

TO: Magalie Roman Salas
Secretary

COMMENTS

III Discussion

PART A APPLICATION AFTER THE ACT.

9. I think those who did not comply with the act should not be automatically accepted as those who did comply. We worked long and hard over many years to build local service. It is important to recognize that the licensees who really wanted to serve the public did so in the appropriate time period. As the act is about service, qualification should be based on service. Someone who was broadcasting then and chose not to participate should not be accorded the same status as those who complied.

PART B PROTECTED SERVICE AREA

10. Low power broadcasting places more responsibility on the receive antenna than full power broadcasting. Therefore both transmit and receive antennas must be protected. I suggest the minimum protection should be to the B grade contour, or more. The person being protected is the viewer, who has invested in a higher gain antenna to get the low power signal. A low power Class A station needs more protection than a translator because of the nature of its service. While a many translators or satellite signals may send out-of-town signals, only the Class A is providing the local programming signal. This protection is even more important in the case of NTSC stations to be authorized who wish to modify their construction permit.

13. Preservation Except for DTV (1),(2),(3) Your tentative conclusion seems appropriate.

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14. NTSC Applications. The Commission's proposal is appropriate for NTSC applications. Care must be taken to protect Class A stations from Full Power Licensees on a fishing expedition to more than maximize their present service by fishing for a new frequency and a new transmitter site for NTSC service. Digital Class A stations should be protected to their B Contour or greater because of lower transmitter power.

15. DTV Application. The method that provides the greatest protection to the Class A Viewers is the best method.

16. Additional protection to existing Class A is desirable. To continue to promote DTV, a Class A digital station should be protected to a greater contour than other stations to give the viewer the best reception possible.

C. CHANGE APPLICATIONS

17. Your interpretation is acceptable and logical.

D. QUALIFYING LOW POWER TELEVISION STATIONS

18. "Market Area" should be the Metro DMA or the area served by the B grade contour, or greater. Hispanic and targeted LPTV broadcasters rely on viewers with larger antennas. Our coverage in the Ogden/Salt Lake area combines both of our signals (51 Ogden, 48 Salt Lake City) to serve the market area. Many listeners are outside of the grade A contour. Contours are designed to get on a station the air. They do not always match the population, which can change over the years. Our local programming originates from Ogden, Davis County, Salt Lake City, or Provo and Utah County, as needed. We videotape and then broadcast from one central studio serving both stations. Grouping all stations together to get a sum total of the coverage makes sense. It takes two frequencies

to cover our market area.

If a program is repeated on a regular basis, the repeat should not count. If a program repeats 10 percent of it's programming over the course of a year, it should count. Sometimes a repeat is necessary due to production problems, including sickness. Local programs can take longer to produce than to air.

20. Part 73 requirements. Class A is a programming standard, not a technical one. Congress acted to restore local programming, being aware that many full power stations do not program locally.

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Educational and Children's programming is limited by the amount of that programming available. It is possible that a low power station will not have the budget to locally produce all types of programming. Local television production is expensive, and the produced program must maintain based on the community's financial support of the program, and the availability of talent to present the program. The informational, children's and political programming rules are applicable so long as they are not required to be locally produced, the public inspection file rule should be adopted.

Class A is really a new class of television broadcaster, with a requirement of local service to the community. It re-establishes some "Mom and Pop" ownership, and requires locally produced programming giving the community more access to the airwaves and provides for Minority broadcasting. It is very important that these stations be financially stable. Where do they put the money, in technical equipment or programming? Congress says programming. The rules should reflect that decision, requiring low power technical standards, which all stations now meet. As you note, much of the audience may be in the grade B signal area. To enforce part 73 technical rules on Class A may be self-defeating, removing money from programming to go into technical standards, or increasing payroll, when all the equipment is automatic and meets part 74 requirements.

Any move from part 74 to part 73 should be established on a reasonable time table so the station can pay it's own way into the new standards. At the end of the time table of several years, the Class A stations could become full service at a lower power level. Please see the DTV (57) comment.

