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February 10, 2000

Federal Communications Commission
Office of the Secretary
Ms. Magalie Roman Salas
445 Twelfth Street, SW
Washington, DC 20554

Comments on Establishment of Class A Television Service (FCC 00-16)
Mass Media Dockets No. 00-10 and 99-292; RM-9260

Dear Ms. Salas:

The University of California (UC) is a nine campus system which currently owns and operates one low power noncommercial educational television station in the state of California. UC is building a tenth campus at Merced, California over the next several years and will want to operate low power noncommercial educational television stations in the Central Valley which will be affiliated with UC Merced.

UC is interested in being able to upgrade its existing low power television station to Class A now and apply for new Class A television stations as needed. Therefore, in response to the issues raised in the Commission's Notice of Proposed Rule Making (FCC 00-169) Mass Media Docket Numbers 00-10 and 99-292 (RM-9260) in the matter establishing a Class A Television Service, in order to assure the maximum number of existing and new Class A television stations will meet the specific programming needs of their local communities, UC submits the attached comments that 1) recommend creation of alternative noncommercial educational Class A station eligibility criteria, 2) address the appropriate length and frequency of repeats of programs qualifying for the eligibility criterion of an average of at least three hours per week of locally produced programming during the 90 days preceding the CBPA enactment, 3) identify Part 73 Subpart D as the appropriate place for the new Class A Television Service Rules, 4) prefer Class A call signs to conform with full power television call sign conventions and 5) outline information that should be included on the Class A license application form. We hope that these comments will be useful to the Commission in developing rules for licensing Class A television stations. If you have questions about any of the recommendations contained in these comments, you may contact Ms. Willi Bokenkamp of this office for clarification at willi.bokenkamp@ucop.edu or (510) 987-0373.

Sincerely,

Jim Dolgonas
Acting Associate Vice President
Information Resources and Communications

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Attachment: UC Comments on FCC 00-16; MM 00-10 & 99-292; RM-9260

cc: FCC Commissioners
Assistant Vice President Sudduth
UC Media Directors
UC Broadcast Station Managers
UC Telecommunications Managers
Senior Communications Analyst Bokenkamp

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Comments by The Regents of the University of California
On Establishment of a Class A Television Service
FCC 00-16; Mass Media Docket No. 00-10 & 99-292; RM-9260
submitted February 10, 2000

The Regents of the University of California (UC) is licensee of a noncommercial educational (NCE) low power television station in La Jolla, California which is operated by the UC San Diego campus. UC is building a tenth campus at Merced, California over the next several years and will want to operate noncommercial educational low power television stations in the California Central Valley that will be affiliated with UC Merced.

UC is interested in being able to upgrade its existing low power television station to Class A and apply for new Class A low power television broadcast stations as needed. These comments are submitted to the Commission to assist it in developing Class A Television Service Rules.

Alternative Class A Eligibility Criteria
In paragraphs 12 and 21 of the FCC 00-16 Class A Television Service Notice of Proposed Rule Making (NPRM), the Commission seeks alternative eligibility criteria that would serve the public interest, convenience and necessity for new Class A television stations or converting existing LPTV stations to Class A other than those criteria listed in the Community Broadcasters Protection Act of 1999 (CBPA). UC believes that the Commission should also grant Class A status to licensees or applicants which will operate as noncommercial educational television stations serving the educational, informational, cultural and/or instructional needs of the station's service area. It is extremely difficult to obtain financial resources to construct and operate a noncommercial educational television station without the assurance of an expectation of continued operation which the Class A status confers. Some educational institutions and nonprofit organizations that want to operate a television station are located in areas with so much frequency congestion that they will never be able to get a new full power television channel licensed. These noncommercial educational television applicants should be able to obtain Class A licenses to serve their community as a primary television licensee at less than full power. Educational institutions and nonprofit organizations with the mission of providing noncommercial educational television programs that meet their community's needs should be eligible to request a Class A television license if they provide or certify they will provide locally produced 1) noncommercial educational programming, 2) programming that meets the state public school curricular standards or local school district's academic programming needs or 3) locally produced educational and cultural (news, arts performance, athletic performance, instruction) programming for at least 12% of their daily program schedules. NCE Class A stations should broadcast at least 12 hours per day.

