

March 29, 1999

RECEIVED
MAR 29 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20556

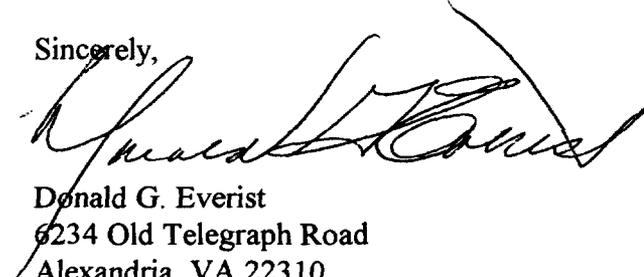
Re: ET Docket No. 99-34, FCC 99-8

Dear Ms. Salas:

Enclosed herewith are 12 copies (original plus 11) of the Comments on Notice of Proposed Rule Making in ET Docket No. 99-34, FCC 99-8.

If there should be any questions, please do not hesitate to contact the undersigned.

Sincerely,



Donald G. Everist
6234 Old Telegraph Road
Alexandria, VA 22310
Daytime Telephone: (202) 898-0111

DGE:cc
Encl.

No. of Copies rec'd 0717
List A B C D E

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

| | | |
|------------------------------------|---|---------------------|
| An Industry Coordination Committee |) | |
| System for Broadcast Digital |) | ET Docket No. 99-34 |
| Television Service |) | FCC 99-8 |

COMMENTS ON
NOTICE OF PROPOSED RULE MAKING

Introduction

Donald G. Everist (“Everist”), a member of the firm of Cohen, Dippell and Everist, P.C., hereby submits the following comments on “An Industry Coordination Committee System for Broadcast Digital Television Service” (“Coordination Committee”) adopted by the Federal Communications Commission (“FCC”) January 28, 1999. Mr. Everist has practiced as a professional engineer on broadcasting matters for over thirty years. The FCC has requested comments on the establishment of an industry coordination committee which could serve under certain conditions to improve its existing procedures for adjusting the DTV Table of Allotments and for managing requests for DTV station modifications.

The current FCC processing system for DTV and NTSC stations will face many areas whereby new policies will have to be established and then allowed to evolve. The

development of these policies is a necessary outgrowth of the introduction of a new service (DTV) while protecting the existing NTSC full-service with the ultimate reduction of off-the-air television spectrum.

Until these new FCC policies are established, it is premature to consider putting into place any fully integrated coordinating committee. The reason is obvious. Until the FCC makes decisions on these various policy issues, any coordinating committee would have to await these new FCC policy determinations. To do otherwise will add an unnecessary processing layer which could impede the implementation of the DTV service to the public.

Some of the areas in which it appears FCC policy decisions must be made are:

Definition of Non-Directional and Directional Transmitting Antenna

The FCC Form 301 V-D, Paragraph 9 requests information on the type of the DTV antenna and its performance characteristics. However, the FCC needs to define what constitutes a non-directional and directional antenna for the purpose of implementing DTV coverage and interference.

TV Data Base Inconsistencies

The hallmark of implementing a new service that is interleaved with the existing service is to validate the technical database that is used to perform the studies. It would be helpful if a total FCC TV database is compiled and validated. The first purpose is to resolve any inconsistencies which could not only hamper, but frustrate the processing of

proposed DTV and NTSC facilities. The second purpose would be to merge the technical portion of Table B with the present FCC TV technical data base. This would consolidate valuable technical NTSC and DTV data into one data base.

Elevation Data Base Inconsistencies

The FCC needs to determine its policy where elevation data for computing coverage and interference contours past or present are incorrect. This difficulty can manifest itself in various forms. For example, in the initial years of NTSC authorizations, the FCC accepted elevation data based upon the best available information. Often this data were from older U.S. Geological maps such as 1/250,000 scale U.S. Geological maps. In one instance, the FCC authorized a full service TV station in the 1950's using altimeter readings when other official elevation data were unavailable. That earlier elevation data is the basis of the current NTSC facility and proposed DTV coverage. Section 73.622 of the FCC Rules requires that if the DTV facility differs in over 10 meters in HAAT, it will be a non-checklist application. However, situations can arise whereby older authorizations could have its DTV facilities be a non-checklist application with these elevation data inconsistencies. For example, if the DTV facility is located on a new tower within 5 km and the new DTV site is based upon the latest available profile maps or 3-second data base, a flag can be introduced whereby the DTV facility which exceeds the 10 meter criteria would become a non-checklist application. This may be true even if both sites are based on the latest elevation data. The FCC should clarify all

situations where inaccurate elevation or other data leads to unintended consequences.