21. Alternative Eligibility. The purpose is to provide more local programming to the people. While some stations may fall short of the criteria, the purpose is provide the programming. 18 Hours of broadcasting a day may not be critical if the three hours of local programming have been provided.

Translators that have converted to low power operate as a group of stations in the same market under common management and should be approved. They extend programming coverage because one channel cannot increase power to cover the entire market. These stations may produce programming from one common control room for all communities in the coverage area, in addition to the city of license.

Foreign language stations provide valuable service in that language and may be the only way of communicating to viewers who have a foreign language as a basic family language.

As a Telemundo Affiliate, we produce programming in one control room and broadcast from there on two stations covering a metro area. With today's DV equipment

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we can tape the Ogden City Council and broadcast it over both Ogden and Salt Lake City. By using two frequencies we have a low power coverage of

the Full Power metro area. Our Hispanic population centers are Salt Lake City and Ogden. Various Hispanic groups such as La Raza have members in both communities. Many days we are the only way Spanish-speaking viewers can get EBS and local news reports.

E. COMMON OWNERSHIP.

31. It would appear that the right to transfer to other media interests is allowed under the law whether or not it qualifies as of November 29, 1999. The Commission's rules now allow for more than one Full Power station to be owned by one company in one market. You should not disqualify any LPTV station, regardless of when authorized, based on common ownership with other media entities.

E. ISSUANCE OF DTV LICENSES TO TV TRANSLATOR AND LPTV STATIONS.

24. The Commission is charged with promoting DTV. The best way to do that is to provide a maximum amount of programming by providing a maximum number of signals. Many full power stations are beginning to broadcast with less than their authorized allocated full power. The marketplace will respond with lower prices for home receivers when the demand for the product increases. Diversity of programming is therefore desirable. Allowing Class A DTV stations and DTV Translators is a reasonable extension of promoting DTV.

Digital Low Power Class A stations should be established at a lower average power output. Full Power uses 50,000 watts average power or more. Low power should use less than that, perhaps no more than 25,000 watts average power. A Low Power DTV allows frequencies to be used by more stations and more local programming. A low power station can most easily broadcast DTV because of cost. Some full power stations are now using Low Power on their frequency. Certainly Class A stations should be granted the opportunity to apply for a second Digital Channel if they can provide programming to meet the 18 hours a day standard. Such applications need to be built within 3 years. The Commission needs only to accept filing from Class A stations for such a channel as available after the Class A status has been granted. The NTSC full power stations on the air and pending were all granted after the cut-off date. Their John Terrill application was for a full power, not a low power station. Would they accept a low power station allocation over a full power they already have? The Full Power NTSC can begin full power DTV broadcasting now, if they choose.

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G. INTERIM QUALIFICATIONS

24. Stations operating in the spectrum on channel 52 through 59 should have some protection as a Class A station now and when their license to cover construction is granted.

25. Channels Off Limits

Channels 2 through 6 should be included in the Class A LPTV category. As full power stations move off these frequencies, they should be made available to other broadcasters.

H. CLASS A INTERFERENCE PROTECTION REQUIREMENTS

27. The new Class A stations need to be protected from NTSC facilities fishing for new frequencies. Other than that, the commission's tentative conclusion sounds good. Stations without a construction permit should be required to protect Class A.

29. Sept 22 notice protection to NTSC Grade B

Your proposals here in paragraph 29 should be established.

DTV PROTECTION

31. New Service. The Commission's interpretation is correct.

31. DTV Maximization of present NTSC coverage applicants should be protected.

However, Maximization does not allow an existing station to relocate their station, and the NTSC replicated area should not be enlarged.

32. The problem with protecting Full Power Stations is that they are not always full

service stations. While they meet minimum standards their standard programming fare comes from out of town with little or no local programming.