Repeated Programs
The Commission addresses in paragraph 19 whether short form (specifically advertisements) and repeated locally produced programming should be counted toward a Class A applicant's eligibility criterion of at least an average of three hours per week of programming produced in the station's service area during the 90 days previous to enactment of the CBPA. UC believes within a given week during the 90 day period, a Class A applicant should have aired at least three different programs, each at least a half hour long with no more than 20 minutes of commercial advertisement content per half hour program to meet this three hour per week standard. However, Class A applicants should not be penalized for repeating locally produced programming within a week's time during different days or day parts to expand the number and kinds of audience demographics exposed to their local programs. Even full power television stations repeat their locally produced programs during different days and day parts in a week in order to maximize the return on their production costs.

FCC Rule Part
Class A television stations will have to comply with FCC Part 73 operational rules. Therefore, the Commission should place the Class A Television Service regulations in Reserved Subpart D of the FCC Rule Section 73, making such amendments to FCC Rule Section 74, Subpart G: Low Power TV, TV Translator and TV Booster Stations as to be able to clearly differentiate between the requirements for the secondary low power television stations and the new Class A Television Service regulations in Part 73. In most ways except power level the Class A television stations will operate in the same manner as full power television stations governed by Part 73 do, so this service should be located in Part 73.

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Call Signs

Instead of using call signs with letters and numbers or with the LP designator as current LPTV stations use, Class A television stations should be able to use regular broadcast call signs which begin with K in the western states and W in the eastern states. If the Commission wishes to make the Class A call signs unique, it could assign three letter call signs rather than the four letter call signs most full power television stations currently use. Since Class A stations will follow the Part 73 full power television operations regulations, it is appropriate for the Class A call signs to be the same as or similar to the full power television call signs.

Class A Applications

The Commission requests input in paragraphs 9 and 43 on whether Class A applications should be accepted in the future and what specific FCC Forms should be used for Class A license applications. UC believes that the Commission should establish rules to allow existing LPTV licensees to continue to convert their stations to Class A status when appropriate and should accept applications for new Class A television licenses in the future. UC has no preference for which FCC license application should be used by Class A applicants. Because FCC Form 346 currently has a Program Service Statement Section, it might be useful to use the FCC 346, adding a new box in Item 3 for "Class A Television" and a new box in Item 3c for "Application for a NEW Class A Television Station." In Section IV—Program Service Statement, the Commission should add the following four yes/no certification statements for Class A applicants.

"NOTE: For Class A Television applicants only: 1. The applicant certifies that the Class A television station will broadcast a minimum of _____ hours per day. 2. The applicant certifies that the Class A television station will broadcast at least _____ hours per week of programming produced within the station's service area and at least _____ hours per week of programming produced within _____ service area(s) served by the licensee's other television station(s) with the following call signs _____. 3. The applicant certifies that the Class A television station shall operate in compliance with the appropriate Commission full power television rules. 4. The applicant certifies that the Class A television station shall operate as a noncommercial educational television station serving the educational, informational, cultural and/or instructional needs of the station's service area, airing at least _____ hours per day of locally produced noncommercial educational programming." If the Commission uses FCC Form 301 for Class A applications, the Item 3 information should appear in Item 4b as "Class A TV", the Item 3c information should appear in the Item 4 Application Purpose section and the four Class A certification statements above should be added to Item 8. Program Service Certification.

Conclusion

In order to assure the maximum number of existing and new Class A television stations will meet the specific programming needs of their local communities, UC submits the above recommendations to the Commission, which suggest creation of alternative noncommercial educational Class A station eligibility criteria, address the appropriate length and frequency of repeats of programs qualifying for the eligibility criterion of an average of at least three hours per week of locally produced programming during the 90 days preceding the CBPA enactment, identify Part 73 Subpart D as the appropriate place for the new Class A Television Service Rules, prefer Class A call signs to conform with full power television call sign conventions and outline information that should be included on the Class A license application form.