

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

REPLY COMMENTS OF COMMUNICATIONS TECHNOLOGIES, INC.

The Radio Frequency and Broadcast Engineering consulting firm of *Communications Technologies, Inc.* (“**CTI**”) herein files Reply Comments concerning the above noted Order and Notice of Proposed Rule Making. The Comments of several entities have been reviewed as enumerated below:

Association of Maximum Service Television, Inc., and The National Association of Broadcasters, herein referred to as (“**AMSTNAB**”).

Community Broadcasters Association (“**CBA**”).

WLNY-TV, Inc. (“**WLNY**”).

Society of Broadcast Engineers (“**SBE**”).

duTreil, Lundin & Rackley, Inc. (“**dLR**”).

Association of Federal Communications Consulting Engineers (“**AFCCE**”).

0.5% DE MINIMIS STANDARD OF INTERFERENCE

AMSTNAB, at page 4 of its Comments, argues that the FCC must interpret the Community Broadcasters Protection Act of 1999 (“**CBPA**”) as prohibiting any interference to DTV stations by Class A LPTV facilities. At page 6 of the WLNY Comments, a call for elimination of all interference is made. dLR, at page 8 of their Comments, supports the inclusion of a 0.5% rounding allowance. **CTI** supports the Commission’s proposal for a 0.5% rounding allowance, believing that a rounding allowance is consistent with current

Commission Policy in other services such as commercial FM. From a practical standpoint, allowing for truly de minimis interference of 0.5% maximum provides a margin of flexibility required in today's crowded band conditions and is believed to be consistent with the spirit and intent of the CBPA.

DTV TRANSITION - OUT OF CORE AND NTSC PENDING FULL SERVICE APPLICATION ISSUES

AMSTNAB, on page 11 of its Comments, sets forth the concept that a pending application for full service station - including those held by auction winners from the September 1999 broadcast auction - should be protected by Class A applicants. CBA concurs in this position at page 9 of its Comments. **CTI** agrees with these parties believing that low power television stations, having chosen to operate on channels that are mutually exclusive with future NTSC facilities, knew in advance of the potential for later displacement. **CTI** also agrees with CBA's recommendation that Class A stations should not be required to protect pending rule making petitions for new allotments or full power applications that are not yet accepted for filing.

Beginning on page 7 of the AMSTNAB Comments, paragraph 34 of the NPRM is addressed by a statement that out of core NTSC stations should be allowed to move into the core, maximize, and that those facilities must be protected by Class A LPTV facilities. WLNY takes the same approach on page 5 of its Comments. **CTI** does not agree that this is the proper interpretation of the CBPA and looks to page 9 of Comments by SBE as partial substantiation for this view. SBE states in part, "...thanks to the CBPA, the ability of a full service station unfortunate to have out-of-core channels for both its NTSC and DTV operations will be negatively impacted by the Congressionally-mandated presence of co-primary Class A TV stations."

Beginning at page 8 of AMSTNAB's Comments, it is stated that a full service

station requesting an adjustment to the DTV table, which would impinge upon the service area of a Class A station, need not show that the modification can be accomplished in another manner. The justification given for this statement is the complexity that such a showing would entail. **CTI** agrees with AMSTNAB but on the condition that the full service applicant demonstrate that the proposed change is reasonable should the application be challenged by the affected Class A station. **CTI** believes that affected Class A station(s) should be served with a copy of the full service station's application. A period of 60 days for the Class A stations to propose an alternative, reasonable, engineering solution should then be provided.

PROTECTION OF FULL SERVICE ANALOG STATIONS AT MAXIMUM FACILITIES

At page 14 of the AMSTNAB Comments, it is stated that Class A stations, seeking to modify their facilities, should protect full service stations on the basis of maximum full service facilities even though the NTSC station would be unable to achieve full service facilities due to DTV stations or allotments. dLR, at page 8 of its Comments, states that "Protection of NTSC facilities based on maximum permitted facilities is not spectrum efficient." **CTI** agrees with dLR and feels that the AMSTNAB recommendation would prevent the maximization of a Class A station with no offsetting benefit. There is no public interest benefit to AMSTNAB's recommendation that **CTI** can see. It would seem that the spectrum would be used most effectively by requiring Class A stations, filing for facility changes, to protect full service NTSC stations as built. A condition that the Class A station would be required to resume its originally licensed contour locations in the unlikely event that the affected full service station should upgrade is believed equitable.

