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March 27, 2001

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MAR 27 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Petition for Rule Making To Amend the DTV Table of Allotments Pursuant To 47 C.F.R. § 73.622(a) Wrens, Savannah, Waycross, Dawson & Pelham, Georgia

Dear Ms. Salas:

On behalf of Georgia Public Telecommunications Commission ("GPTC"), licensee of nine public television stations in the state of Georgia, I am submitting herewith, pursuant to Section 73.622(a) of the Commission's rules, an original and four copies of a Petition for Rule Making to change the DTV channels assigned to five stations licensed to GPTC. In particular, GPTC seeks the following changes in the DTV Table of Allotments:

- 1) substitution of Channel *2 for assigned Channel *36, for use by WCES-DT, Wrens, Georgia;
- 2) substitution of Channel *13 for assigned Channel *46, for use by WVAN-DT, Savannah, Georgia;
- 3) substitution of Channel *9 for assigned Channel *18, for use by WXGA-DT, Waycross, Georgia;
- 4) substitution of Channel *8 for assigned Channel *26, for use by WACS-DT, Dawson, Georgia; and
- 5) substitution of Channel *5 for assigned Channel *20, for use by WABW-DT, Pelham, Georgia.

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Ms. Magalie Roman Salas
March 27, 2001
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For further information, please direct any questions or correspondences to me at the above address.

Sincerely,



Amy E. Weissman
Counsel for Georgia Public
Telecommunications Commission

cc: James Lyle
Mark Fehlig
John Davis
Theodore D. Frank, Esq.
William Godfrey

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

In the Matter of)
)
Amendment of Section 73.622(b),)
Table of Allotments,)
Digital Television Broadcast)
Stations.)
(Wrens, Savannah, Waycross,)
Dawson & Pelham, Georgia)

MM Docket No. _____
RM No. _____

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

To: Chief, Allocations Branch
Video Service Division, Mass Media Bureau

PETITION FOR RULE MAKING

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March 27, 2001

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SUMMARY

Georgia Public Telecommunications Commissions (“GPTC”) is an agency of the State of Georgia that provides Georgia residents with educational and public telecommunications services. To that end, GPTC operates the Georgia Public Television Network, comprised of nine public television stations and twelve noncommercial educational television translators serving virtually all of Georgia. Eight of GPTC’s nine full-power stations have been assigned UHF DTV allotments, which will be far more expensive to operate than would VHF DTV allotments.

Consequently, GPTC has attempted to find VHF DTV channels for as many of its stations as possible, and, in this Petition for Rule Making, asks the Commission to substitute VHF channels for five of GPTC’s assigned UHF DTV channels. Grant of this request will enable GPTC, which derives most of its funding from taxpayer dollars, to reduce its operating costs and devote more resources to providing Georgia residents with quality television and radio programming. By adopting this proposal, the Commission will allow GPTC to offer better and more extensive services to communities throughout the State of Georgia, included expanded instructional material via satellite to more than 1.4 million students throughout the State. Moreover, allotment of VHF channels will enable GPTC to implement its Rural Broadband initiative – aimed at providing Internet services via GPTC’s DTV stations to Georgia’s underserved population areas -- in a more efficient manner. These objectives demand the most reliable, cost effective and redundant transmission systems and engineering, attributes most commonly found in VHF transmission. Accordingly, GPTC urges the Commission to adopt the proposals set forth in this Petition for Rule Making.

