

ORIGINAL

RECEIVED

NOV 12 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Implementation of Section 309(j))	MM Docket No. <u>97-234</u>
of the Communications Act)	
-- Competitive Bidding for Commercial)	
Broadcast and Instructional Television)	
Fixed Service Licenses)	
)	
Reexamination of the Policy)	GC Docket No. 92-52
Statement on Comparative Broadcast)	
Hearings)	
)	
Proposal to Reform the Commission's)	GEN Docket No. 90-264
Comparative Hearing Process)	
to Expedite the Resolution of Cases)	

To: The Commission - Mail Stop 1170

COMMENTS IN SUPPORT OF PETITION FOR RECONSIDERATION

1. The Community Broadcasters Association ("CBA") supports the National Translator Association's ("NTA") petition for reconsideration of the *First Report and Order* ("Order"), in the above-captioned proceeding, FCC 98-194, adopted August 6, 1998, implementing provisions of the Balanced Budget Act of 1997 by adopting general competitive bidding procedures to select among mutually exclusive applications for commercial analog broadcast service licenses, with respect to the issue of the anti-collusion rules, as they relate to low power television ("LPTV") stations.

No. of Copies rec'd 014
List A B C D E

2. CBA is the trade association of the nation's LPTV stations. CBA filed its own Petition for Reconsideration in the above-referenced proceeding stating, in part, that the anti-collusion rule was harmful as it would apply to LPTVs. The anti-collusion rule as adopted would prohibit any discussion between mutually exclusive applicants to try to find engineering solutions to eliminate mutual exclusivity resulting in applications being subject to competitive bidding. LPTV station operators are typically small businesses and minority and women-owned companies, and to force such entities to compete with entities with significantly greater resources in a bidding situation would be a potentially destructive blow to such broadcasters and to the Commission's stated objective of advancing localism and diversity in the mass media.

3. In its Petition for Reconsideration, NTA requests reconsideration of the anti-collusion rule to allow a negotiations at any time to resolve mutual exclusivity through engineering and technical solutions. To that end, NTA proposes revisions to Sections 73.5002(c) and (d) of the Rules, 47 C.F.R. §§73.5002(c) and (d). To the extent that the NTA's proposed language encompasses LPTV stations, CBA concurs and approves.

4. The Commission has been directed by Congress to protect the opportunities of small businesses and women- and minority-owned businesses. LPTV broadcasters consist predominantly of such entities. Adoption of such language as contained in NTA's Petition for Reconsideration and

by the Commission reconsidering its rules in accordance with CBA's Petition for Reconsideration,
will help achieve that goal.

Respectfully submitted,



Peter Tannenwald
Michelle A. McClure

Counsel for Community Broadcasters Association

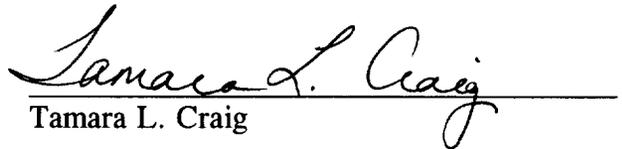
Irwin, Campbell and Tannenwald, P.C.
1730 Rhode Island Ave., N.W., Suite 200
Washington, D.C. 20036-3101
Tel. 202-728-0400
Fax 202-728-0354

November 12, 1998

CERTIFICATE OF SERVICE

I, Tamara L. Craig, hereby certify that on this 12th day of November, 1998, copies of the foregoing "Response to Petition for Reconsideration" have been served by hand delivery or first class mail, postage prepaid, upon the following:

Joseph P. Benkert, Esq.
Joseph P. Benkert, P.C.
5712 South Sheridan Boulevard
Littleton, CO 80123-2736
Counsel for National Translator Association


Tamara L. Craig