

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Parts 73 and 74 of the)
Commission’s Rules to Establish Rules for) MB Docket No. 03-185
Digital Low Power Television, Television)
Translator, and Television Booster Stations and)
to Amend Rules for Digital Class A Television)
Stations)

**COMMENTS OF THE ASSOCIATION OF PUBLIC TELEVISION STATIONS
AND THE PUBLIC BROADCASTING SERVICE**

The Association of Public Television Stations (“APTS”) and the Public Broadcasting Service (“PBS”) (collectively, “Public Television”)¹ hereby submit comments in the above-captioned proceeding.

Public Television applauds the Commission’s recent adoption of a Notice of Proposed Rulemaking that seeks comment on how to upgrade the translator, low power and Class A service to digital operations² and looks forward to working with the Commission to resolve issues of critical importance to Public Television and rural Americans. In this regard, it is important that the Commission act swiftly to provide for

¹ APTS is a nonprofit organization whose members comprise the licensees of nearly all of the nation’s 357 CPB-qualified noncommercial educational television stations. APTS represents public television stations in legislative and policy matters before the Commission, Congress, and the Executive Branch and engages in planning and research activities on behalf of its members. PBS is a nonprofit membership organization of the licensees of the nation’s public television stations. PBS distributes national public television programming and provides other program-related services to the nation’s public television stations.

² Amendment of Parts 73 and 73 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, Notice of Proposed Rulemaking, FCC 03-198, MB Docket No, 03-185 (rel Aug. 29, 2003) (“NPRM”).

the licensing of digital translator and on-channel repeaters so that rural America is not left behind in the digital revolution transforming this country's media landscape. The Commission's Notice of Proposed Rulemaking is a significant step in the right direction. In particular, Public Television believes that, with limited modifications, the proposed application processing procedures are both fair and reasonable. Further, the Commission should allow for technological flexibility and licensee autonomy to address local programming and technical needs. Lastly, the Commission should act to protect the integrity of the existing analog translator service, while maintaining its secondary status, by encouraging mutually acceptable technical solutions prior to any request that an analog translator cease operations due to a higher priority use.

I. Swift Commission Action will Ensure the Distribution of Digital Broadcast Television Services to Rural Americans

Through its system of full-power transmitters and over 700 translators, public television provides services to 99 percent of television households in furtherance of its statutory mandate to provide universal service.³ In multiple prior filings, Public Television presented the Commission with evidence that without rules to facilitate the conversion of translators to digital operation, millions of rural Americans will likely not receive critical educational and public safety services over digital broadcast technology.⁴

³ 47 U.S.C. §§ 396(a)(5), (7).

⁴ See Association of Public Television Stations, Public Broadcasting Service and Corporation for Public Broadcasting, Petition for Rulemaking, Enhancement of Broadband Access Through the Preservation of Public Television Translator Service and the Development of Digital Translators and Digital On-Channel Repeaters (May 29, 2002); Comments of the Association of Public Television Stations, the Corporation for Public Broadcasting and the Public Broadcasting Service, RM-10666 (May 16, 2003); and Reply Comments of the Association of Public Television Stations, the Corporation for Public Broadcasting and the Public Broadcasting Service, RM-10666 (June 16, 2003).

If the Commission were to decline to establish digital translator operational rules in this proceeding, as some may suggest, rural Americans would unnecessarily be disadvantaged in the digital transition that is currently transforming this nation's media landscape. For instance a study conducted by the Corporation for Public Broadcasting in 1998 concluded that over 12 million Americans are served by public television translators.⁵ Of these, over 2 million Americans receive no other public television service.⁶

Indeed, the importance of translators to the delivery of local service is dramatically illustrated when one examines typical cases in the western states. A review of the FCC database reveals, for example, that of the over 700 public television translators in service nationwide, over 70 are located in rural Utah, repeating the signals of KUED, KULC and KBYU to communities that are otherwise unable to receive these signals. Similarly, Idaho Public Television reports that it operates five transmitters and 34 translators covering 80 percent of the state's population,⁷ while the public television stations in New Mexico operate over 50 translators to deliver noncommercial educational services to residents throughout that state. Moreover, although national figures are unavailable, numerous small cable systems in rural areas rely on the reception of

⁵ See Reply Comments of the Association of America's Public Television Stations, and the Public Broadcasting Service, Rural and Small Market Access to Local Television Broadcast Signals, Department of Commerce, National Telecommunications and Information Administration, Docket No. 000208032-0031-01 (May 15, 2000), citing Jerry Ostertag, *Analysis of Impact of Elimination of Translators*, Corporation for Public Broadcasting, September 18, 1998.