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

In the Matter of)
)
 Amendment of Section 73.622(b),) MM Docket No. ____
 Table of Allotments,) RM No. ____
 Digital Television Broadcast)
 Stations.)
 (Wrens, Savannah, Waycross,)
 Dawson & Pelham, Georgia)

To: Chief, Allocations Branch
 Video Service Division, Mass Media Bureau

PETITION FOR RULE MAKING

Pursuant to Section 73.622(a) of the Commission's rules, Georgia Public Telecommunications Commission ("GPTC") hereby requests that the Commission institute a rule making proceeding to amend the Table of Allotments for the digital television service ("DTV Table") to change the initial DTV channel allotments assigned in the *Sixth Report and Order* in MM Docket No. 87-268¹ to the following television stations licensed to GPTC:

CITY	CALL SIGN	NTSC CHANNEL	ASSIGNED DTV CHANNEL	PROPOSED DTV CHANNEL
Wrens	WCES	*20	*36	*2
Savannah	WVAN	*9	*46	*13
Waycross	WXGA	*8	*18	*9
Dawson	WACS	*25	*26	*8
Pelham	WABW	*14	*20	*5

¹ *In re Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Sixth Report and Order, 12 FCC Rcd. 14588 (1997).

INTRODUCTION

In support of this request, GPTC states as follows:

1. GPTC is an agency of the State of Georgia charged with providing educational and public telecommunications services to residents of the State. In partial fulfillment of that mandate, GPTC operates the Georgia Public Television Network, which consists of nine public television stations and twelve noncommercial educational television translators serving virtually the entire State of Georgia.

2. In the *Sixth Report and Order*, the Commission assigned eight of GPTC's nine full-power stations UHF DTV allotments. While those allotments will allow GPTC to replicate the coverage area of the existing Georgia Public Television Network, the operating costs associated with those UHF stations will be substantial. Since digital VHF stations are far less costly to construct and operate than digital UHF stations, GPTC has undertaken a coordinated effort to identify VHF channels that it can use at its various public television stations in lieu of the UHF allotments made by the Commission. It has identified VHF channels for six of its eight UHF DTV channels, five of which are the subject of this Petition for Rule Making.²

3. Operating from a VHF platform will permit GPTC, which is largely dependent upon taxpayer funds for its operating and other expenses, to reduce operating costs and devote more resources to the educational programming offered over those television stations, as well as the programming on its fourteen public radio stations. By

² On February 23, 2001, GPTC filed a Counterproposal requesting that the Commission allot DTV Channel 4 for use by Station WGTV-DT, Athens, in lieu of UHF Channel 22 allotted in the DTV Table of Allotments. That proposal was submitted in response to the Petition for Rulemaking filed by Gannett Georgia, L.P. seeking the allotment of DTV Channel 4 in Macon. See Counterproposal of Georgia Public Telecommunications Commission, filed on February 23, 2001, in the proceeding entitled *In re Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Macon, Georgia)*, MM

adopting this VHF proposal, the Commission would enable GPTC to lower its operating expenses and improve the services offered to various communities throughout the State of Georgia – the same reasons the Commission has employed to justify allowing other noncommercial educational stations to substitute VHF for UHF DTV allotments.³

4. Employing a VHF platform for as many of its stations as possible will also facilitate GPTC’s ability to expand the large array of instructional material distributed by satellite to more than 2000 schools and libraries serving over 1.4 million students in grades K-12 throughout the State. Many of those students, who live in rural and frequently economically deprived areas of the State, would not otherwise have access to some of the more advanced courses provided through the PeachStar system⁴ or to the better quality instruction that a centralized educational system can offer.

5. In addition, VHF operation will permit GPTC to implement its Rural Broadband initiative in a more efficient manner. That initiative, described in the excerpt from GPTC’s recent request for funding from NTIA attached as Exhibit A, will provide Internet services via GPTC’s DTV stations to Georgia’s underserved population areas, using a method similar to the commercially available “DirecPC” service available from Hughes (DirecTV). The focus of the initiative is to deliver multi-media content using the digital television infrastructure that GPTC will build, employing high-speed bandwidth for outbound transmissions with lower-speed return service. The service will make use of a rich-media web portal built by three State of Georgia educational entities. Schools

Docket No. 01-1, RM-10013. GPTC has been unable to locate a suitable channel for VHF operation for its other two UHF-assigned DTV channels.

