

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

In the Matter of	)	
	)	
Reexamination of the Comparative Standards For Noncommercial Educational Applicants	)	MM Docket No. 95-31
	)	
Association of America's Public Television Stations' Motion for Stay of Low Power Television Auction (No. 81)	)	
	)	
To: The Commission	)	

**REPLY COMMENTS OF THE UNIVERSITY OF NORTH CAROLINA CENTER FOR  
PUBLIC TELEVISION**

The University of North Carolina Center for Public Television (UNCTV), on behalf of the University of North Carolina (UNC), hereby files these Reply Comments in the above-referenced proceeding regarding the reexamination of the comparative standards for noncommercial educational (NCE) applicants. In support thereof, the following is shown:

1. UNCTV is the adjunct state agency of UNC established to provide noncommercial educational television programming to the citizens of North Carolina. Under the ultimate control and direction of UNC, which is the licensee of eleven full-service noncommercial educational television stations and over twenty translators, UNCTV operates North Carolina's statewide noncommercial educational television network, delivering extensive educational television programs and services to the state. Translators in particular provide crucial coverage of the state in areas not served by UNCTV's full-service transmission facilities, and they will do so for the foreseeable future as the nation moves from the analog to the digital broadcast age. UNCTV is thus

vitaly concerned that the Commission's rules and regulations protect and preserve existing translator service and assure adequate opportunities to continue and expand such service to the state. Without translators, UNCTV cannot serve the entire state of North Carolina in accordance with its legislative mandate.

2. UNCTV has reviewed comments filed in this proceeding by other interested parties. As a general matter, UNCTV strongly supports the comments of Association of Public Television Stations (APTS) and others regarding the eligibility of NCE entities to apply for unreserved channels. In particular, as persuasively demonstrated by APTS, Options One and Two set forth by the Commission, which would effectively exclude NCE applicants from applying for unreserved channels, are contrary to Congressional intent, existing Commission policy and the public interest. See APTS Comments, pp. 7-10.

3. UNCTV likewise shares APTS' concern that the current licensing scheme does not either adequately protect existing NCE service provided by public television translator stations or provide opportunities for expansion to areas needing such service. As the Commission is aware, TV translators present unique issues within the context of the instant proceeding inasmuch as they have no reserved spectrum. Moreover, the hundreds of translators currently providing cardinal public television service are vulnerable to extinction as a result of the nationwide transition from analog to digital television service. This circumstance arose in part due to the Commission's decision not to permit public television translators which rebroadcast flagship network public television service to secure Class A status. Translators are simply an essential component of nationwide public television service, particularly in mountainous rural areas.

4. Under the circumstances, UNCTV urges the Commission to find that NCE translators are exempt from auctions, consistent with the analysis of APTS (APTS Comments, pp. 14-17). However, because translators operate on reserved channels, the Commission must do more in order to give full effect to the NPR decision. While the Commission has expressed concern that establishing NCE eligibility for TV translators might complicate its licensing scheme, as APTS observes (APTS Comments, pp. 17-18), it is in fact a simple matter to establish a separate category for such translators which will confirm their status as auction-exempt facilities. Any translator station associated with a full-service NCE station would qualify and could elect NCE status.

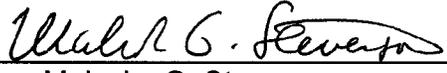
5. Further, UNCTV agrees with APTS proposals (APTS Comments, pp. 18-23) to provide for some limited additional opportunities to enhance existing NCE translator operations by expanding the current "displacement" policy and implementing needs-based priority processing. In this regard, UNCTV observes that the Commission's existing policy according priority processing to displacement applications has given NCE translator licensees one important means to preserve service. However, that policy governs only NCE translators displaced due to the DTV transition or the reallocation of Channels 52-69. UNCTV urges the Commission to extend priority NCE translator processing to NCE translator proposals to provide fill-in service due to gaps in analog or digital coverage, increased interference during the DTV transition, or coverage losses arising from combined analog/digital service should the Commission adopt such a scheme for the conversion of TV translators from analog to digital operations. Mutual exclusivity among "mixed" NCE and commercial translator proposals could be generally resolved by according a dispositive priority to NCE

translator applicants proposing first or second television NCE service to 10% of the population within the proposed NCE translator station's protected service contour. Mutual exclusivity among NCE translator applicants could be resolved through use of the Commission's point system currently applicable to full-service NCE proposals.

WHEREFORE, for the foregoing reasons, UNCTV respectfully urges the Commission to adopt NCE translator processing rules consistent with the views expressed herein by creating a class of NCE TV translators and expanding priority processing of NCE TV translator proposals.

Respectfully submitted,

**UNIVERSITY OF NORTH CAROLINA  
CENTER FOR PUBLIC TELEVISION**

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