

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Establishment of a Class A Television Service) **MM Docket No. 00-10**

To: The Commission

COMMENTS OF WATCHTV, INC.

1. These Comments are filed in response to the Commission's *Order and Notice of Proposed Rule Making* ("NPRM") in the above-referenced proceeding, FCC 00-16, released January 13, 2000, by WatchTV, Inc. ("WatchTV"), licensee/permittee of 19 low power television ("LPTV") stations serving various communities in Oregon and Washington. Congress recognized the value that many LPTV stations provide to their communities in passing the Community Broadcasters Protection Act of 1999 ("CBPA"), which grants permanent "Class A" status to LPTV stations that meet certain criteria. The Commission should do everything it can to make this permanent status meaningful, as Congress intended.

2. WatchTV generally concurs with the comments filed in this proceeding by the Community Broadcasters Association, but would like to take this opportunity to urge the Commission to focus on a particular issue of vital importance to WatchTV. Several of WatchTV's stations are currently operating on Channels 52-59 and provide valuable local programming to their respective coverage areas. WatchTV intends to file Class A applications for each of its stations once the Commission allows such applications to be filed.

3. Among other things, the NPRM seeks comment on whether to allow stations operating on certain channels to qualify for Class A status. Section (f)(6) of the CBPA precludes the Commission from granting a Class A license to a station operating on Channels 52-59, because such channels are outside the "Core" group of channels (2-51) that will remain allocated to television

broadcasting after the industry's transition to digital television. Channels 52-59 have not yet been reallocated, although the Commission has announced its intent to reallocate them in the future. Because reallocation is contemplated, and because Class A licenses cannot be issued to stations on these channels, such stations should be permitted to file displacement applications immediately, under the same presumption of displacement that applies to Channels 60-69.^{1/} Further, for those who cannot move immediately, the Commission should declare that they will be permitted to remain on their current channels until the end of the DTV transition. If these stations survive displacement by DTV maximization and full power applications on Channels 60-69 are forced to apply to move to lower channels this spring, many believe that they will be able to survive until the end of the DTV transition, when more channels in the Core will become available.

4. Consideration should also be given the importance of foreign language programming to otherwise unserved audiences in evaluating the merits of Class A applications by stations that do not have the resources to do local programming.

5. Finally, WatchTV urges the Commission to consider the special circumstances of groups of commonly owned stations providing common local programming produced within the market area of the group, recognized by Congress in Sec. (f)(2)(E)(II) of the CBPA, in evaluating the application of, and if necessary requests for, waiver of the main studio rule (Sec. 73.1125(a)).

Respectfully submitted,

WATCHTV, INC.

/s/

By: Greg Herman, President
6107 North Marine Drive #6
Portland, OR 97203
(503) 289-2456

¹ Moving into the Core is the only way that these stations can obtain Class A licenses. They should not be prevented from access to Class A by being precluded from requesting displacement relief now.

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