⁶ The Department of Commerce's National Telecommunications and Information Administration has informed us that it is conducting a study of the coverage of public television stations nationwide, including both full-power and translator coverage, a project that is expected to be completed by the Summer of 2004.

⁷ Reply Comments of Idaho Public Television, Rural and Small Market Access to Local Television Signals, National Telecommunications and Information Agency, Docket No. 000208032-0032-01, (May 15, 2000), p. 1.

television translator signals at their headends to provide service to their customers.⁸

Providing for the licensing of digital translators and on-channel repeaters would therefore ensure distribution of digital signals both to rural citizens who rely on over-the-air reception and to rural cable subscribers as well.

As the above figures make clear, it is vitally important that as the Commission guides the conversion of the analog broadcast infrastructure to digital, rural Americans not be ignored. As Public Television previously demonstrated, digital translators and on-channel repeaters are both a technically feasible and a spectrum efficient means of accomplishing this goal.⁹ To ensure the universal and fair distribution of digital services, the Commission should act swiftly to allow for the licensing of digital translators and on-channel repeaters.

II. With Limited Modifications, the Commission's Proposed Application Processing Policy is Both Fair and Reasonable

The Commission seeks comment on the process for accepting applications by LPTV and TV translators to operate digital facilities.¹⁰ The Commission proposes accepting applications from LPTV and TV translators that would like to make a “hot-

⁸ For instance, it has been reported that in Utah, “Cable companies use the translators to provide the Salt Lake City television stations to rural viewers. Therefore, if a translator goes off the air, the cable company can’t provide the station carried by the translator to its viewers.” Bill McClure, “Free Rural Television May Soon Be A Thing of the Past,” the Richfield Reaper (April 5, 2000), p. 1-A. “This system [of translators] not only fills the free airwaves, but also feeds local broadcasts to the cable systems, such as Peak Cablevision.” Martin Renzhofer, “Rural Utah May Lose Free Television Feed,” The Salt Lake Tribune (March 15, 2000),p. D1.

⁹ Association of Public Television Stations, Public Broadcasting Service and Corporation for Public Broadcasting, Petition for Rulemaking, Enhancement of Broadband Access Through the Preservation of Public Television Translator Service and the Development of Digital Translators and Digital On-Channel Repeaters, p. 13, *et. seq.* (May 29, 2002).

¹⁰ NPRM, ¶ 92 *et. seq.*

switch” to digital on their current analog channels as minor facilities changes, provided (a) there would be no channel change (except to accommodate displacement) and (b) the protected digital signal contour of the proposed facility would overlap some portion of the protected contour of the analog authorization.¹¹ These applications will be accepted on a first-come, first-served basis.¹² Applications received on the same day that have interference conflicts with other applications will be considered mutually exclusive and will be resolved through auctions (a procedure about which Public Television continues to have concerns for public television applicants).¹³ Applications by stations seeking replacement channels due to displacement would be accorded higher priority than new facilities applications or modified facilities applications.¹⁴

For stations that wish to apply for additional channels on which to operate a digital LPTV or TV translator station, the Commission proposes announcing a digital-only filing window without geographic limitations but limiting eligibility to existing translator, LPTV and Class A licensees.¹⁵ The Commission suggests that mutually exclusive applications should be resolved through auctions (again, a concern for Public Television) but seeks comment on whether the applications for digital channels are exempt from auctions pursuant to Section 309(j)(2)(B) of the Communications Act.¹⁶ If such applications are exempt, the Commission seeks comment on a method to decide

¹¹ NPRM ¶ 92.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ NPRM ¶ 93 et. seq.

¹⁶ NPRM ¶ 94.

among mutually exclusive LPTV and TV translator digital applications.¹⁷ After the initial window has closed, the Commission has proposed accepting applications by LPTV and TV translator stations for additional digital channels through “rolling one-day filing windows” without any applicant eligibility restrictions.¹⁸

Public Television understands the difficulty of managing the process for accepting and awarding thousands of low power and TV translator digital applications in a way that maximizes the public interest while preserving limited Commission resources. Public Television therefore supports the Commission’s proposed application processing procedures, with some minor requested alterations, as a reasonable and fair means to efficiently award such licenses in an expeditious manner. Public Television requests some additional and limited modifications to restrict spectrum speculation and to ensure that non-profits and small communities have access to these valuable digital services.

First, in order to limit spectrum speculation, the Commission should impose some reasonable geographic restrictions on the application process. In this regard, the Commission rightly points out that in the last LPTV and TV translator window, approximately 4700 applications were filed with approximately 3700 of these applications being mutually exclusive.¹⁹ One reason why there were so many mutual exclusivities was that, although the Commission had restricted applications within 75 miles of major cities, it accepted applications without any further geographic limitations. This resulted in chains of mutual exclusivity that reached across several state borders. To

¹⁷ NPRM ¶ 95.

