



LPTV
SPECTRUM
RIGHTS
COALITION

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William F. Lake
Chief, Media Bureau
Federal Communications
Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: COMMENTS ON THE JOINT PETITION FOR RULEMAKING AMERICA'S
PUBLIC TELEVISION STATIONS AWARD ALLIANCE CONSUMER
TECHNOLOGY ASSOCIATION NATIONAL ASSOCIATION OF
BROADCASTERS

Dear Mr. Lake:

This letter is in response to a Joint Petition for Rulemaking by public broadcasters, the AWARD Alliance, the Consumer Technology Association, and the National Association of Broadcasters, regarding the new ATSC 3.0 television broadcast standard.

First, the overall request for a rapid rule making for use of the ATSC 3.0 standard is welcome by our Coalition of Class A, LPTV and TV translator licensee and permittees, programming networks, industry professional service providers, and equipment manufacturers. But we are very concerned that the Joint Petition did not specifically mention Class A's, LPTV, nor translators. We are very concerned that a similar scenario will play out as did in the incentive auction, where major corporate forces will seek to prevent our members from participating in the new 3.0 by claiming that we are "not television broadcasters", as the 112th Congress erroneously did.

Second, because of our lower output power, we are very concerned that NAB members will seek to develop services, which may only be used if you are a full power broadcaster. We can see the beginnings of this in the Petition's proposal for designated station in the marketplace to air 1.0 while the others get to rollout the 3.0 services. This could easily be a method to again eliminate Part 74 licensees from

participating.

Third, we are concerned that ANY changes to the part 74 rules before the end of the auction, and all of the potential impacts from new channel displacement windows is over. Unless the Petitioners can show that no limitations will be made related to Class A, LPTV, and translators, then will not be able to support the proposal. The primary stations get a guaranteed channel with replicated coverage in their repack, but our members do not. And as such, we are very concerned that moving so quickly may harm the LPTV displacement-filing window six months after the auction. This displacement window is literally the only methodology ruled on by the FCC to mitigate the impacts of displaced stations. Will the adjacent channel interference from the new 3.0 services impact this process? Hard to tell what the impacts would be at this time.

Fourth, we are concerned that our network programming partners, many very small new entrants into the broadcast television programming business, will be disadvantaged if the large television ownership station groups (Sinclair et al) dominate the new 3.0 standard to such a point that the technology and services are not provided an equal opportunity to participate. Trade press reports point out that four broadcasting groups could dominate the roll-out of services.

Fifth, the FCC needs considerable and careful consideration of the Petitioners proposal in that the ramifications of the LPTV and translator operating business models may be dramatically impacted. Most major market LPTV licensees use in part, and many in total, use a "channel-leasing" model. This leasing of channels to networks has evolved during the 10-year life of the DTV transition. The dramatic new possibilities of 3.0 should not be driven by the business plans of just a few companies and organizations.

Sixth, that LPTV and TV translators should be "at the table" for any and all FCC rule makings, so that no secret government and industry meetings happen, as was done in the incentive auction process. Our industry will simply not stand for any exclusion at all in this process. What we have learned from the incentive auction rule making is that the 1800+ primary stations have a coverage pop count of about 4 billion, and Class-A's about 500 million, and LPTV/translators about 1.6 billion. But we do this at lower power so we have, when fully built out, 9500 radiators to get 1.6 billion coverage pops, vs. about 1800 remaining post auction primaries and Class A radiators. So our industry will be impacted far greater since we will have far more radiators (much larger collective cost), and far more opportunities for new services.

Seventh, the realistic use of SFN, single frequency networks, as well as the post auction new in-fill translators, well, this is a recipe for a total take-down by the primaries over their local LPTV competition. The FCC must protect the interests of Part 74 broadcasters in any 3.0 rule making.

Eighth, the FCC must not in the 3.0 rule making, continue the corporate welfare it has given the primary broadcasters related to them being the only class of licenses, which

can demand MVPD carriage. History has shown that there cannot be a thriving small independent television programming industry without equal access to the MVPD systems. The FCC needs to make sure that the 3.0 rulemaking does not leave behind or at a disadvantage LPTV programming sources, as it has in the past in the must-carry, leased access, and retrans rules.

Ninth, the 3.0 rule making cannot today help to solve the nations' deficient in access to broadband services. While the Petitioners will tell you about all of the great things 3.0 will do, none of it will be for mainstream use right away, or help solve the broadband deficiency for years, if ever. However, a simple extension of the *1999 Digital Data Services Act* to ALL LPTV licensees so that they can provide in their local communities an additional broadband service. This will do more to help the country today and for the next five years than 3.0. And LPTV should not be held back from providing these services now.

Again, we support the Petitioners in their goal of an expedited rule making process for the new ATSC 3.0 process. But we are very concerned about that process, as it will be developed, since our part of the industry was not consulted about the Petition, nor asked to participate. NAB and the primary broadcasters will simply not be allowed to disregard us again as was done to our extensive financial disadvantage, and as was done in the incentive auction process.

The FCC needs to start the 3.0 rule making process soon, but let's make sure the displacement process for LPTV and translators is not harmed, and let's make sure that ALL television broadcasters have equal status in the process.

Respectfully submitted,

Michael Gravino
Director