

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.622(b)) MM Docket No. 03-
) RM-____
Digital Television Table of Allotments)
Anchorage, Alaska)

To: Chief. Allocations Branch

JOINT REQUEST FOR EXPEDITED ACTION

Channel 2 Broadcasting Company (“Channel 2 Broadcasting”), licensee of NBC-affiliated commercial television station KTUU-TV, NTSC Channel 2, Anchorage, Alaska, and permittee of unbuilt digital television station KTUU-DT, Channel 18, Anchorage, Alaska, and Alaska Public Telecommunications, Inc. (“Alaska Public Telecom”), licensee of PBS-affiliated noncommercial educational television station KAKM(TV), NTSC Channel 7, Anchorage, Alaska, and pennittee of unbuilt digital television station KAKM-DT, Channel 24, Anchorage, Alaska, by their attorneys, hereby jointly request expedited action on their Joint Petition for Rule Making filed concurrently herewith seeking substitution of DTV Channel 10 for DTV Channel 18 at Anchorage as the digital television channel assigned to KTUU-DT and DTV Channel 8 for DTV Channel 24 at Anchorage as the digital television channel assigned to KAKM-DT and modification of petitioners’ digital construction permits accordingly

As demonstrated in the Joint Petition, petitioners and the other members of the Anchorage Broadcast Television Consortium have encountered numerous hurdles in their efforts to locate a single site at which to collocate their digital facilities and to promptly initiate DTV service to the entire Anchorage market. The Consortium’s most recent effort involved an

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attempt to purchase the site at Eagle's Nest, north of Anchorage. This plan failed due to the Consortium's inability to negotiate an acceptable purchase price with the land owner. Petitioners have now decided, with the support of the other members of the Consortium, to collocate their digital facilities at their co-owned NTSC site. **As** explained in the Joint Petition, digital operation from this site on petitioners' authorized UHF DTV channels will not allow the stations to provide the necessary full Anchorage television market coverage. Accordingly, petitioners have filed the Joint Petition.

As the Commission is aware, members of the Consortium have for the past several years worked tirelessly, cooperatively and constructively to respond to the Commission's urging that, as part of the Commission's national effort to speed the rollout of digital television service, television broadcasters cooperate in the development and implementation of digital spectrum allocation plans that serve the public interest. Nevertheless, the Consortium has encountered difficulties, both regulatory and contractual, in accomplishing its goal. Accordingly, now that an acceptable solution has been discovered for these stations, petitioners request that the Commission act promptly to ensure timely digital service to the Anchorage market.

Petitioners are committed to commencing digital broadcasts as quickly as is reasonably possible. While prompt grant of the Joint Petition is of utmost importance to both petitioners, it is of particular concern for Alaska Public Telecom due to the licensee's heavy reliance on public funding to help fund its conversion to digital operations. Moreover, Alaska Public Telecom has sought to construct its digital facilities in partnership with the Consortium's commercial members in order to conserve its limited resources. Such cooperative construction has been very important to **Alaska** Public Telecom's plan for an affordable digital conversion. When it appeared that the licensee would successfully be able to coordinate the construction of its digital

facilities with the other members of the Consortium, it was able to advance its construction plans by one year and to announce to its funding sources that it expected to commence digital broadcasts in May 2002. Due to the difficulties experienced by the Consortium in implementing its plan, however, Alaska Public Telecom now finds itself in the difficult position of explaining to its funding sources why it was unable to commence digital broadcasts a year ago and why it still cannot do so in the near future.

Alaska Public Telecom's individual and corporate donors contributed more than \$2 million to the KAKM digital campaign, and they are expecting the licensee to commence digital broadcasts without further delay. Moreover, Alaska Public Telecom receives funding from the State of Alaska. In a time in which state resources are severely stretched, there are those that question why **KAKM** accepted money more than two years ahead of its actual need. While the digital grant does not appear to be in jeopardy, future funding requests might be, and public television relies on a certain level of support from the state to continue providing service to the state.

Finally, Alaska Public Telecom notes that, as of March 2003, it will be out of compliance with its \$1,046,038 grant (\$701,073 federal match) from the National Telecommunications and Information Agency/Public Telecommunications Facility Program ("NTIA/PTFP") due to its failure to commence digital broadcasts. Alaska Public Telecom is in the process of negotiating an extension of the grant, but if such an extension is denied and the licensee cannot quickly begin digital broadcasting, it may not have enough funds to support a conversion.

Thus, with the failure of the Consortium's latest attempt to identify and acquire a site from which to collocate digital facilities, Alaska Public Telecom now seeks Commission consent

to the use of its existing NTSC site, which will permit it to avoid the expense of negotiating and acquiring an alternate site, while adequately serving the Anchorage community.

As a further demonstration of Alaska Public Telecom's commitment to digital broadcasting, the licensee notes that it has secured a \$4,200,000 grant (\$3,000,000 matching funds) from PBS to build a high definition television production center and is contributing \$1,200,000 from its own resources. The licensee has already begun this construction and within the next two years, will entirely convert the KAKM facility to digital. The licensee is replacing virtually all of its operations, studio, control rooms and associated infrastructure. It has invested in the high definition production of a program about Alaska bush pilots that will be ready for broadcast in May 2003 and which it intends to premier as its first high definition local offering. Clearly, Alaska Public Telecom is ready and able to make the transition; it is lacking only the transmission facility.

Similarly, Channel 2 Broadcasting notes that when it appeared that the purchase of the Eagle's Nest Site would likely be successful, it made plans for KTUU-DT to be on the air by mid-summer 2003. With this date in mind, Channel 2 Broadcasting commenced construction of a digital control room for KTUU-DT capable of creating high definition signals to be ready for digital broadcasting in mid-May. Upon completion of this control room, the licensee will have expended just under \$1 million for this aspect of its digital conversion. This expenditure is currently underway. Channel 2 Broadcasting very much wants to put this investment in its new digital control room, which is completely separate from the KTUU-TV control room, in service to the people of Anchorage. This is yet another example of petitioners' commitment to promptly commencing digital broadcasts.

For the foregoing reasons, petitioners request that the Commission act expeditiously to initiate a rule making and to implement the proposal set forth in the Joint Petition.

Respectfully submitted,

Channel 2 Broadcasting Company
Alaska Public Telecommunications, Inc.

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