

Before the
Federal Communications Commission
Washington, DC 20554

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

To: The Commission

Comment date: February 10, 2000

Comments of TTI, Inc.

TTI, INC. (TTI), Licensee of low power television station WJRD LP, Tuscaloosa/Northport, Alabama, files these comments.

- 1. Introduction.** WJRD LP is located in Tuscaloosa, Alabama. The station is the only locally owned and operated station receivable in the area. WJRD LP broadcasts a total of 42 half hours of original news and public affairs programming per week, including live AP award-winning newscasts at noon, 5:00 PM, 6:00 PM, 10:00 PM, Monday through Friday and at 10:00 PM on weekends. Additionally, WJRD LP broadcasts four hours of local religious programming per week. Locally produced sports and documentary programs are broadcast weekly. WJRD LP maintains a full time broadcast meteorologist with live color Doppler radar and interrupts normal programming in the event of a weather emergency. The station utilizes a news department staff of 26 full time employees and other part time personnel, including students from the University of Alabama, a commitment that is unmatched by many full service television stations. WJRD LP has achieved competitive Nielson ratings for its news programming. Earlier this winter, over 4000 coats were donated to

Tuscaloosa Emergency Services through a drive aired on WJRD LP. The garments were distributed to needy people in the Tuscaloosa/Northport area. Even though WJRD LP is a vital resource to its community, it recently faced displacement and possible total elimination due to the implementation of DTV. WJRD LP's channel 49 was assigned to a station 90 miles away, forcing WJRD LP to seek an alternative frequency on which to operate. Fortunately, WJRD LP was able to find an alternate channel enabling it to remain on the air. Even so, the licensee of WJRD LP was forced to spend approximately \$75,000.00 in equipment and services just to maintain the status quo. Class A status would prevent the future loss of WJRD LP and other similar LPTV stations. TTI believes that the creation of the Class A television service is vital to the future of WJRD LP and other similar LPTV stations.

2. **Community Broadcasters Protection Act.** On November 29, 1999, Congress enacted the Community Broadcasters Protection Act of 1999 (CBPA). The CBPA requires the Commission to establish rules for a Class A television broadcast license. The commission released the above-captioned Order and Notice of Proposed Rule Making (O&PRM) in response to the CBPA. TTI strongly supports the creation of Class A television service and hereby files specific comments addressing certain issues raised in the O&NPRM.
3. **Part 73 verses Part 74.** TTI strongly believes that the Class A service should be included under Part 73 of the Commission's rules. The Commission has stated in the O&NPRM that it "intends to apply to Class A applicants and licensees all Part 73 rules, except for those which are inconsistent with the manner in which LPTV stations are authorized or the lower power in which they operate." The O&NPRM

also states that it intends to “exempt Class A licensees only from Part 73 rules that clearly cannot apply.” It seems to TTI that if the Commission intends to apply most of the Part 73 rules, then the service should be included under Part 73. Grouping the Class A service under Part 73 will also help stations acquire the stability and viability that they so desperately need.

4. **Future Class A stations.** The Commission should allow stations to convert to Class A in the future. TTI can see nothing in the CBPA that precludes this. LPTV stations could very well become eligible for Class A in the future and it makes little sense to close the door to Class A for a station that is providing a vital service for its community or a specific ethnic or foreign language audience. Also to be considered are those LPTV stations otherwise qualified for Class A that will be displaced by DTV but have not yet filed and/or been granted displacement relief. Stations in this category should certainly be given the opportunity to apply for Class A as soon as they obtain displacement relief.
5. **Market Area.** The Commission has proposed to define the market area as the station’s protected service area. TTI suggests that the market area would better be defined in a manner that more realistically includes the station’s market. Since a Class A station presumably starts out as an LPTV station, a definition that more nearly delineates the station’s actual market is preferred. To us, our market is the area where we have viewers as well as the area where advertising is sold, regardless of the signal level. These areas are often outside of the station’s protected contour. For example, cable TV systems can easily allow a station to reach vast markets outside of the protected contour. Also, most stations have

viewers far beyond the protected contour. After all, the protected contour is only a prediction based on rather outdated methodology. If the Commission chooses a contour-based market area definition, one that is based on a reduced signal level or a modern prediction model such as Longley-Rice is more appropriate.

6. **DTV licenses for Class A.** TTI believes that the CBPA requires the Commission to authorize a paired channel for DTV operation if a Class A station identifies such a channel and applies for it. We do not understand how this provision could be otherwise interpreted.
7. **Class A protection from full service stations.** As noted in the O&NPRM, both full power NTSC and full power DTV stations will be required to protect Class A stations. These Class A stations may already be receiving interference from full power stations. TTI believes that future changes to such full power stations should not be allowed to increase interference to Class A stations. However the subject stations should be allowed to effect agreements to allow a full power station to upgrade.
8. **Displacement of Class A stations.** TTI believes that Class A stations displacements should be treated as minor changes on a first come first served basis, as have LPTV displacements. This policy has worked well in the past with LPTV and should be continued. Also, all latitude should be afforded Class A stations to solve potential displacements such as: 1) Channel swaps (with DTV or NTSC allocations, Class A or LPTV stations). 2) Negotiated settlements. 3) Negotiated interference acceptance by DTV, NTSC, Class A, LPTV or any combination thereof.