Furthermore, the FCC should clarify how these computer data base elevation inconsistencies should be resolved and, where necessary, the final elevation data be abstracted from the latest U.S. Geological quadrangles.

DTV and NTSC Frequency Change Requests

There is uncertainty how the FCC will process DTV or NTSC frequency change requests. One uncertainty is whether the Petitions for Rule Making will be subject to competing applications once the Notice of Proposed Rule Making is issued. This, in addition to domestic considerations, is particularly important along border areas if a non-domestic station¹ or interests are permitted to intervene. Furthermore, the FCC may wish to consider notifying a frequency change in the coordination zone prior to issuance of the Notice of Proposed Rule Making.

Population Data

The FCC based its population data on 1990 Bureau of the Census data. The FCC should consider whether or not to permit the introduction of updated Census Bureau population estimates. Determinations made in Table B² in rapid population growth areas could be decisional when DTV and NTSC modifications are required. Clarification is

¹KTLA, Inc. Application for Experimental Authorization (FCC File No. BPEXT-960829KE).

²"*Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Order*", released December 18, 1998.

sought as to whether the FCC will permit on a routine basis updated population and if so under what conditions or circumstances.

Creation of White or Underserved Areas

There may be situations that arise whereby incremental interference to NTSC stations by DTV stations may result in the creation of no service or underserved areas. Currently, the FCC will not permit a network NTSC station to move transmitter sites or reduce effective radiated power if it results in a loss of network service. This same loss of service could arise from incremental interference to NTSC stations from DTV maximization requests. Clarification of the FCC policy is requested.

Maximization

In the *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Order*, released December 18, 1998 ("Second MO&O") the FCC adopted a procedure whereby a DTV station which requests maximization of ERP up to 1000 kW, then all other DTV stations listed in Table B with less than a 200 kW DTV power are to be studied at 200 kW. First, clarification is sought whether for maximization which stations should be considered non-directional so that true maximization can be achieved. Secondly, clarification is sought as to which station's interference component should be studied first and then be added to the total and under what circumstances.

Simultaneous Applications to Improve NTSC and DTV Facilities

Clarification is sought how the FCC will evaluate and consider simultaneous applications for NTSC and DTV facilities. Further, how will the FCC process these applications if they cause mutual unacceptable or objectionable interference?

TV Translator/LPTV Translator Program

One of the important aspects noted by the FCC in the Second Notice is the retention of existing translator service. In order to help to achieve this goal, the FCC should consider releasing its existing and subsequent translator/LPTV translator program(s) with attendant data bases.

Equivalent TV Facilities

It is found in order to consolidate TV sites and enhance the ability to implement multiple DTV facilities on a tower, clarification is sought on DTV policy of what evaluation procedure should be used to provide equivalent DTV facilities in over-height situations. For NTSC that procedure is outlined in Section 73.614 of the FCC Rules. To date, no corresponding paragraph is found addressing DTV facilities.

Radiofrequency Radiation Assessments

In order to expedite the implementation of DTV facilities, the FCC may wish to consider to complement its NTSC and DTV antenna data base by requiring that a detailed data base file concerning FM antennas information be created. This should include the

number of antenna bays and the FCC Form 302 measured pattern filed with the license application.

Site Preemption

The FCC should reassess its position regarding site preemption both for displaced NTSC and FM facilities and for the establishment of DTV facilities.

AM Station Protection

The FCC appears to be issuing construction permit conditions³ on DTV application filing for facilities on existing towers where there is no or little chance that the TV tower's AM electrical characteristics will be modified, thus affecting nearby AM station. However, the FCC routinely is permitting towers for Part 99 facilities to be authorized with no consideration of AM facilities. It is herein requested that FCC policy and procedures be made uniform for all towers regardless of the service.

Protection to FCC Monitoring Facilities

Clarification of the FCC Rules is sought regarding what the protection requirements that must be considered and implemented for DTV facilities for facilities described in Section 73.1030 of the FCC Rules.

