

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

In the Matter of	)	
	)	
Establishment of a Class A	)	MM Docket No. 00-10
Television Service	)	MM Docket No. 99-292
	)	RM-9260

To: The Commission

**COMMENTS**

The National Translator Association (“NTA”), by its attorney, hereby submits its comments in the above-captioned proceeding. NTA is a nonprofit volunteer organization dedicated to the preservation of free over-the-air television for all areas of the United States. Membership is made up of organizations and individuals licensed to operate TV and FM translator stations, persons who install and maintain translators, and full service broadcasters who benefit from the extended service provided by translators.

The impetus for the creation of a Class A television service arose from the concerns of a significant number of LPTV licensees over the prospect of being displaced by higher priority services, primarily the emerging DTV stations. The rules governing Class A stations should be crafted in the context of providing protection for those stations that are providing TV service closely identified with the area served. In particular, programs originating relatively locally and having a nexus with the area served are considered important and worthy of a higher protection than the present secondary status.

## **Translator Eligibility**

Translators share the same spectrum, and the same rules, as LPTV stations. They are equally important in serving the public because they exist only if local, over-the-air television is not available. Generally, translators are a rural service, although not always. Mountains, valleys, distance, and interference of one form or another all combine to deprive viewers of over-the-air television and, in many of the places translators exist, cable does not. Translators are a service based facility; if they are not of service to the public, they do not exist. The Commission should not, in order to accommodate originating LPTV's, sacrifice translators because they do the same thing.

The Class A proposal is generally good and reflects the recognition that secondary service television stations provide a valuable public service. However, we submit that a translator which brings to the public a local, full service television station's locally produced news, weather, and public affairs programs is equally deserving of protection and the right to take its place as a partner with originating LPTV's and full service stations in the array of television service available in this country. We recognize there must be some limitation on the eligibility for Class A status, and it is also true that the greatest displacement problems are for translators relatively close to metropolitan areas. As a compromise between very extended eligibility for translators and what is more practical, we propose that

translators which fill in or extend the coverage of stations in their DMAs be eligible for Class A status, provided that the originating primary station 1) meets the locally produced programming requirement; 2) meets interference and channel eligibility requirements in common with eligible LPTV stations; and 3) is located within or serves an area which is primarily within the originating station's DMA.

Further, as the long-standing technical requirements for translators have over many years proven adequate to serve the public, we propose that no change in technical requirements accompany a transition to Class A status by a translator.

### **Minor Changes**

Paragraph 44 of the NPRM proposes an updating of the definition of a minor change. We applaud this overdue change provided it is available to non-Class A LPTV stations and translators on the same basis as stations with Class A status.

In addition to the changes suggested in the NPRM, we feel very strongly that there should be some provision for site changes. There are several very valid reasons for this need. For instance, existing currently authorized sites sometimes become unavailable forcing a move to a new site. Then there are situations where an LPTV station or translator may be able to take advantage of the higher Effective Radiated Power (“ERP”) which can be achieved under the changes in the rules in the Sixth Report and Order<sup>1</sup> and better serve the public but only from a different site.<sup>2</sup>

It is requested that the following changes to authorized facilities be included within the scope of the minor change provisions:

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<sup>1</sup> The power limits are now defined in terms of “Effective Radiated Power” rather than transmitter power and frequently higher ERP’S are now possible.

<sup>2</sup> There will be many situations where little or no increase in ERP in the direction of the community is possible because of interference ratio considerations in the direction of interest, but where a higher ERP could be achieved while still meeting all necessary interferences ratios (protection to other stations) by locating on a different side of the community and having the signal reach the community by traveling in a quite different direction.

- 1) Change in ERP up to the authorized limits for LPTV/translator stations
- 2) Change in height
- 3) Change in antenna pattern
- 4) Change in location provided the new service area as defined by the protected contour continues to provide service to some portions of the previously protected service area.<sup>3</sup> This will provide needed flexibility for necessary or desirable site changes while still providing a nexus between the new and old service areas.

### **Priority for Displaced Low Power Stations**

Paragraph 50 of the NPRM notes that the Community Broadcasters Protection Act of 1999 (“CBPA”) stipulates that “we may not grant Class A facilities modification applications that do not protect against interference the facilities proposed in earlier filed LPTV or translator applications.” However, the CBPA further stipulates in (f)(8) that “Low Power Stations that are displaced by an application filed under this section shall have priority over other low-power stations in the assignment of available channels.” There seems to be a conflict in these provisions. The only displacement of low power stations that would come under this latter provision would be changes in a full power digital station’s parameters to solve a technical problem, to ensure replication or to permit maximization of coverage.<sup>4</sup> Thus, there will be very few LPTV stations that will come under this provision that would not have been displaced by the assignments in the original DTV Table of Allotments.

As there may be a few instances of such displacements, however, it is important to note that the CBPA distinguishes between low power TV stations and translators in other subsections

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<sup>3</sup> This definition of a minor change follows the recently revised definition applicable to FM translator changes. See §74.1233(a)(i)

and does not mention translators in this context. Low power stations that are displaced in this way are not mandated to have priority over translators in the assignment of available channels and should not have such priority in the FCC rules.

### **Power Levels**

The NTA agrees with the NPRM that the current power levels are appropriate. They were increased in the Sixth Report and Order and there is very little experience so far with the higher power levels authorized there. We believe that much more experience should be gained before increasing the power levels again.

### **Channels 52 to 59**

Paragraph 53 of the NPRM raises the question of whether LPTV stations and translators operating on channels 52 to 59 should have a presumption of displacement as do operators on channels 60 to 69, and thus be able to file immediate displacement applications. There seems to be no disadvantage to allowing such stations, which are going to be displaced in the future, to find and move to a permanent channel as soon as possible. Particularly in the case of translators where whole systems are having to be reshuffled, it would be highly advantageous to make all changes, including those that will be required in the future, at the same time. Accordingly, the NTA recommends that displacement privileges comparable to those available to channels 60-69 be extended to stations on channels 52 to 59.

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<sup>44</sup> See CBPA f(1)(D)(i) & (ii).

**Conclusion**

NTA requests that the Commission adopt final Class A Television rules consistent with the suggestions and for the reasons specified above.

Respectfully submitted,

NATIONAL TRANSLATOR ASSOCIATION

By: \_\_\_\_\_  
George R. Borsari, Jr.  
Anne Thomas Paxson  
Its Attorneys

BORSARI & PAXSON  
2021 L Street, N.W.  
Suite 402  
Washington, DC 20036  
(202) 296-4800

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