

MORRISON & FOERSTER LLP

ATTORNEYS AT LAW

ORIGINAL

SAN FRANCISCO
LOS ANGELES
DENVER
PALO ALTO
WALNUT CREEK
SACRAMENTO
ORANGE COUNTY
SAN DIEGO
BUENOS AIRES

2000 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20006-1888
TELEPHONE (202) 887-1500
TELEFACSIMILE (202) 887-0763

NEW YORK
WASHINGTON, D.C.
NORTHERN VIRGINIA
LONDON
BRUSSELS
BEIJING
HONG KONG
SINGAPORE
TOKYO

DOCKET FILE COPY ORIGINAL

June 17, 2002

RECEIVED

Writer's Direct Contact
(202) 887-6935
mtobey@mofo.com

JUN 17 2002

By Messenger

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **San Mateo County Community College District**
Comments in Support of Notice of Proposed Rulemaking
Amendment of Section 73.622(b), Table of Allotments,
Digital Television Broadcast Stations
San Mateo, California
MB Docket No. 02-84, RM-10339

Dear Ms. Dortch:

On behalf of San Mateo County Community College District (the "District"), we are hereby enclosing an original and four copies of the District's comments in support of the above-referenced proceeding.

Please date-stamp the enclosed copy marked "Return Copy" and return it to us in the self-addressed stamped envelope provided for that purpose. Please direct any questions regarding this filing to undersigned counsel for the District.

Very truly yours,



Margaret L. Tobey

Enclosure

No. of Copies rec'd
List ABOVE

074

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RECEIVED

JUN 17 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.622(b),) MB Docket No. 02-84
Table of Allotments,) RM-10339
Digital Television Broadcast Stations.)
(San Mateo, California))

To: The Chief, Allocations Branch

**COMMENTS IN SUPPORT OF
NOTICE OF PROPOSED RULEMAKING**

San Mateo County Community College District (the "District"), licensee of noncommercial educational Station KCSM-TV, Channel 60, San Mateo, California, by its attorneys and pursuant to Sections 1.401 *et seq.*, 1.420, and 73.623 of the rules of the Federal Communications Commission ("Commission"), 47 C.F.R. §§ 1.401 *et seq.*, 1.420, and 73.623, hereby files its comments in support of the Notice of Proposed Rulemaking ("NPRM") in the above-referenced proceeding in which the Commission proposes, at the request of the District, to substitute DTV Channel *43 for DTV Channel *59.¹

As the District stated in its Petition for Rulemaking and as the Commission noted in the NPRM, the proposed substitution will allow the District to avoid the substantial and unrecoverable capital expenditures associated in constructing an out-of-core digital facility that, under the current allotment plan, will only be used until the end of the DTV transition period. The District is a noncommercial licensee that relies on public funding and is seeking to make the

¹ See *Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Station (San Mateo, California)*, Notice of Proposed Rulemaking, DA 02-928 (rel. Apr. 26, 2002).

transition in the most cost-effective way possible to avoid unnecessary and costly construction. In addition, adoption of the District's proposal is in the public interest and would maximize efficient use of the radiofrequency spectrum since DTV Channel *43 would completely encompass the City of San Mateo with a F(50,90) 48.4 dBu City-Grade contour and would serve a terrain-limited interference-free population of 5,438,371 persons.²

For the foregoing reasons, the District urges the Commission to adopt the NPRM and substitute DTV Channel *43 for DTV Channel *59 in San Mateo, California. If the proposed substitution is adopted, the District will apply for the substituted channel and, if authorized, will promptly construct its digital facility on that channel.

Respectfully submitted,

SAN MATEO COUNTY COMMUNITY COLLEGE
DISTRICT

By: 
Margaret L. Tobey
Iris F. Rosario
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W., Suite 5500
Washington, D.C. 20006
202-887-1500

June 17, 2002

² As the District has stated before and as noted in the Commission's NPRM, the District is willing to accept a 2.2 percent interference from the proposed facilities of La Dov Educational Outreach, Inc. ("La Dov"), which has filed a Petition for Rulemaking proposing the substitution of DTV Channel *43 for NTSC Channel *52 at Sacramento, California. See *Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments, Digital Broadcast Television Stations (Sacramento, California)*, Notice of Proposed Rulemaking, DA 02-980 (rel. May 3, 2002). Because the District is willing to accept this level of interference, the District's Petition for Rulemaking is not mutually exclusive with La Dov's proposal. See *id.*

CERTIFICATE OF SERVICE

I, Gwendolynne M. Chen, a legal assistant in the law offices of Morrison & Foerster LLP, do hereby certify that I have, on this 17th day of June, 2002, caused copies of the foregoing "COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULEMAKING" sent via U.S. mail, postage prepaid, to the following:

Barbara A. Kreisman
Chief, Video Services Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 2-A665
Washington, D.C. 20554

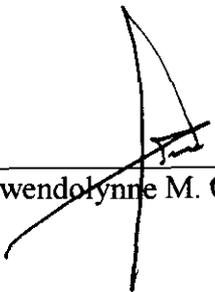
Pam Blumenthal
Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 2-A762
Washington, D.C. 20554

Clay Pendarvis
Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 2-A820
Washington, D.C. 20554

Nazifa Naim
Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 2-A820
Washington, D.C. 20554

John M. Burgett
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
Counsel to La Dov Educational Outreach, Inc.

Joseph M. Di Scipio
Cohn & Marks
1920 N Street, N.W., Suite 300
Washington, DC 20036
Counsel to Catamount Broadcasting of Chico-Redding, Inc., licensee of Station KHSL-DT, Chico, California



Gwendolynne M. Chen