

ABC, Inc.



Sam Antar
Vice President
Law & Regulation
Legal

October 30, 1998

Via Airborne Express

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

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Re: In the Matter of Advanced Television Systems and Their Impact Upon the Existing
Television Broadcast Service -- MM Docket No. 87-268

Dear Ms. Salas:

Pursuant to the Fifth Report and Order in the captioned docket, we are submitting this third status report to inform the Commission of our progress in meeting our voluntary 18-month DTV construction commitment for stations KABC-TV, Los Angeles, KGO-TV, San Francisco, and WPVI-TV, Philadelphia. Our first report was filed with the Commission on October 30, 1997 and our second report was filed on April 29, 1998.

Construction has been completed for KABC-DT and is close to completion for WPVI-DT. Program tests are scheduled to commence for both stations on or about November 1, 1998. The required notifications to this effect will be given to the Commission in separate letters addressed to the Secretary.

With respect to KGO-DT, the completion of DTV construction has been delayed as the result of a legal challenge and because of adverse weather conditions, as will be more fully explained below.

KGO-DT will transmit from the Sutro Tower which will also be the location for the transmitters of nine other San Francisco DTV stations. As we informed the Commission in our previous status reports, a legal challenge to the stations' application for a building permit for installation of their DTV antennas was filed by the Midtown Terrace Homeowners Association and the Twin Peaks Improvement Association. Six months of litigation ensued at both the administrative level and in the California courts. The station group has now succeeded in defeating the efforts of the two associations to stay or enjoin the DTV project. On September 25, 1998, the Superior Court of the State of California denied the plaintiff's motion for a preliminary injunction. While there will be a trial in the case in early 1999, the court's decision eliminated the final obstacle to the completion of construction.

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In addition to the delays that resulted from the legal challenge, the weather this past winter delayed the completion of the tower reinforcing work which had to be completed before beginning installation of DTV equipment. San Francisco received over 200% of normal rainfall; for example, during the months of January and February, rain fell 48 days out of 59. In September, which is generally a good weather month, San Francisco experienced a great deal of fog and drizzle which further delayed DTV installation work on the tower.

KGO now expects that construction of its Sutro Tower DTV facility will be completed on or about November 16, 1998 and that we will be in a position to begin program tests shortly thereafter. We will keep the Commission informed should there be any change in this timetable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Antar', with a long horizontal flourish extending to the right.

Sam Antar

SA/ak

- cc: Chairman William E. Kennard
- Commissioner Susan Ness
- Commissioner Harold Furchgott-Roth
- Commissioner Michael K. Powell
- Commissioner Gloria Tristani
- Roy J. Stewart
- Barbara Kreisman
- Clay Pendarvis
- Richard M. Smith
- John H. Morgan - FCC