³ See, e.g., *In re Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Charlotte, North Carolina)*, Report and Order, MM Docket 00-178, RM-9914 (released January 5, 2001).

and residents of the State will receive the digital signal of GPTC's Stations off-air, just as they receive their analog signals, and will enjoy faster Internet service than they currently receive from slow speed dial-up services. Rural locations in particular, where commercial DSL and cable modems are unavailable, will receive immediate service and will therefore be able to participate in the Internet revolution to an extent not otherwise possible at this time.

6. GPTC's Rural Broadband initiative will advance the Commission's efforts to make Internet access available to rural and remote areas. In addition to this Rural Broadband Internet service, GPTC intends to use its DTV stations to offer extensive program-related services with respect to its broadcast programming, as well as datacasting and similar advanced services. These services demand the most reliable, cost effective and redundant transmission systems and engineering, attributes most commonly found in VHF transmission.

DISCUSSION OF PROPOSED CHANNEL SUBSTITUTIONS

7. As demonstrated in the attached Engineering Studies, GPTC proposes the following substitute VHF DTV channels. Each of these proposed allotments will provide the required service to its community of license, and, with minor exceptions, satisfies the technical criteria applicable to requests for changes in the initial DTV Table specified in Section 73.623(c) of the Commission's rules, 47 C.F.R. § 73.623(c).

- a. WCES-DT, Wrens, Georgia: GPTC is authorized to operate Station WCES-DT on UHF Channel *36 at an antenna height radiation center of 452.0 meters above average terrain and an ERP of 325.9 kW. It has been granted

⁴ The PeachStar system provides programming, curricula materials, teacher training and services, delivered via the PeachStar Satellite Network and Georgia Public Television, to students of all ages throughout the

a construction permit for Channel *36 (FCC File No. BPEDT-20000425AAR), which authorizes WCES-DT to operate at an ERP of 597 kW at an antenna height radiation center of 554.0 meters above average terrain using a nondirectional antenna.

As indicated in the Engineering Study attached as Exhibit B, GPTC requests that the Commission allot DTV Channel *2 to Wrens for use in connection with Station WCES-DT. GPTC would operate from Station WCES-TV's existing tower with an ERP of 5 kW using a circularly polarized directional antenna (cardioid oriented at N25E°) with a center of radiation of 435.6 meters above average terrain, as shown in Exhibit 3 of the Engineering Study.

b. WVAN-DT, Savannah, Georgia: GPTC is authorized to operate Station WVAN-DT on UHF Channel *46 at an antenna height radiation center of 320.0 meters above average terrain and an ERP of 958.3 kW. It has been granted a construction permit for Channel *46 (FCC File No. BPEDT-20000425AAT), which authorizes WVAN-DT to operate at an ERP of 917.5 kW at an antenna height radiation center of 299.8 meters above average terrain using a nondirectional antenna.

As indicated in the Engineering Study attached as Exhibit C, GPTC requests that the Commission allot DTV Channel *13 to Savannah for use in connection with Station WVAN-DT. GPTC would operate from the existing tower for Station WVAN-TV with an ERP of 10 kW using a circularly polarized, directional (cardioid oriented at N115E°) antenna with a center of radiation of

292.8 meters above average terrain, as shown in Exhibit 3 of the Engineering Study.

c. WXGA-DT, Waycross, Georgia: GPTC is authorized to operate Station WXGA-DT on UHF Channel *18 at an antenna height radiation center of 314.0 meters above average terrain and an ERP of 531.9 kW. It has been granted a construction permit for Channel *18 (FCC File No. BPEDT-20000425AAS), which authorizes WXGA-DT to operate at an ERP of 952.8 kW at an antenna height radiation center of 288 meters above average terrain using a directional antenna (peanut).

