

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

In the Matter of)
)
An Industry) **ET Docket No. 99-34**
Coordination Committee for)
Digital Television Service)
Processes)

To: The Commission - **Mail Stop 1170**

COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION

1. The Community Broadcasters Association (CBA) hereby submits these comments in response to the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding, FCC 99-8, released February 3, 1999 (Notice). CBA is the trade association of the nation's low power television (LPTV) stations and represents the interests of those stations in administrative, legislative, and judicial forums.

2. While CBA appreciates and applauds the Commission's recognition in the Notice of the potential impact of the proposals on LPTV and the importance of including LPTV interests on any coordinating committee, CBA is still concerned about the prospect of abdication by the Commission of vital aspects of spectrum management, which is the one function which almost everyone -- friends and critics of the Commission alike -- agrees is a basic function the Commission was created to perform. Thus while a private coordinating committee may be useful in terms of developing a database, software, and other tools for evaluating proposals for changes in TV allotment tables or station facilities, and such an organization could serve as a valuable preliminary screener of proposals and facilitator of negotiations between parties with conflicting interests, CBA urges strongly that the

Commission reserve to itself the final decision on all allotment proposals and facilities applications. The stakes in broadcasting are too high to delegate significant or presumptive power to a private group -- much greater than in an area such as land mobile radio, where private coordinating committees are usefully active, because much more money is involved in establishing a broadcast station, there are far fewer broadcast than land mobile facilities, and most broadcasters operate with much higher power and have an impact on more persons than land mobile operators.

3. To the extent that any private coordinating committee or organization may be formed, the Commission must stand by its position in the Notice that LPTV interests absolutely must be included -- and in a meaningful way.^{1/} The Commission made it clear in the *Sixth Report and Order* that even though LPTV stations may be secondary spectrum users, they are an important part of the nation's broadcast service, and the impact on LPTV must be taken into account in advancing full power allotment and facilities modification proposals. The only way that LPTV interests will truly be considered is if LPTV representatives are part of the process. Thus any industry committee must include LPTV representatives; and if a new private entity is empowered to perform coordinating functions, it must have firm directions to look out for needs and interests of LPTV stations as well as those of full power stations.

4. CBA also urges that coordination not be mandatory for applications for new and modified LPTV stations and that no private coordination fees be imposed on LPTV applicants. In the private land mobile area, coordinator fees already exceed Commission filing fees by substantial amounts. As long as LPTV stations remain secondary, they should not be subject to that burden.

5. In conclusion, CBA urges the Commission not to delegate any function to a private

^{1/} Any committee structure proposal that does not address LPTV should be quickly rejected.

coordinating committee except informal assistance in preparing petitions and applications and resolving disputes; that any recommendation of a private coordinating committee not be given excessive presumptive weight; and perhaps most importantly, that the Commission retain full staff and computer capability to make its own independent evaluation of the technical aspects of all proposals made to it.

Respectfully submitted,

/s/ Peter Tannenwald

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CERTIFICATE OF SERVICE

I, Peter Tannenwald, do hereby certify that I have, this 29th day of March, 1999, sent by electronic mail a copy of the foregoing AComments of the Community Broadcasters Association to the following:

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/s/ Peter Tannenwald

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