³See Section 73.1692 of the FCC Rules

Interference and Coverage

ERP, Area and Population listed in Appendix B DTV Table of Allotments are based on Longley-Rice studies using 3-second elevations at 1 km intervals from the television transmitter site. This method of computation misses elevations that would have a great impact on these studies. The FCC should make a determination of the distance interval it deems appropriate.

Committee Operation

The proposed DTV coordination committee structure would use the basic principles established in the private land mobile service. It is instructive to determine whether those private land mobile principles have been maintained in every day practice. Based on my experience, the frequency coordinators are not always properly coordinating frequencies in the land mobile service to avoid interference problems. If true, this further burdens the FCC and its field offices.

An extension of these difficulties over the wider service areas of NTSC and DTV broadcast facilities could hamper rapid deployment of DTV signals. While interference in the land mobile service is generally confined to a small area and therefore the disruption to the public occurs to those who have paid a fee for the service, interference to the general public who receive free over-the-air service could be considerably larger. If widespread DTV and NTSC interference complaints are received, the Commission will be required to reallocate valuable resources to resolve these complaints.

Furthermore, there is reason to believe that the land mobile frequency data base has not been and is not currently being maintained properly. Interference complaints described above could be held to an absolute minimum if there were an accurate data base. At a minimum, therefore, the Commission must ensure that an accurate and up-to-date data base is created and maintained before adopting any coordination committee policy.

Conclusion

Until the Commission resolves all DTV policy decisions, it is premature to consider the structure of the DTV industry system, its functions and its rules for its operation.

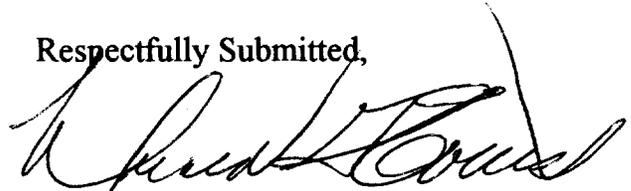
Based upon the insights provided while a delegate of the various U.S. delegations, he is quite familiar with the difficulties that will be encountered if the FCC proceeds in adopting the DTV coordination committees if the policy structure is not clear and concise. For example, one only needs to review the uncertainties created in the Satellite Home Viewers Act⁴ ("SHVA"). SHVA defines an "unserved household". It is that definition that has been the source of controversy and numerous law suits. This wording has produced delays of historic proportions and created wholesale public confusion. The following provides Everist's experience in broadcast matters.

⁴H.R. Rep. No. 103-703, at 5 (1994); S. Rep. No. 103-407, at 5 n.2 (1994); H.R. Rep. No. 100-187(I), at 14-15, 18, 26, reprinted in 1988 U.S.C.C.A.N. 5638 (1988).

Donald G. Everist is a graduate electrical engineer, a registered professional engineer in the District of Columbia (Registration Number 5714), and has practiced in that capacity for over thirty years. He is a member of the Institute of Electrical and Electronic Engineers, National Society of Professional Engineers, Illinois Society of Professional Engineers, and a member and past president of the Association of Federal Communications Consulting Engineers.

He was the Chairman of the AM Broadcasting Service Working Group preparatory to the 1979 World Administrative Radio Conference and Industrial delegate for the United States to the International Telecommunications Union Regional Administrative Medium Frequency Broadcasting Conference in Buenos Aires, Argentina. He was the Chairman of TF:F Planning Methods; was a U.S. delegate on the Fourth Panel of Experts meeting in Geneva, Switzerland; was Chairman of the Working Group on Inventories, Incompatibilities, Negotiations and Strategy to the Advisory Committee, all preparatory to the Second Session of the Regional Administrative MF Broadcasting Conference for Region 2 (Western Hemisphere) held in Rio de Janeiro, Brazil. He was an industrial delegate for the United States to the Regional Administrative Radio-Conference (BC-R21) sponsored by the International Telecommunications Union in Geneva, Switzerland. He was an industrial delegate for the United States for the CCIR Joint Interim Working Party 8-10/1 Meeting in Helsinki, Finland.

Respectfully Submitted,



Donald G. Everist

6234 Old Telegraph Rd.

Alexandria, VA 22310

Daytime Telephone: (202) 898-0111

Date: March 29, 1999