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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Review of the Commission's )  
Rules and Policies )  
Affecting the Conversion )  
To Digital Television )  
)

MM Docket No. 00-39

To: The Commission

**PAXSON COMMUNICATIONS CORPORATION  
COMMENTS ON PETITION FOR RECONSIDERATION**

Paxson Communications Corporation ("Paxson"), by its attorneys and pursuant to 47 C.F.R. § 1.429(f), hereby files these comments on the Petition for Reconsideration of Fox Television Stations, Inc. and Fox Broadcasting Company (collectively, "Fox") of a portion of the Commission's *Report and Order* in the above captioned proceeding.<sup>1</sup> Although the Commission will henceforth enforce cut-off procedures for DTV construction permit applications,<sup>2</sup> Fox argues that the Commission should consider all pending applications as cut-off on the date filed.<sup>3</sup> Paxson submitted its own Petition for Reconsideration and Clarification asking, as does Fox, that the Commission apply these first-come, first-served processing procedures to all pending DTV

<sup>1</sup> Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *Report and Order and Further Notice of Proposed Rulemaking*, MM Docket No. 00-39 (rel. Jan. 19, 2001); 66 Fed. Reg. 9973 (Feb. 13, 2001) ("*Report and Order*"). This response is timely filed within fifteen days after the date of publication of the petitions for reconsideration. in the *Federal Register*. See 47 C.F.R. §§ 1.429(f), 1.4(b) (2000).

<sup>2</sup> *Report and Order* at ¶ 39.

<sup>3</sup> Fox Petition at 2-7.

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construction permit applications, consistent with the Commission's normally used procedures as belatedly applied to all post-January 18, 2001 DTV applications.<sup>4</sup>

Paxson completely supports Fox's request. It is the only legally acceptable method for the Commission to process DTV construction permit applications. The Commission has offered few reasons for departing from its often used and widely accepted processing of applications on a first-come, first-served basis. Accordingly, in light of the fact that these two prominent broadcasters have requested the Commission to adopt the same processing procedures, Paxson urges the Commission to refrain from issuing public notice of those groups of "MX" applicants that would have 90 days to resolve their conflicts as the Commission has indicated that it will do.<sup>5</sup> The Commission should wait until it rules upon the reconsideration requests of Fox and Paxson and final resolution of its processing procedures is known.

Additionally, due to the importance of this matter, Paxson wishes to take this opportunity to reiterate its request that the Commission clarify that it will protect both the analog and digital service areas of those stations which did not receive a paired DTV allotment or that surrendered one of its channels as part of the clearing of non-core spectrum encouraged by the Commission.

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<sup>4</sup> Paxson Petition at 2-5.

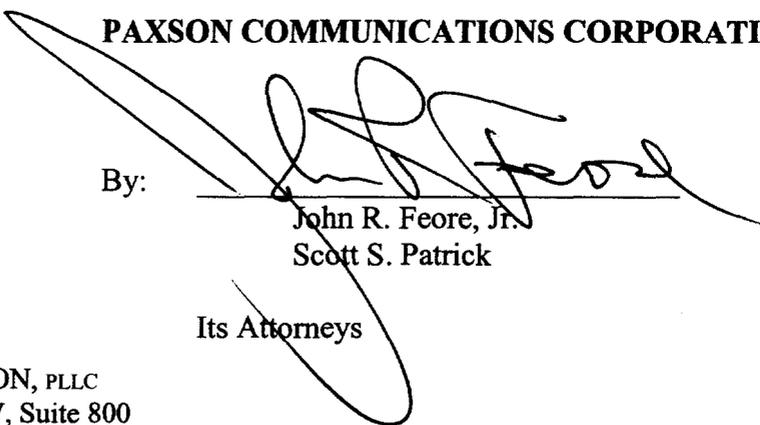
<sup>5</sup> *Report and Order* at ¶¶ 44, 47.

This will ensure that stations can provide reliable analog service throughout the transition and that a loss of service would not occur upon conversion to digital.

Respectfully submitted,

**PAXSON COMMUNICATIONS CORPORATION**

By:



\_\_\_\_\_  
John R. Feore, Jr.  
Scott S. Patrick

Its Attorneys

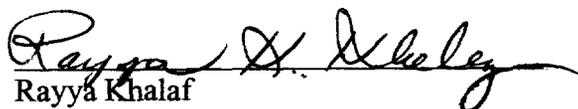
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Dated: April 12, 2001

## CERTIFICATE OF SERVICE

I, Rayya Khalaf, a secretary at the law firm of Dow, Lohnes & Albertson, PLLC, do hereby certify that on this 12th day of April, 2001, the foregoing "Comments on Petition for Reconsideration" was served via first class mail (except where hand delivery is noted by an asterisk) to the following:

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Rayya Khalaf