As indicated in the Engineering Study attached as Exhibit D, GPTC requests that the Commission allot DTV Channel *9 to Waycross for use in connection with Station WXGA-DT. GPTC would operate from its existing tower for Station WXGA-TV with an ERP of 20 kW using a circularly polarized, nondirectional (omni) antenna with a center of radiation of 286.3 meters above average terrain, as shown in Exhibit 3 of the Engineering Study.

d. WACS-DT, Dawson, Georgia: GPTC is authorized to operate Station WACS-DT on UHF Channel *26 at an antenna height radiation center of 329.0 meters above average terrain and an ERP of 50 kW. It has been granted a construction permit for Channel *26 (FCC File No. BPEDT-20000428ACM), which authorizes WACS-DT to operate at an ERP of 100 kW at an antenna height radiation center of 332 meters above average terrain using a nondirectional antenna.

As indicated in the Engineering Study attached as Exhibit E, GPTC requests that the Commission allot DTV Channel *8 to Dawson for use in connection with Station WACS-DT. GPTC would operate from its existing tower for Station WACS-TV with an ERP of 5 kW using a top-mounted circularly polarized, directional (cardioid oriented at N030E°) with a center of radiation of 331.4 meters above average terrain, as shown in Exhibit 3 of the Engineering Study.

e. WABW-DT, Pelham, Georgia: GPTC is authorized to operate Station WABW-DT on UHF Channel *20 at an antenna height radiation center of 378.0 meters above average terrain and an ERP of 273.3 kW. It has been granted a construction permit for Channel *20 (FCC File No. BPEDT-20000501AHY) which authorizes WABW-DT to operate at an ERP of 434.7 kW at an antenna height radiation center of 378 meters above average terrain using a directional antenna.

As indicated in the Engineering Study attached as Exhibit F, GPTC requests that the Commission allot DTV Channel *5 to Pelham for use in connection with Station WABW-DT. GPTC would operate from existing tower support structure owned by WCTV-TV at 3.5 miles southwest of Metcalf, Georgia with an ERP of 4.5 kW using a side-mounted circularly polarized, directional (cardioid oriented at N305E°) with a center of radiation of 474.4 meters above average terrain, as shown in Exhibit 3 of the Engineering Study.

8. As noted above and shown in Exhibit 11 of each of the attached Engineering Studies, the noise limited contour of each proposal fully encompasses the

station's assigned principal community as required by Section 73.625(a). As is also shown in those Engineering Studies, GPTC's proposal satisfies the 2%/10% *de minimis* interference limits of Section 73.623(c)(2), except in two cases explained below where GPTC's proposal will cause interference to another of GPTC's stations.⁵ Specifically, Station WXGA-DT will cause more than *de minimis* interference to the NTSC service of Station WVAN-TV, and Station WACS-DT will cause more than *de minimis* interference to the NTSC service of Station WXGA-TV. For the reasons set forth below, GPTC urges the Commission to waive Section 73.623(c)(2) in those two circumstances in order to permit GPTC to gain the financial and service benefits this proposal will bring. In each case, the grant of the waivers will not result in the loss of any television service, whether DTV or NTSC. Rather, grant of the waivers will serve the public interest by facilitating GPTC's ability to reach more people, more economically and to provide the broadband rural services it is proposing in a more efficacious manner than if it must operate with the UHF allotments in the DTV Table.

9. The Commission has authority to waive its rules "for good cause shown" pursuant to Section 1.3 of its rules, 47 C.F.R. § 1.3.⁶ Waiver is also warranted where waiver would better serve the public interest than would following the terms of the rule.⁷

⁵ In addition, under the normal method of predicting interference, two stations, WABW-DT, Pelham, Georgia & WXGA-DT, Waycross, are predicted to cause interference to Class A-eligible stations. Specifically, WABW-DT would cause interference to Station WJLN-LP and Station WXGA-TV would cause interference to Station W09CF. However, as shown in the Engineering Studies for those stations, using the alternative method of satisfying Class A protection requirements, *see In re Establishment of a Class A Television Service*, 15 FCC Rcd. 6355 (2000), at ¶ 71 (permitting use of Longley-Rice terrain dependent propagation model and OET Bulletin 69 to support waiver of Class A protection requirements for full service DTV stations impacting Class A stations), no interference is predicted. (*See*, Exhibits 17 and 18 of the Engineering Studies in Attachments D and F). Accordingly, these proposals are consistent with the Commission's allotment rules.