34. & 35. Allotment Adjustments. The Utah Plan for Low Power Stations was a success, basing its allocations on the work of Kent Parsons and a local allocation meeting sponsored by the local SBE chapter. The commission should consider local allocation meetings. A DTV station wishing to change its allocated channel should

John Terrill show that this is the only way to solve a problem, and provide a solution for the displaced Class A station. This may require several stations moving to provide the future of the Class A. If a DTV cannot protect the future of the Class A, then it should build and operate a facility as authorized now. A full power station moving to the core could have a frequency allotted now on the basis of a local meeting or from the

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Commission. Many stations with two frequencies know now which they will use in the

future, and can indicate which they will use now for planning. Such a notice will allow all stations to plan. Certainly when a Class A station has a core allocation it must be protected.

41. Distinguish between applicants. The Commission should distinguish between initial

applicants and those who come later. The initial people met the test of service to the public and should receive interference protection from later applications. I think initial applications for Class A should allow minor requests for minor increases of power or minor change in coverage, so long as it does not create a mutually exclusive interference problem at a later time after initial grant.

42. Initial Class A applicants should not request any change to modify the technical

facilities. The Commission's proposal is acceptable and reasonable.

43. Because the initial application is a change of status, not of technical standards, I

suggest the initial Class A application be on the Part 74 FCC form 346. Paper applications are appreciated as I am not so good at electronic filings.

44. This proposal is logical and acceptable.

45/46. Full Power NTSC stations should protect and be protected to their present authorized service. To encourage DTV the Commission should not encourage any further NTSC "empire" building. While full power stations may wish to build a new empire at the expense of the Class A, the purpose of the class A act is to provide protection for Class A's type of programming. NTSC should look to DTV for expansion.

46. An LPTV antenna height above average terrain, I suggest 2,000 feet.

47. A Class A minor application should not be subject to a petition to deny. This is an

excellent time for the Commission to hold NTSC to its present coverage and encourage DTV applications.

48. Facility changes for analog or digital Class A stations that are major changes should not be subject to filing windows or auction. Class A stations may agree to move to help the DTV build out. A Class A station may have its own DTV station as well. A Class
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A may need displacement relief. Class A stations must be treated as equals with full power stations, especially when full power DTV stations may file to cause problems with a Class A at any time. LPTV and Translators are secondary services. Class A is not.

49. Displacement relief as noted by the Commission is workable, however before mutually exclusive auction takes place, a local allocation board meeting should be held to see if local stations can move to work with each other to continue all stations on the air.

50. Having experienced problems with antenna sites, displacement applications should be accepted for those who have lost their broadcast site. The limitation is that they cannot appreciably change the area served. Class A stations should be awarded a priority in such actions as the Commission has noted.

J. OTHER TECHNICAL ISSUES

52. Broadcasters who have chosen not to apply at present to change from a channel in the 60's have decided to wait and take what comes along later. This should not give them any special standing over any other applicant.

53. There should be no presumption of displacement for channels 52 through 59.

54. Coverage Requirements

No requirement should be made. Protection is for the viewer's antenna as well as the transmitter. Many times the market changes. Minority neighborhoods change. The station provides service based on a B contour service as well as a A contour.

55. Coverage Signal Strength. Many large metro areas are made up of several towns. It is appropriate that at least 10 percent of the A contour cover the city of license.

K Remaining Issues

56. Class A stations call signs should be •TV, indicating more service from the class of have a person on duty at all times. Class A Fees should be low power fees and be treated as a minor modification.

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IV Conclusion

57. I thank the Commission for the opportunity to comment. Overall I hope the Commission views this as a step to create two levels of full service television and the secondary levels of LPTV, and translators. A station's programming, local and national, should not be judged only by the power of its transmitter.

Our local allocation meeting shows that, if all parties can be locally identified and brought together, it is possible to come to agreement, simplifying the application process with the Commission.

At this time it is apparent that additional frequencies from channel 52 through 59 are necessary to provide broadcast service to the public.

While the Balance Budget Act requires the ultimate sale of these frequencies, the sale is not now needed. The budget is balanced and the government does not need the money. There is a need for DTV Translators, and this part of the band is the most accessable. This Class A act also provides the Commission reasonable justification for alternatives to concentration of control of each broadcast band.

Respectfully submitted,

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