax only should be applied if a service meets the definition of a feeable ancillary or supplementary service which, generally speaking, does not apply to free, over-the-air services for which no subscription fee is paid. Insofar as most current FM radio-type service is available to the general public without subscription, the 5% tax would not apply to such service.

CCVE generally opposes the comments filed by National Public Radio, Inc. ("NPR"), opposing Channel 6 aural service. As the Commission has stated, loss of service once a station commences operations is prima facie inconsistent with the public interest. See, e.g., *KNTV Licenses Inc.*, 19 FCC Rcd 15479 (MB 2004). To not permit stations to continue aural operations even after the commencement of digital operations, especially when technology exists to allow such dual operations, would be depriving existing listeners of service they have come to reply upon and enjoy. NPR fails to accept the more than a decade-long operating practice of LPTV licensees being able to both technically offer this service, but that it is within the current rules as an "aural service". NPR appears to ignore the fact that a digital Channel 6 is technically capable of providing an aural service, and that this is within the current DTV rules for LPTV.

NPR’s observation that such a proposal is "...is contrary to the Commission's broader DTV policy objective of an "expedited and successful transition for all digital services, so that

the public will be able to enjoy the benefits of digital broadcast television technology," is not useful. The Commission has squarely placed the Channel 6 aural service open for comment. Moreover, contrary to NPR's Comments, allowing such aural service on Channel 6 will not interfere with the FCC channel repacking process. Existing full power and Class-A Channel-6 stations are not allowed to move during the post auction repacking, and the FCC does not have authority to force a full power or Class-A to move to an operation on Channel 6. The only moves to a Channel 6 which will be allowed are a voluntary channel modification by a displaced full power or Class A if they do not accept their displacement channel, and engineering studies submitted with the application must prove that a move is needed to provide a better contour for population coverage to replicate their former displaced channel. These will be few, if any, in practice. Therefore, the current populations served by of Channel 6 incumbents should stay relatively the same.

CCVE also continues to strongly support the proposal to extend the transition date for analog LPTV and TV translator licensees. As noted previously, proposals being considered by the FCC concerning the upcoming incentive auction and comments made in the press has created extreme discomfort and unrest in the LPTV community, and requiring such licensees to "transition" to digital operations (which requires a significant expenditure of resources for the purchase of equipment) without having certainty that the license will survive any upcoming "purge" of LPTV licenses that the FCC may undertake in the near future would be contrary to common sense and the public interest. Rather, a reasonable amount of time should be given for stations to transition to digital operations after a determination is made whether service will be allowed to be maintained by specific LPTV licensees, and on what channel operations will be

allowed so that proper equipment could be purchased. Because it is not known what backlog will exist for the purchase of such equipment, it is proposed that licensees be allowed to maintain their present analog operations for at least one year following the completion of the repacking process.

LPTV stations provide valuable services to the public, and for the last 30 years licensees have established businesses and livelihoods based on the likelihood that the only significant risk they faced to their long-term ability to continue to provide service to the public was primary full-power television stations. The FCC needs to make all effort necessary to preserve the important LPTV service. CCVE, as are others, are investing significant time and effort in establishing these stations to provide community service to the public. Although it does not provide aural programming on Channel 6 at the present time, it would like the ability to do so in the future. For those already providing the service, the FCC should be make all efforts reasonably necessary to allow this service to continue on an economical and uninterrupted basis.

Respectfully submitted,

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