⁶ *See, e.g., In re Kingdon R. Hughes*, 10 FCC Rcd. 8642 (1995) (granting waiver of IVDS rules pursuant to § 1.3).

⁷ *See In re Applications of KRCA License Corp.*, 15 FCC Rcd. 1794 (1999), at ¶ 5.

Although a party seeking waiver of the Commission's rules bears a heavy burden,⁸ GPTC submits that it has satisfied its burden, and that waiver is therefore warranted in this case.

10. First, as indicated in Exhibit G, the Declaration of James Lyle, Executive Director of GPTC, GPTC has agreed to accept the interference caused by these two DTV facilities since the interference in both cases is to other stations licensed to GPTC. This agreement satisfies Section 73.623(g) of the Commission's rules, which expressly allows negotiated interference agreements in the DTV context, so long as the affected station agrees in writing to accept the additional interference.⁹ In those circumstances, the Commission treats a proposed DTV channel substitution as compliant with the interference requirements.¹⁰ The same result should obtain here.¹¹

11. Second, the waiver GPTC seeks is consistent with the Commission's emphasis on facilitating the transition to DTV and promoting the availability of broadband services, particularly in rural areas. In fact, the Commission has previously granted DTV modifications in large part because of the "very high priority" it places on accelerating the transition to DTV. In particular, in *In re Applications of KRCA License Corp.*, several independent stations sought modifications of their DTV authorizations that

⁸ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *aff'd* 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied* 409 U.S. 1027 (1972).

⁹ See 47 C.F.R. § 73.623(g). This provision sanctions such agreements notwithstanding the Commission's historical refusal to allow parties to negotiate interference agreements. See, e.g., *In re Application of Board of Education of the City of Atlanta*, 11 FCC Rcd. 7763 (1996), at ¶ 8 (reiterating principal that Commission has not historically allowed parties to negotiate which areas would receive interference). Indeed, Section 73.623(g) even allows a station to give an affected station money or other consideration, even when noncommercial television stations assigned to reserved channels are involved.

¹⁰ See *In re Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (New Orleans, Louisiana)*, Notice of Proposed Rulemaking, 15 FCC Rcd. 19,449 (2000), at ¶ 2 & n.1 (accepting proposed channel substitution as compliant where a negotiated interference agreement was present).

¹¹ Attached as Exhibit H are maps showing the coverage of the NTSC stations licensed to the GPTC, the coverage of the DTV stations with the UHF allotments in the DTV Table of Allotments and the coverage as proposed in this petition and in GPTC's proposal to allot Channel 4 to WGTV-DT, Athens. With minor

would violate the Commission's minimum distance separation and city grade coverage rules.¹² The Commission granted the applications, finding that the grant of the waiver would ensure a successful transition to DTV.¹³ Here, the Commission should reach the same conclusion, since GPTC's proposal will facilitate not only the DTV transition but also access to broadband service for the people of Georgia.

12. Third, the Commission should waive strict compliance with the interference rules because the waiver GPTC seeks is temporary. Any additional interference to WVAN-TV and WXGA-TV will last only until GPTC fully completes the transition of its stations to DTV and returns its analog spectrum. The Commission found this to be a compelling reason for granting a waiver in *KRCA License Corp.*, where agreed-upon interference was expected to last for a short, fixed period of time until the stations transitioned to DTV. In fact, the Commission found that such a waiver would not harm the public interest.¹⁴ The same is true here.

13. Finally, one of GPTC's proposals is predicted to cause interference to an LPTV station that has sought Class A status.¹⁵ More specifically, GPTC's proposal to allot Channel *13 for use by Station WVAN-DT, Savannah involves predicted interference to Station W13CC. The licensee of that station, The Box Worldwide LLC, has filed a certificate of eligibility for Class A status for Station W13CC, and the Commission has accepted that certificate. An application to convert to Class A status

differences, GPTC's proposed VHF DTV allotments assure coverage that is comparable to the coverage under the DTV Table and the current NTSC service to the State.