Congress enacted the CBPA to protect the service areas of qualifying LPTV stations. As part of that process, the CBPA clearly states that once the Commission grants certification

for a Class A license that a full service station will not be precluded from replicating, or maximizing, its NTSC service, consistent with Section 73.622, 73.623 of the Rules. A full service facility must file an intent to maximize by December 31, 1999 and file a bonafide application for maximization by May 1, 2000. However, the CBPA provides no protection for full power stations beyond these cut-off dates in order to achieve its purpose of protecting Class A licensees. Protection of maximized NTSC stations at some future time, at the expense of Class A licensees, would appear to be contradictory to the intent of Congress in enacting the CBPA.

CLASS A STATION DIGITAL SERVICE

On page 26 of the AMSTNAB Comments, it is stated that the Commission is not required to issue a DTV license for Class A stations and suggests that the Commission should exercise restraint in granting a DTV license to a Class A licensee. **CTI** interprets the CBPA as does CBA at page 23 of its Comments, "Section (f)(4) of the CBPA states that the Commission "shall accept" DTV applications from Class A stations." Given the much smaller interference areas associated with LPTV DTV facilities (when compared to full service facilities), **CTI** believes that a number of Class A DTV facilities can be implemented and will be in a position to benefit DTV, in general, by providing more program services and therefore a wider viewer base.

CLASS A TV INTERFERENCE BASED ON MAIN BEAM ERP

At page 11 of the SBE Comments, it is stated that Class A station interfering contour locations should be based on main beam ERP and not on the ERP at the horizon.

CTI strongly objects to this recommendation for the following reasons:

1. LPTV/TV translator contour protections have been based on ERP at the horizon since at least the early 1980's. In the intervening time period, hundreds of stations have built on the basis of main beam ERP computations as a method of providing

interference free service to areas in closer proximity to the transmitter site. To change the rule at this time would result in many cases of paper contour overlap and disruption to the current allocation picture. Even worse is the fact that existing stations would no longer have a reason not to file for maximum ERP on the horizon, resulting in real world interference where none is believed to currently exist.

2. Both DTV and NTSC full service FCC processing takes into account the antenna elevation pattern. There is no logic to the proposed rule change with the result that Class A stations would be treated differently than all other television facilities.

3. The use of beam tilt to control interference, while improving service, is an appropriate engineering technique and should not be prohibited. It is noted that AFCCE suggests OET-69 analysis as a tool for interference analysis and that OET-69 employs an antenna elevation pattern where the main beam ERP is greater than the ERP on the horizon.

DEFINITION OF OBJECTIONABLE LPTV TO LPTV INTERFERENCE

Page 7 of the CBA comments sets forth the concept that “disqualifying” interference between LPTV stations should not be deemed to exist in any situation where an existing station is now operating without any interference complaints or where an LPTV station has accepted received interference. CTI agrees with this analysis as it provides a definition for objectionable interference.

It is noted that SBE, at page 9 of its comments, points out the difference between contour overlap and protection ratios. CTI disagrees with SBE’s assertion that contour overlap should be controlling and recommends that the ratio method always be allowed when it demonstrates that interference will not occur. AFCCE also supports the ratio method as providing the greatest flexibility for modifications (see AFCCE comments, page 2, paragraph 1). In sum, it is not only a definition of objectionable interference that

is required but also the methodologies to be used to determine the interference.

CLASS A DTV PROTECTED SERVICE AREA

AFCCE, on page 5 of its Comments, suggests that the LPTV DTV protected contour be defined as the interference free contour. **CTI's** interpretation of AFCCE's comment is that a Class A LPTV station will file for a particular channel of operation specifying facilities that meet all applicable protection requirements to other stations. OET-69 analysis techniques would then be used by other applicants to demonstrate that their proposed facility change would result in no more than a de minimis increase in interference to the Class A DTV facility. This approach would be consistent with full service DTV application processing and is supported by **CTI**.

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 Reply Comments contained herein.

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Respectfully Submitted,

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