¹⁸ NPRM ¶ 98.

¹⁹ NPRM, n. 169.

avoid this, the Commission should divide the application process for new digital channels into regional windows.

Second, the Commission could reduce the incidences of mutual exclusivities and discourage spectrum speculation by also limiting the number of applications for each filing window.²⁰ However, in so doing, the Commission should be aware that many state licensees of integrated and centrally programmed public television systems will need to apply for multiple TV translator stations within their state. The Commission should accommodate this need by limiting the number of *multi-state* applications for LPTV and TV translator stations by a single entity.

Third, Public Television notes its continuing objection to the use of auction procedures where applicants propose a noncommercial educational television service.²¹ The Commission has raised the question whether all LPTV and TV translator applications for additional digital channels are covered by the auction exemption provision at Section 309(j)(2)(B). That provision states that competitive bidding authority shall not apply to licenses or construction permits “for initial licenses or construction permits for digital television service given to existing terrestrial broadcast

²⁰ See NPRM ¶ 107.

²¹ See NPRM n. 156 and Reexamination of the Comparative Standards for Noncommercial Educational Applications, 18 FCC Rcd 6691 ¶¶ 15-18 (2003) (holding that the auction exemption extends only to LPTV and TV translator applications for which the proposed facilities would be owned and operated by municipalities that would transmit only educational programming). See also Comments of the Association of Public Television Stations, MM Docket 95-31 (May 15, 2002); Reply Comments of the Association of Public Television Stations, MM Docket 95-31 (June 17, 2002); and Ex Parte Supplemental Memorandum of the Association of Public Television Stations, MM Docket 95-31 (December 16, 2002).

licensees to replace their analog television service licenses.”²² Public Television supports Commission forbearance from using its auction procedures in this case and supports the Commission’s alternative approach, which would allow parties to resolve their mutual exclusivity through settlements and engineering solutions, subject to dismissal of all mutually exclusive applications if settlements are not made within a specified period of time.²³

On the whole, however, Public Television supports the Commission’s proposed application processing policy as both a fair and reasonable approach to initiating a digital rural service, but requests the inclusion of the above three modifications to greatly improve the proposed process. Public Television requests inclusion of: (1) geographic restrictions through a regional approach, (2) limitations on the number of multi-state applications, and (3) forbearance from use of auctions for digital translator and LPTV applications.

III. The Commission Should Allow for Technological Flexibility and Licensee Autonomy to Address Local Programming and Technical Needs

In its NPRM, the Commission seeks comment on a comprehensive range of programming and technical issues related to the operation of digital translators and digital boosters. In general, Public Television believes that the Commission should allow

²² 47 U.S.C. § 309(j)(2)(B). *But see* H.R. Conf. Rep. No. 217, 105th Cong., 1st Sess. 1997, at 573; 1997 U.S.C.C.A.N. 176, (“Any mutually exclusive applications received after June 30, 1997, shall be subject to the Commission’s rules regarding competitive bidding, including applications for secondary broadcast services such as low power television, television translators, and television booster stations.”)

²³ NPRM, ¶ 95.

licensees a degree of technological flexibility and autonomy to meet the programming and technical needs of their local communities.

Construction Period. The Commission has sought comment on the possibility of reducing the construction period for a digital LPTV or TV translator station from three years to two years.²⁴ Public Television urges the Commission to retain the three year period. First, many public television stations will be seeking federal funding assistance for digital translator and/or booster construction either through the Department of Commerce's Public Telecommunications Facilities Program or the Department of Agriculture's Rural Utilities Service Public Television Station Digital Transition Grant Program. Frequently, the time that it takes from the filing of the grant application to an award is nearly a year, while a successful capital campaign to provide matching funds may take another year. In addition, many noncommercial educational translators are operated by university licensees, which must operate under the unique timing of their own budget cycles, while other sources of matching funding may depend on the budget cycles of the various states. It is important, therefore, that the construction period be long enough to accommodate these unique circumstances.