¹² *In re Applications of KRCA License Corp.*, 15 FCC Rcd. 1794 (1999).

¹³ *Id.*, ¶ 18-19.

¹⁴ *Id.*, at ¶¶ 22-24 (granting waiver of city grade coverage rule where waiver would last only until station completed transition to DTV).

¹⁵ As explained in each of the attached Engineering Studies, the potentially affected stations considered in the interference studies include Class A and Class A-eligible low power television stations.

was accepted for filing on March 9, 2001.¹⁶ However, GPTC monitored that station over a period of 29 days and determined that it is an MTV-2 subscription based LPTV station. For that reason, GPTC does not believe that the station is eligible for Class A status, but rather should be considered a secondary LPTV station and should not be afforded interference protection from a full service DTV station.¹⁷ Since GPTC's proposal to operate Station WVAN-DT on Channel *13 would not cause unacceptable interference to any full power station or any other Class A applicant or station, GPTC submits that the proposal is consistent with the Commission's rules and should be granted.

14. Thus, GPTC's five proposed channel substitutions are largely consistent with the Commission's rules, and where they lack exact technical compliance, waiver of the rules is warranted to further the transition to DTV and make the benefits of broadband services available to a large portion of the residents of Georgia. For this reason, and in light of the demonstrated public benefits that will result from GPTC's proposal, the Commission should grant GPTC's Petition for Rule Making and amend the DTV Table as requested.¹⁸

15. As indicated in Exhibit G, GPTC intends to apply for the five channels identified in this Petition for Rule Making and will construct its DTV operations for each station in accordance with the channel substitutions proposed here if authorized to do so.

¹⁶ See Public Notice, Broadcast Applications, March 9, 2001, File Number BLTVA-20010226AAN.

¹⁷ GPTC intends to challenge Station W13CC's application to convert to Class A status. In light of the pending Class A application, a copy of this Petition for Rule Making is being served on counsel for Station W13CC.

¹⁸ See *In re Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Charlottesville, Virginia)*, Notice of Proposed Rule Making, 2000 WL 1741777 (F.C.C. 2000), at ¶ 7 (observing that proposals to modify a station's initial DTV assignment may be granted where the technical requirements of § 73.623 are satisfied); *In re Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Evansville, Indiana)*, Report and Order, 2001 WL 78833 (F.C.C. 2001), at ¶ 2 (recognizing importance of preserving the limited resources of noncommercial licensees such as GPTC and granting DTV allotment substitutions involving a switch from a UHF to a VHF channel).

CONCLUSION

16. For the foregoing reasons, the Commission should grant GPTC's proposal and commence a rulemaking proceeding¹⁹ for the purpose of amending the DTV Table of Allotments and assigning the following channels to GPTC as reserved, noncommercial educational channels:

CITY	CALL SIGN	NTSC CHANNEL	ASSIGNED DTV CHANNEL	PROPOSED DTV CHANNEL
Wrens	WCES	*20	*36	*2
Savannah	WVAN	*9	*46	*13
Waycross	WXGA	*8	*18	*9
Dawson	WACS	*25	*26	*8
Pelham	WABW	*14	*20	*5

Respectfully submitted,



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Counsel for Georgia Public
Telecommunications Commission

Dated: March 27, 2001

¹⁹ A draft Notice of Proposed Rule Making is included with this Petition pursuant to Section 1.401(d) of the Commission's rules.

