

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

In the Matter of ) MM Docket No 99-292  
 )  
Notice of Proposed Rule Making ) RM 9260

To: Secretary of Commission

COMMENTS

AirWaves, Inc. Licensee of KTLE-LP Ogden, and operator of KEJT-LP Salt Lake City, Utah, respectfully responds to the invitation for Comments from the Commission. Even though Congress has acted, these important questions need full consideration. During the 90 day period established, AirWaves, Inc. has broadcast HispanicTelevision with a total of 70 plus local hours. Our network is Telemundo.

PRIMARY SERVICE

The primary service area of a Class A station needs to be the primary service of either the station as an LPTV, or the metro DMA Area intended to be served. This primary service area can be enlarged providing it can do so without interfering with other existing broadcasters. Because of the low transmitter power, the receivers need to be strongly protected as well. LPTV stations rely on viewers who have purchased a higher gain antenna, with a substantial part of the quality of the signal in the receive end of the transmission. In order to protect other low power or translator stations, Class A stations may operate on two or more frequencies, so long as the programming comes from one central studio, and the stations remain in the same Metro DMA or within 60 miles of each other.

Our local Metro DMA is Salt Lake, Ogden and Provo. Recently Park City has been added to the DMA. We protect over 100 translators from 8 Full Power stations and Low Power Stations as well. To do so and maintain a signal in a mountainous terrain requires at least two transmitters. Both stations should be considered Class A because both program the same local material. As a result of a local allocation board meeting sponsored by the local SBE chapter involving DTV Utah, and representatives of the major Salt Lake Stations, as well as all of the low power stations, our channel allocations have been resolved in the "Utah Plan" for low power and translator stations. We recommend local allocation meetings to the Commission and to other communities.

PROTECTION

Because of the importance of the viewer's home antenna and its higher gain, Class A stations should be protected from all new broadcast stations to a greater degree than the present LPTV protection. To further DTV the Commission should also include the right of a Class A to begin broadcasting on a second channel in DTV if that channel is available and not disruptive to the market. To deny a Class A of a second Digital channel is to discriminate against minority programming. Should our Hispanic audience have the opportunity to view DTV programming as the rollout continues? Hispanic NTSC stations should not be subject to some DTV coming along to rake off the network, the advertising, and the audience.

## ENGINEERING

A Class A station using approved LPTV equipment should not be required to comply with the Part 73 requirements that exceed the automatic status of the approved equipment for LPTV. To employ an engineer to read an approved automatic transmitter every three hours appears to be a great waste of resources. If an LPTV has approved equipment and meets LPTV standards, it should be granted Class A status based on its programming, not engineering. The station's signal is not changing. The question is protection of signal to encourage local broadcasting.

Technical quality must be maintained, but it should be with an understanding of where the money should be spent, if the equipment is acceptable, the money should go to local programming.

## OWNERSHIP

In Salt Lake City four major group owners control the FM band. They have not improved the quality of programming over multiple local owners in the past. They have not been interested in much more than profit, to the expense of the listener. The continued concentration of Ownership does not relate to the purpose of Local Programming. Therefore, the Commission should seek to restrict the number of Class A licenses to local people or companies. While one programming source can use several LPTV stations as Class A to serve the local market, the possibility of a large number of Class A stations under a national corporation would not be desirable.

Class A provides diverse thought and more community involvement if the owners of Class A stations do not own too many other media outlets in the community.

## LOCAL PROGRAMMING

A Class A station needs to be able to use the limited revenue (as compared to a full power station) to produce local programming. This is expensive. It requires people who want to learn how to do local programming: more cameramen, more writers and producers, and more sales people. It involves people who learn as they work. As a Hispanic broadcaster, I have seen this local interaction create a better understanding between people. All of this creates more local people involved in local community events, which builds stronger cities and less discrimination. Because all stations use the public spectrum, the Commission should consider requiring all full power stations to program some local programming. I cannot find a full power station running broker or shopping programming all day as superior to a Low Power that produces local programming serving segments of the community.

## CONCLUSION

Implementing the Class A plan according to congressional directives requires clear and direct leadership from the Commission. What does your compliance form look like? What technical requirements are required? Do we need modulation monitors and around-the-clock engineering to run our present approved automatic equipment?

This is an opportunity for the Commission to go back to the basics with emphasis on public service, with concerned local or regional ownership centered on serving the community.

Respectfully submitted,  
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