

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

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

To: The Commission

**COMMENTS OF COMMUNICATIONS TECHNOLOGIES, INC.**

The Radio Frequency and Broadcast Engineering consulting firm of *Communications Technologies, Inc.* (“**CTI**”) herein files Comments concerning the above noted Order and Notice of Proposed Rule Making. **CTI** is regularly engaged in the preparation of engineering statements and the engineering portions of FCC Applications for Construction Permit, and has a number of clients whose existing facilities could be impacted by the implementation of the proposals contained in the Order and Notice of Proposed Rule Making. Comments specific to particular proposals raised in the Order and Notice follow.

**PROTECTION OF LPTV AND TV TRANSLATORS**

The Community Broadcasters Protection Act of 1999 (“**CBPA**”), Section 5008(f)(7), states that the Federal Communications Commission (“**Commission**”) may not grant a Class A license unless the applicant for the Class A license shows that interference will not be caused to the Grade B contour of any television station transmitting in analog format (“**NTSC**”). **CTI** is concerned that this language, if broadly construed, could result in the disqualification of many LPTV stations that should be granted a Class A license.

The language in the Act fails to differentiate between interference caused by the Class A applicant and interference caused by the station receiving interference. By Report and Order in BC Docket No. 78-253, released April 26, 1982<sup>1</sup>, the Commission

established the current Rules for LPTV and TV translator stations. In paragraph 35, footnote 35, of the R & O, it was determined that two, otherwise mutually exclusive, applicants could accept interference from each other if that was the only way to authorize both stations. The practical offshoot of that Rule has been a processing policy which allows an LPTV applicant to elect to receive interference from previously filed or authorized LPTV or TV translator facilities.

It is **CTI's** belief that an LPTV entity should not be disqualified from Class A license status if it can demonstrate that any interference which it causes to another LPTV or TV translator station occurred as a result of the affected station's decision to file for its facility at a location that places its F(50,50) service contour within the Class A applicant's predicted F(50,10) interfering contour. Such interference is permissible under the Commission's current policies.

#### **CLASS A PROTECTED SERVICE AREA**

**CTI** believes that the current F(50,50) LPTV protected service contour values of 62 dBu for stations on Channels 2-6, 68 dBu for stations on Channels 7-13, and 74 dBu for Channels 14-51, should not be changed. The LPTV service is mature at this point in time. Any change to the protected contour values is not perceived as being beneficial. However, service area and protected contours are not synonymous. It is quite possible for an LPTV station not to enjoy service to the full extent of its 74 dBu service contour due to terrain obstructions and/or interference from other stations. Most typically, interference within the LPTV Grade B contour is attributable to interference from full service TV stations and has been essentially constant from the inception of the LPTV station's operation.

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<sup>1</sup> In the matter of "An Inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System."

A eligibility, it is proposed that the Class A protected service area be defined as follows:

**For Class A Licensees**

The LPTV protected service area will be the area within the F(50,50) service contour adjusted for contour overlap. Where interfering contours overlap, or extend past, the predicted F(50,50) contour, the area within the contour where the ratio of undesired to desired signals has been exceeded will be excluded.

The description above is consistent with the Commission's own stated desire and concerns as set forth in paragraph 18 of the Order and Notice and associated footnote 37.

**QUALIFYING LOW-POWER TELEVISION STATIONS**

CTI believes that the public interest will be served by setting forth eligibility criteria language having to do with interference. The CPBA language is set forth below followed by the proposed interpretation:

**CPBA Language:**

A Class A station will not cause interference within the protected contour of any LPTV or low-power TV translator station that was licensed, or for which a construction permit was issued, or for which a pending application was filed, prior to the date the Class A application was filed.

**Proposed Interpretation**

A Class A station will not cause interference within the protected contour of any LPTV or low-power TV translator station that was licensed, or for which a construction permit was issued, or for which a pending application was filed, prior to the date the Class A application was filed. A Class A station will not be considered to cause interference to another LPTV or TV translator station if that station voluntarily accepted interference from the Class A station at the time its 346 Application for Construction Permit was filed.

**INTERFERENCE (OVERLAP) STUDIES**

In an effort to ascertain how many LPTV stations would be potentially impacted by a broad reading of the interference language in the CBPA, **CTI** has looked at the top ten Nielson TV markets. The results of this study appear on Exhibit 1 and are as accurate as current database services allow. Only stations licensed to the specific market city were considered. Review of the Exhibit indicates that all of the markets with licensed LPTV stations have at least one case of licensed co-channel interference. In New York and Dallas, more than half of the stations are associated with such licensed interference. Although not seen in the Exhibit, it does appear that many of the interference cases have occurred in the relatively recent past as a result of DTV displacement. This trend is believed likely to continue as more DTV stations go on the air and LPTV applicants are forced to change channels.

**CONCLUSION**

In conclusion, **CTI** urges the Commission to move forward swiftly with this proceeding in an effort to benefit the LPTV broadcast community and the public by implementing fair and equitable technical criteria for Class A LPTV licensees, and that consideration be given the Comments contained herein.

Respectfully Submitted,

Communications Technologies, Inc.

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**LPTV STATIONS LICENSED TO  
NEW YORK, NEW YORK**

<u>Call Sign</u>	<u>Channel</u>	<u>Co-Channel Overlap Exists From The New York, NY LPTV To LPTV Identified Below</u>
WKOB-LP	53 Lic.	The entire 74 dBu contour for WNYN, Deer Park, NY is within the WKOB 46 dBu interfering contour.
WXNY-LP	39 Lic.	None found
WNYX-LP	35 CP	The entire 74 dBu contour for W36AZ proposed Channel 35, Sussex, NJ lies within the WNYX 29 dBu interfering contour.
W19CF	19 CP	The entire 74 dBu contour for WPXU-LP, Amityville, NY is within the W19CF 46 dBu interfering contour.
WEBR	17 Lic.	The entire 74 dBu contour of W33BV's proposed Channel 17 operation at Plainview, NY lies within the WEBR 46 dBu interfering contour.

