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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Lowell W. Paxson / Chairman

December 8, 2000

Chairman William E. Kennard
Commissioner Susan Ness
Commissioner Harold Furchtgott-Roth
Commissioner Michael K. Powell
Commissioner Gloria Tristani
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Digital Transition (WT Docket No. 99-168;
CS Docket No. 98-120)**

Dear Chairman Kennard and FCC Commissioners:

As Chairman of Paxson Communications Corporation ("Paxson"), the owner of the largest television group in the United States and the 7th over-the-air broadcast network (PAXTV), I have written to you on a number of occasions over the past year on Commission proceedings involving digital television, the 700 MHz spectrum auction, the implementation of the Satellite Home Viewer Improvement Act of 1999 and the declaratory ruling request of WHDT-DT, Stuart, Florida. On behalf of Paxson, I have consistently stressed the importance of digital must carry for the television broadcast industry as it relates to cable and DBS and also for the FCC's implementation of the proceedings outlined above.

I write again in response to the November 14, 2000 letter sent to you by the Consumer Electronics Association ("CEA"). In that letter, Gary Shapiro, President of CEA, accurately noted the importance of digital must carry to a successful completion of the DTV transition. Paxson agrees wholeheartedly with CEA's assessment in this regard and once again urges the Commission not to delay any longer in issuing its digital must carry decision in CS Docket No. 98-120.

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However, CEA, in its letter, also urged the Commission to take action with regard to digital programming content and not to take action with regard to digital receivers. Paxson respectfully notes that the first CEA proposal (to require broadcast networks to air some minimum of HDTV and DTV programming) has already been considered and rejected by Congress while the second proposal (regarding all channel receivers) has previously been considered and approved by Congress. In short, Congress has declined to impose HDTV programming minimums on the broadcast networks and has further refused to require television broadcast stations to broadcast in any particular digital format. However, with regard to television receivers capable of receiving digital as well as analog broadcast signals, Congress has already spoken. We believe that this is a critically important point for the Commission to consider and on which to take immediate action in an effort to jumpstart the DTV transition.

In 1962, Congress passed the All Channel Receiver Act to assist the emergence of UHF broadcasting stations. That Act provided that the FCC had the authority to “require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting . . .”. The legislative history indicates that the intent of Congress was to further development of adequate UHF service so that it could be competitive with VHF and to ensure that the FCC take into account future technology developments that may improve UHF reception. The current FCC regulations implementing this Act provide that “TV broadcast receivers shall be capable of adequately receiving all channels allocated by Commission to the television broadcast service.” The congressional adoption and FCC implementation of the All Channel Receiver Act saved UHF broadcasting.

Similarly, in adopting rules governing the transition to digital television, the FCC decided that although the All Channel Receiver Act authorized the FCC to require manufacturers to produce receivers capable of receiving both DTV and analog channels, it would not require them to do so. At the time in 1996, the FCC believed that market forces would provide receivers that can access both types of signals and, thus, at the present time, manufacturers are not required to make dual-capable receivers. This Commission decision was plainly wrong.

The FCC should have used its authority under the All Channel Receiver Act to require dual analog and digital receivers after a date certain, i.e., January 1, 2001. The failure to act in this regard now presents a major impediment to the role-out of digital broadcasting in this country. The FCC should immediately correct its decision of 1996 and adopt rules implementing the All Channel Receiver Act for digital broadcasting.