4) Use of terrain shielding. 5) Use of Longley-Rice or other modern signal prediction methodology.

9. **Mutually exclusive Class A and Full service applications.** Since both full service and Class A stations will have “permanent” status and be required to protect each other from interference, we believe that MX applications for changes should be handled on a first come, first served basis. In the event applications are filed on the same day, technical amendments should be used to solve conflicts.

10. **Call Signs.** TTI believes Class A stations should be allowed to use regular four letter call signs. It has been our experience that the use of other types of call signs is confusing. The public generally does not care if a station is low power, medium power, or high power. TTI can see no useful purpose for adding the LP or any other suffix to a Class A station’s call sign. The Commission has always assigned four letter call signs to stations in the different broadcast services, standard broadcast, FM, TV and ships, without a suffix with no apparent problems. Call signs are now easily changed on the Internet. The Commission’s recent implementation of facility ID numbers should also prevent confusion. Call signs are frequently used by stations of all services only as required by rule and are at other times replaced by “handles” or slogans for identification with the public.

11. **Definition of Locally Produced programming.** The Commission has proposed not to include locally produced commercials as contributing to the local programming requirement. We disagree and note that the ability to offer advertising for a local community or specific ethnic or foreign language audience is of great

importance to local merchants. Small or specialty merchants particularly benefit from not having to pay rates for a large audience, most of which they don't serve.

12. **Staffing and studio rules.** TTI recognizes, as stated earlier, that the Commission intends to apply as many of the Part 73 rules as possible to Class A stations. However, we also recognize that many LPTV stations that would otherwise be candidates for Class A may not be able to fulfill the requirements for maintaining a main studio and staffing. It would appear that this Part 73 rule may be too burdensome to Class A stations. The financial implications could become significant, especially if the station is required to build new studios and Studio-Transmitter microwave links to comply. This is especially troublesome due to the small service contours of LPTV stations, resulting in a very limited area in which a studio could be suitably located. It seems to us that the requirement for locally produced programming would be adequate proof that the station is fulfilling its duty to be responsive to its community. It is also noted that in some other part 73 services that the fulfillment of these requirements has become a sham in some circumstances with the establishment of a studio and a staff which really do nothing other than to bring the station into compliance with the Commission's rules. We have also noted recent Commission enforcement actions and fines related to the studio and staffing rules. Although it may be a collateral issue, it would seem that these rules might need revisiting for all services.

13. **DTV movement to Analog channels.** It has been noted by the Commission in the O&NPRM that some stations intend to move their DTV transmissions to their present analog channel at the end of the transition period. How can we possibly

know at this time what stations wish to do in the future? Many stations that feel the need to move back now may be very well satisfied with their DTV channel coverage at the end of the transition and choose not to go to the expense to move back. We feel that Class A must be protected from future interference from stations that change to the DTV mode on their present analog channels. However, we do recognize the problem of the stations that will be operating outside the core on both the DTV and analog channels. Such stations could be reassigned to channels vacated by other stations at the end of the transition.

14. **Class A facilities changes.** We support the Commission's proposal to allow most changes to a Class A station as a minor change, along the same manner as other Part 73 stations. We also believe that using contour protection basis for protection of full service to Class A and visa-versa is the best approach. We don't believe that full service stations should be protected at their maximum possible facilities. This has not been a requirement of LPTV stations. Moreover, most full service stations that were able and had the desire have already filed applications for full facilities. Many did so apparently in an early attempt to maximize their DTV allocations. Many of these full facility, full service construction permits may never be built.

15. **Displacement applications.** TTI tends to agree with the Commission that present displacement relief provisions have generally worked well. The exception is those MX applications that cannot be remedied by technical changes and end up at auction. An auction is a horrific place to end up after displacement. Also, we can see no reason to limit the relocation distance in displacement cases. Additionally, we see no reason to limit displacement relief processing to interference issues. This

procedure should be available for any displacement beyond the control of the licensee, i.e., loss of site or act of nature.

16. Coverage Requirements. As the Commission as pointed out in the O&NPRM, it will be difficult at this time to require Class A stations to deliver a certain signal level over their community. The output power of the station, the size of the community, and the location of the transmitter may make it impossible to comply. Much like our comments concerning the studio/staffing rule, we believe that the local programming requirement is adequate to show the station's commitment to serve the community. If the Commission decides to require a certain signal level, it should afford those not able to comply a chance to modify their facilities. Possible changes such as change in transmitter location, increases in power and/or height, or change in licensed community could bring many stations into compliance.

17. Conclusion. Thank you for this opportunity to comment on these proposed rules.

We are grateful to Congress for passing the CBPA and to the Commission for creating reasonable rules for the Class A television broadcast service.

Respectfully Submitted,

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Signed: _____ Date: _____
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