

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

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

To: The Commission

**Comments of Skinner Broadcasting, Inc
and
J. Rodger Skinner, Jr.**

INTRODUCTION

I, J. Rodger Skinner, Jr., have been active in the Low Power Television (LPTV) industry since its inception and participated in the rulemaking that created the LPTV service, having filed his first LPTV application in 1980. Over the last twenty years, I have owned and operated several LPTV stations throughout the state of Florida and currently am the licensee of WFUN-LP Miami-Ft. Lauderdale and two LPTV construction permits elsewhere in Florida.

Having been a part of this emerging broadcast service, I can testify first hand to the difficulties involved in having your LPTV station displaced due to “secondary status” and being turned down by a twenty-year banking relationship for a loan to build on a new channel after displacement. As a result, I had to spend my life savings of nearly \$200,000 to rebuild on my displacement channel. Although, my experiences have been severe, there have been many LPTV stations that have been forced off the air by the digital television rollout and unable to find a usable channel on which to rebuild.

In my opinion, it was bad public policy to make LPTV suffer from “secondary status” in the first place. These stations, which have proven themselves in the marketplace, should have been

afforded “primary status” in the beginning. In this light, I wish each and every decision maker in this proceeding to ask themselves two simple questions. Will my decision here help or hurt the remaining existing LPTV stations? Will the burdens imposed on these stations to achieve Class-A status in this proceeding prove too burdensome financially for these small stations, forcing many to go dark? Any attempt to help these stations must be cautious of imposing unnecessary regulations that may drag many stations under.

Bear in mind that Class-A status merely provides something that should have been provided for at the time the LPTV service was created and by righting this wrong now, the LPTV service is not changed in any large manner. In other words there is still a huge disparity between full-power stations and LPTV stations. Full-power UHF stations broadcast with up to 5 million watts (5 megawatts), while LPTV stations are allowed only three-percent (3%) of that or a maximum ERP of 150,000 watts. It should be noted that few LPTV stations can employ the maximum 150,000 watts, since the rollout of digital TV channels. My Miami station, like many others, is limited to a maximum of 50,000 watts since there are other stations on third adjacent channels in close proximity. Thus, LPTV stations have much smaller coverage areas and much less revenues than full-power stations. Full-power stations also have a tremendous advantage by having cable “must carry”, whereby local cable systems must carry their signals. The vast majority of LPTV stations do not enjoy such mandatory cable carriage and are not seen on cable, which accounts for over sixty-percent of the viewers in most cable markets. My point here is simple and very logical...it makes no sense and is quite unfair to make LPTV stations abide by the majority of rules that apply to full-power TV stations. Remember, what are we trying to do here...help or hurt LPTV stations? Unnecessary additional regulatory burdens involved in complying with full-power rules would undue the small benefit achieved from Class-A status for most LPTV stations.

THE DETAILS

One of the most important issues that must be addressed properly is whether existing LPTV construction permits and LPTV stations that become licensed in the future should be able to apply for Class-A status. I believe that the conference reports in this legislative process that led to the Community Broadcasters Protection Act of 1999 (CBPA) and certain colloquys discussing its passage clearly indicate the intent of Congress to allow for awarding of Class-A status to stations in the future and they provided Section (f)(1)(B) of the statute to allow for this. The Commission should allow new LPTV stations that sign on in the future the ability to apply for and be granted Class-A status as long as they meet the requirements set forth by the Commission in this proceeding.

Class-A stations should be protected to their Grade-A contours as they are now; 62 dBu for channels 2-6, 68 dBu for channels 7-13 and 74 dBu for channels 14-69. The digital Class-A contours that define noise-limited service, as described in the NPRM, are adequate for LPTV. The Commission must keep the contour overlap method of determining interference, along with the use of any apporved methods such as Longley-Rice, terrain shielding, receive antennea directivity and other engineering methods. It must NOT go to a distance/separation model, which would unduly restrict LPTV stations from showing non-interference. However, for determining the area within which programs must be produced to qualify as local programs, the Commission should use the Grade-B contours for each channel to provide some minimum flexibility of where production facilities might be located. The Grade-A contour limitation is too restrictive for this purpose.

It is my opinion, after looking at the TV Guide that it is not necessary to impose the

burden of three hours per week of educational childrens programming on LPTV stations. There is more than an adequate supply of this type of programming now being aired by full-power stations, cable and satellite stations. It would also impose an unacceptable financial burden on LPTV stations to have to air this programming. For example, our station would have to install a new satellite dish, receiver and associated equipment to accomplish this. In fact, it would serve the public interest not to impose this restriction on LPTV stations since it is very difficult to find any programming for adults on Saturday mornings especially.

I support the remainder of the items listed in the NPRM.

Respectfully,

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THE ISSUES

