Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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

To: Secretary, Federal Communications Commission
Attention: The Commission

COMMENTS
OF MICHIANA PUBLIC BROADCASTING CORPORATION

Michiana Public Broadcasting Corporation ("Michiana") submits these comments responsive to the *Third Report and Order and Fourth Further Notice of Proposed Rulemaking* in MB Docket No. 03-185 (released December 17, 2015) ("*Fourth NPRM*"). The *Fourth NPRM* proposes to permit channel sharing between primary and secondary stations in the post-incentive auction environment. Michiana supports the proposal.

Michiana is the licensee of noncommercial educational television station WNIT in South Bend, Indiana, transmitting on digital channel 35 (virtual channel 34). Michiana is a locally-controlled community-based organization dedicated to the educational power of television. Its vision is to foster enlightenment in its community and service as a trusted, community-owned public media source dedicated to inspire, inform, educate, entertain and unify the communities it serves. WNIT broadcasts a wealth of high quality local, PBS and other public media-sourced educational, informational and entertainment programming.

In the *Fourth NPRM*, the Commission proposes to permit channel sharing between primary stations (such as WNIT) and secondary stations (LPTV stations and/or TV translator stations), and it proposes rules for primary-secondary sharing that are consistent with those adopted for secondary-secondary sharing and proposed for primary-primary sharing outside of the incentive auction context.

Michiana supports the Commission's proposal. In many television markets, including the South Bend-Elkhart, Indiana market, due to the limited number of primary television channels and other factors, essential television services, including public and commercial network programming, is broadcast on secondary LPTV and/or TV translator stations. These stations will not be protected in the repack of the television band following the conclusion of the incentive auction, and therefore there will presumably be some number of such essential television services that might be displaced and ultimately forced off the air.

In such situations, channel sharing between primary and secondary stations – in particular permitting secondary stations to share channels now licensed to primary stations – would accomplish several important goals.

Most importantly, the programming service now transmitted on a potentially displaced secondary station can be transmitted on a shared primary channel. This presumes that the secondary station's signal transmitted on the primary station's channel will be protected, at least on a *de facto* basis. The primary station's signal on that channel will of course be protected, and there is no way that some programming services on a channel can be protected while other programming services are not protected. In addition, in most if not all cases, the coverage area of the shared primary channel will be greater than that of the secondary station, and the programming of the secondary station will therefore often be receivable over a larger area.

In addition, in cases where the primary station engaging in a primary-secondary channel sharing arrangement is a noncommercial educational station such as WNIT, there will presumably be financial or other consideration flowing to the primary station that will help support its own broadcast operations. In many markets, particularly smaller markets, such assistance could be an important source of funding to enable the noncommercial station to continue to provide its valuable programming to the community.

For these reasons, primary-secondary channel sharing would be in the public interest.

In the *Fourth NPRM*, the Commission also asks whether the benefits of a primary-secondary channel sharing arrangement could be obtained alternatively by the primary station entering into a "commercial agreement to air the secondary station's programming as a multicast stream." Michiana points out that, if the primary station is a noncommercial educational ("NCE") station and the secondary station is a commercial station, the statute (Section 399B of the Communications Act) and the FCC's rules (Section 73.621) would prohibit such an alternative arrangement. They do not permit commercially-sponsored programming to be aired on an NCE station or the NCE station to be paid more than its expenses in exchange for agreeing to carry the programming (thus removing any incentive for the NCE station to enter into such an arrangement in any event). Thus, the alternative arrangement posited by the Commission does not accomplish the benefits that would flow from primary-secondary channel sharing.

For the foregoing reasons, Michiana supports the proposal to permit primary-secondary channel sharing in the post-incentive auction environment. It supports the adoption of the proposed channel sharing rules. Finally, it urges the Commission to provide to the secondary station in such an arrangement at least *de facto* interference protection and the enhanced coverage area of the primary station.

Respectfully submitted,

MICHIANA PUBLIC BROADCASTING CORPORATION

By: _/s/ Gregory J. Giczi_________________
President and General Manager

February 22, 2016

Counsel:
Todd D. Gray
Gray Miller Persh LLP
1200 New Hampshire Ave., N.W.
Suite 410
Washington, DC 20036-6802
tgray@graymillerpersh.com
(202) 776-2571