[DRAFT NOTICE OF PROPOSED RULE MAKING, SUBMITTED
PURSUANT TO SECTION 1.401(d) OF THE COMMISSION’S RULES]

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MM Docket No. _____
Table of Allotments)	RM No. _____
Digital Television Broadcast)	
Stations.)	
(Wrens, Savannah, Waycross,)	
Dawson & Pelham, Georgia)	
)	

NOTICE OF PROPOSED RULE MAKING

Adopted:

Released:

Comment Date:

By the Chief, Video Services Division:

1. The Commission has before it a petition for rule making filed by Georgia Public Telecommunications Commission (“Petitioner”). Petitioner requests the following amendments to the DTV Table of Allotments, 47 C.F.R. §73.622(b):

CITY	ASSIGNED DTV CHANNEL	PROPOSED DTV CHANNEL
Wrens, Georgia	*36	*2
Savannah, Georgia	*46	*13
Waycross, Georgia	*18	*9
Dawson, Georgia	*26	*8
Pelham, Georgia	*20	*5

2. Petitioner is an agency of the State of Georgia charged with providing educational and public telecommunications services to residents of the State. It asserts that the current UHF DTV allotments for the stations at issue in this proceeding will cause it to incur substantially higher operating costs, particularly when operating in digital mode, than it would incur if VHF DTV allotments could be substituted, because VHF operation requires lower power and less structural support. Operating from a VHF platform would allow Petitioner, which is largely dependent upon taxpayer funds, to reduce operating costs and devote more resources to the educational programming offered over its television stations, as well as the programming on its fourteen public radio stations. In addition, VHF operation will allow Petitioner to expand the large array of instructional materials distributed by satellite to schools and libraries serving numerous students throughout the State, including many in economically deprived areas.

3. Petitioner also asserts that VHF operation will benefit the Rural Broadband initiative upon which it has recently embarked. Petitioner aims to provide Internet services via its DTV stations to Georgia's underserved population areas, using a method akin to the commercially available "DirecPC" service from Hughes (DirecTV). The initiative will focus on delivering multi-media content using Petitioner's to-be-built digital infrastructure and a rich-media web portal built by three State of Georgia educational facilities. VHF operation, it is alleged, will permit Petitioner to implement this initiative in a more efficient manner, which Petitioner states will advance the Commission's goal of making Internet access available to rural and remote areas.

4. Petitioner has submitted engineering materials demonstrating that its proposal is in compliance with Sections 73.622(a) and 73.623(c) of the Rules, including pertinent criteria for interference protection to NTSC and DTV services, as well as facilities eligible for Class A protection. The engineering materials also indicate that waiver of our rules may be appropriate in certain circumstances.

5. We believe that Petitioner's proposal warrants consideration because it complies with the criteria set forth in Sections 73.622(a) and 73.623(c) of the Rules, and would serve the public interest. We therefore propose to modify Section 73.622(b) as requested by Petitioner.

6. Accordingly, we seek comments on the proposed amendment of the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as set forth below for the listed communities:

CITY	PROPOSED DTV CHANNEL
Wrens, Georgia	*2
Savannah, Georgia	*13
Waycross, Georgia	*9
Dawson, Georgia	*8
Pelham, Georgia	*5

The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

Interested parties may file comments on or before _____, and reply comments on or before _____, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Secretary, Federal Communications Commission, Washington, DC 20554. Additionally, a copy of such comments should be served on the petitioner, or its counsel or consultant, as follows:

Theodore D. Frank
Special Assistant Attorney General
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(202) 942-5790

The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Allotments, Section 73.606(b) of the Commission's Rules. See Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981. The Regulatory Flexibility Act of 1980 would also not apply to rule making proceedings to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules.

For further information concerning this proceeding, contact _____, Mass Media Bureau, (202) 418-1600. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment that has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment that has not been served on the person(s) who filed the comment to which the reply is directed constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Services Division
Mass Media Bureau

Attachment: Appendix

CERTIFICATE OF SERVICE

I, Amy E. Weissman, do hereby certify that I have this 27th day of March, 2001,
caused to be delivered by first class United States mail, postage prepaid, the foregoing
PETITION FOR RULE MAKING, to the following parties:

Counsel for Station W13CC:
Heather Dixon, Esq.
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Deputy Chief, Industry Analysis Division
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Amy E. Weissman

*BY HAND

PTFP Grant Application

DISTANCE LEARNING

Georgia Public Broadcasting
February 2001

PTFP Grant 2001
Program Narrative