

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Review of the Commission's)
Rules and Practices)
Affecting the Conversion)
to Digital Television)

MM Docket No. 00-39

To: The Commission

JOINT REPLY COMMENTS OF COSTA DE ORO TELEVISION, INC., RANCHO PALOS VERDES BROADCASTERS, INC. AND THE BOARD OF TRUSTEES OF THE COAST COMMUNITY COLLEGE DISTRICT

Costa de Oro Television, Inc. ("Costa"), the licensee of Station KJLA(TV), Ventura, California; Rancho Palos Verdes Broadcasters, Inc. ("RPVB"), the permittee of Station KRPA(TV), Rancho Palos Verdes, California; and the Board of Trustees of the Coast Community College District ("District"), the licensee of Non-Commercial Educational Station KOCE-TV, Huntington Beach, California (collectively, the "Joint Commenters"), by their attorneys, hereby submit their reply comments to the Commission's *Notice of Proposed Rule Making* ("NPRM") in the instant proceeding. In support thereof, Joint Commenters state as follows.

1. Joint Commenters, as the licensees and permittee of television stations in the Los Angeles DMA that propose to co-locate their DTV facilities¹ at a new antenna supporting structure to be built at the Mt. Wilson antenna farm in Pasadena, California, urged the Commission in their initial comments not to impose on broadcasters the new replication and principal community coverage requirements for broadcasters' DTV service referenced in the

¹ At least one of the parties also intends to request modification of its NTSC facilities to the same site.

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NPRM. In this regard, Joint Commenters concluded that the Commission's consideration of such changes was ill-conceived, given the many and varied obstacles that broadcasters must face in their efforts to meet the deadline for commencing DTV transmissions.

2. The Joint Commenters, owing to their location in Southern California, directly confront the difficulties associated with DTV transmission. In establishing the allotment plan for DTV facilities, the Commission assigned station channels that are adjacent to each other for both NTSC and DTV. So as to reduce interference built into the FCC plan and also to permit maximization, the Commission's previously stated solution has been to collocate facilities.² However, when a broadcaster considers a tower location, especially in Southern California, the options are limited. In Joint Commenters' case, there is room at the Mt. Wilson antenna farm for the construction of a new supporting structure. Relying on the Commission's encouragement to broadcasters to "to explore development of a common site that was feasible,"³ Joint Commenters have actively pursued the construction of this site.

3. Now, as the time winds down for construction to be completed, the Commission suddenly is proposing to change the rules governing the process. This is entirely unreasonable, considering that the Commission has set a series of standards and broadcasters are attempting to meet them. For the standards to change at this point would mean that many broadcasters' extensive planning efforts would be for naught. In the case of Joint Commenters, they would need to search for sites that may well be unavailable and must be certain that these alternative

² *KRCA License Corp.*, 15 FCC Rcd. 1794, 1801 (1999).

³ *NPRM* at ¶ 18. *Sixth Report and Order* in MM Docket No. 87-268, 12 FCC Rcd 14588, 14635 (1997).

sites not only meet the new replication/coverage tests but avoid interference to each other. In such instances, service maximization would likely be impossible. Given the paucity of sites in the Los Angeles market, Joint Commenters are uncertain whether such a result can be accomplished.

4. Joint Commenters are pleased that they are not alone in recognizing the perils attendant to the adoption of the rules proposed in the *NPRM*. The comments filed by broadcasters in this proceeding are nearly unanimous in requesting that the Commission adopt neither of these requirements. For instance, the Joint Broadcasters' comments⁴ persuasively argue that instead of assisting broadcasters in their conversion to DTV, these proposed changes would impose "new requirements that will further hamper the initiation and delivery of DTV service to the public by requiring stations to redesign their DTV facilities at this stage." *JBC Comments* at p. 6. Joint Commenters fully agree.

5. The comments of the Association of Federal Communications Commission Consulting Engineers ("AFCCE") are equally persuasive. The AFCCE correctly notes that there is no reason to change the goals that were incorporated in the Table of Allotments. Requiring broadcasters to match their NTSC Grade B contours would, as the AFCCE notes, require many stations to redesign their proposed facilities. Thus, AFCCE correctly observes that any replication requirement should be directed more at populations covered than at land areas and should contain a tolerance factor. AFCCE proposes a 5% tolerance factor, while Joint Commenters have proposed at least a 10% factor. Likewise, AFCCE notes that, given the issues related to the

⁴ The Joint Broadcasters comments were submitted on behalf of the Association for Maximum Service Television, Inc., National Association of Broadcasters, Association of Local Television Stations, Association of America's Public Television Stations, Chris-Craft Industries, Inc., National Broadcasting Company, Inc., Public Broadcasting Service, Tribune Broadcasting Company and The Walt Disney Company.

8VSB and COFDM standards, this is not the time to even consider coverage thresholds. At a minimum, any coverage requirement should be put off until DTV service is fully available and there can be “real world” testing of how DTV service operates.

6. We do note, however, the support of these requirements by Fox Television Stations, Inc. and Fox Broadcasting Company (“Fox”). While couched in generalities, Fox’s argument is that broadcasters should replicate their NTSC coverage with their DTV coverage so as to avoid “spectrum warehousing.” As Joint Commenters read Fox’s argument, Fox is only concerned that broadcasters build out their DTV facilities, not how the facilities are built. As for the community coverage requirement, Fox is concerned that fringe stations will move their transmitters nearer to populated markets. Why that is undesirable, so long as the licensed community is also served adequately, Fox does not say. Joint Commenters submit that the only issue for the Commission is that the existing coverage obligations are met and that broadcasters should be free to locate their transmitters as they deem best.

7. While Joint Commenters agree that the Commission should review regularly the rules it has adopted, the review process should not be used to craft changes for changes sake alone. In this particular instance, the broadcast community has agreed to undertake the DTV transition and is attempting to carry out its obligations while also dealing with the enormous costs of doing so and the difficulties in resolving interference and siting problems. Imposing any new requirements, in addition to those already placed on broadcasters, will impede this process and prevent broadcasters from meeting their 2002/2003 deadlines.

8. Until now, broadcasters have viewed the Commission as promoting the prompt transition to DTV. In the rulemaking proceedings that have adopted rules to govern the DTV

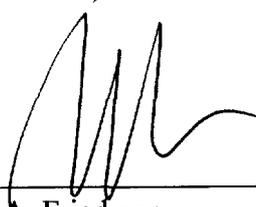
transition, the Commission acknowledged the issues that broadcasters would face and encouraged that cooperative measures, including collocation, be undertaken. There is absolutely no evidence that the actions taken by broadcasters in building their new facilities will result in reduced broadcast service or harm to the public interest. Unless and until that occurs -- and Joint Commenters doubt that will happen -- the Commission should continue to work flexibly with broadcasters in the transition process. So that planning can go forward, the Joint Commenters urge that there be an early and definite rejection of the replication and coverage changes proposed in the *NPRM*.

Respectfully submitted,

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