**LPTV STATIONS LICENSED TO  
LOS ANGELES, CALIFORNIA**

<u>Call Sign</u>	<u>Channel</u>	<u>Co-Channel Overlap Exists From The Los Angeles, CA LPTV To LPTV Identified Below</u>
KNLA-LP	68 Lic.	None found
	67 App	The entire 74 dBu contour for KDIG-LP, Encinitas, CA is located inside the KNLA 29 dBu dBu interfering contour and vice versa. The entire 74 dBu contour for K67AM, La Jolla, CA is located inside the KNLA 29 dBu interfering contour. The entire 74 dBu contour for K67BH, Morongo Valley, CA is located inside the KNLA 28 dB interfering contour.
KNET-LP	25 App	None found
	38 Lic.	None found
KHTV-LP	48 CP	None found

**EXHIBIT 1**

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**LPTV STATIONS LICENSED TO  
CHICAGO, ILLINOIS**

<u>Call Sign</u>	<u>Channel</u>	<u>Co-Channel Overlap Exists From The Chicago, IL LPTV To LPTV Identified Below</u>
W23AT	23 Lic.	None found
WOCK-LP	13 Lic.	The entire 68 dBu contour for W13BQ, Portage, Indiana, lies within the WOCK 23 dBu interfering contour.
WOCH-LP	28 Lic.	None found

**LPTV STATIONS LICENSED TO  
PHILADELPHIA, PENNSYLVANIA**

<u>Call Sign</u>	<u>Channel</u>	<u>Co-Channel Overlap Exists From The Philadelphia, PA LPTV To LPTV Identified Below</u>
W07CB	7 Lic.	The entire 68 dBu contour for W07CE, Atlantic City, NJ lies within the W07CB 23 dBu interfering contour.
WXTV-LP	35 Lic.	None found
W63CO	63 Lic.	None found

**LPTV STATIONS LICENSED TO  
SAN FRANCISCO, CALIFORNIA**

<u>Call Sign</u>	<u>Channel</u>	<u>Co-Channel Overlap Exists From The San Francisco, CA LPTV To LPTV Identified Below</u>
None		Note: There are no LPTV stations licensed to the city of San Francisco, CA, therefore no stations were studied.

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**LPTV STATIONS LICENSED TO  
BOSTON, MASSACHUSETTS**

<u>Call Sign</u>	<u>Channel</u>	<u>Co-Channel Overlap Exists From The Boston, MA LPTV To LPTV Identified Below</u>
W29BA	34 App	None found
WCEA LP	19 Lic.	None found
WCEA LP	58 App	None found
W32AY	32 Lic.	None found
	67 App	The entire 74 dBu contour for W67BA Dennis, MA is located within the W32AY 29 dBu interfering contour.
W24CM	24 Lic.	None found
W40BO	40 CP	None found
W54CN	54 Lic.	None found

**LPTV STATIONS LICENSED TO  
DALLAS-FT. WORTH, TEXAS**

<u>Call Sign</u>	<u>Channel</u>	<u>Co-Channel Overlap Exists From The Dallas-Ft. Worth, TX LPTV To LPTV Identified Below</u>
K44FO	44 CP	None found
K19DW	19 Lic.	None found
K46EV	46 CP	A portion of the 74 dBu contour of KGSW-LP, Keene, TX is located within the K46EV 46 dBu interfering contour.
K65HA	17 App	A portion of the 74 dBu contour of K17BP, Palestine, TX is located within the K65HA 46 dBu interfering contour.
KUVN-LP	31 Lic.	The entire 74 dBu contour of K31FA, Hillsboro, TX is located within the KUVN 29 dBu interfering contour.

**LPTV STATIONS LICENSED TO  
WASHINGTON, D.C.**

<u>Call Sign</u>	<u>Channel</u>	<u>Co-Channel Overlap Exists From The Washington, D.C. LPTV To LPTV Identified Below</u>
WKRP-LP	42 Lic.	A portion of the 74 dBu contour of W42BE, Fairfax, VA lies inside the WKRP 46 dBu interfering contour.
W28BY	28 CP	None found
WMDO-LP	48 Lic.	None found
WMDO-LP	30 CP	None found

**LPTV STATIONS LICENSED TO  
DETROIT, MICHIGAN**

<u>Call Sign</u>	<u>Channel</u>	<u>Co-Channel Overlap Exists From The Detroit, MI LPTV To LPTV Identified Below</u>
WLPC-LP	26 Lic.	None found
WBXD-LP	5 Lic.	The entire 62 dBu contour for WBTL, Toledo, OH is within the WBXD-LP 17 dBu interfering contour.
W33BY	38 CP	None found
WDWO LP	18 CP	None found
WDWO	44 Lic.	None found
W48AV	48 Lic.	None found

**LPTV STATIONS LICENSED TO  
ATLANTA, GEORGIA**

<u>Call Sign</u>	<u>Channel</u>	<u>Co-Channel Overlap Exists From The Atlanta, GA LPTV To LPTV Identified Below</u>
W13CQ	13 CP	None found
W42BQ	42 CP	A portion of the W42AO 74 dBu is within the W42BQ 46 dBu interfering contour.
W26BT	26 App	None found
WFNA-LP	32 CP	None found
W24AL	24 CP	None found
WIRE-LP	40 Lic.	None found
W04DB	4 App	None found
W20AY	20 Lic.	None found