Available Channels. Public Television supports the Commission's proposal that digital translators and digital LPTV stations be allowed to use channels 2 through 59 inclusive (except channel 37) for either on-channel conversion or for new digital operations, and that translator and LPTV operations on these channels be required to operate on a non-interfering basis to primary users and to protect earlier-authorized

²⁴ NPRM, ¶ 116.

secondary users.²⁵ The Commission also seeks comment on the possibility of allowing digital translator and LPTV stations to use channels 52 through 59 only if the applicant demonstrates that there are no in-core channels available.²⁶ In addition, the Commission seeks comment on a similar restriction for channels 60-69 with the additional proviso that only channels not allocated to public safety should be used.²⁷ The use of out-of-core channels is especially important to public television stations. For instance, PBS estimates that more than one-third (35 percent) of public television translators operate on channels 52 and above, and approximately 25 percent of public television translators operate on channels 60-69.²⁸ While licensees would prefer to use channels in the digital core for obvious reasons, in some circumstances use of out-of-core channels is necessary. Public Television requests that in such circumstances the Commission allow licensees the flexibility to seek channel assignments that have the technical features needed to serve their communities, without the requirement of demonstrating that no in-core channels are available.

Ancillary and Supplementary Services. The Commission seeks comment on whether it should extend its current rules concerning the provision of “ancillary and supplementary services” by digital television broadcast licensees to licensees of digital translators.²⁹ The Commission has recognized the value of these services when it authorized full power noncommercial education digital television stations to provide non-

²⁵ NPRM, ¶ 28.

²⁶ NPRM, ¶ 29.

²⁷ NPRM, ¶ 30.

²⁸ Comments of the Association of America’s Public Television Stations and the Public Broadcasting Service, MM Docket No. 87-268 (Nov. 22, 1996), p. 16.

²⁹ NPRM, ¶ 16.

broadcast ancillary and supplementary services to their communities provided that the entire DTV bit-stream is used “primarily” for a noncommercial, nonprofit, educational broadcast service.³⁰ For instance, some public television stations are planning to use their ancillary and supplementary transmission to enhance the delivery of broadband services to their communities. Ancillary and supplementary transmissions may also be used to disseminate financial stock exchange information, Congressional voting information, Statehouse voting records, election returns and weather updates to targeted subscribers. In addition, ancillary and supplementary transmissions can also be used to enhance public safety. Still other public television stations plan to use ancillary and supplementary transmissions to enhance educational opportunity in their communities. For instance, some stations plan on offering subscription-based college courses, while others plan to transmit non-broadcast digital interactive content overnight to schools so that teachers can download it on demand during the school day. In light of the Commission’s decision and the compelling nature of the public interest benefits such services provide, Public Television strongly supports the Commission’s proposal and requests that public television digital translators be afforded the same degree of flexibility as their “parent” stations providing ancillary and supplementary services.

³⁰ 47 C.F.R. § 621(i). See also Ancillary or Supplementary Use of Digital Television Capacity by Noncommercial Licensees, Report and Order, FCC 01-306, (rel. October 17, 2001) (“A&S NCE Order”). Thus, a “substantial majority” of a station’s entire digital capacity must be used for a noncommercial, nonprofit, educational purpose as measured on a weekly basis. A&S NCE Order, ¶¶ 15-16. On May 9, 2003, the U.S. Court of Appeals for the District of Columbia Circuit unanimously affirmed the FCC rules. The Court held that the Commission had reasonably interpreted federal law prohibiting the broadcast of advertisements by public television stations and that the FCC’s decision to allow public television stations to offer subscription services was neither arbitrary nor capricious in light of prior commission precedent, the high cost of digital technology and its greater flexibility. United Church of Christ v. FCC, 327 F.3d 1222 (D.C. Cir. 2003).

Regulatory Fees. The Commission seeks comment on whether LPTV and TV translators should be subject to the Commission’s application and regulatory fees.³¹ Unlike commercial broadcasters, noncommercial educational television stations are exempt from paying annual regulatory fees, which, pursuant to federal law do not apply to governmental entities or nonprofits.³² In addition, public television stations are exempt from paying application fees that commercial broadcasters must pay for license applications, renewals or construction permits.³³ The same application and regulatory fee exemptions should apply to noncommercial educational translators or boosters that repeat the main signal of a full-power exempt noncommercial educational station.

On-Channel Repeaters. The Commission also requests comment on the possibility of licensing “digital booster stations” that use the same input and output channels.³⁴ Public Television has previously presented the Commission with evidence that such digital booster stations are a technically feasible and spectrum efficient means of distributing a digital signal to remote areas within a station’s digital contour that are not ordinarily reached due to terrain or other factors.³⁵ Where boosters are designed to serve the same population as the main station with the same channel as the main station,

³¹ NPRM, ¶ 124.

³² See 47 C.F.R. § 1.1162(e) and 47 U.S.C. § 159(h)(1).

³³ 47 C.F.R. § 1.1114(c)(full power stations) and 47 C.F.R. § 1.1114(e)(2) (noncommercial educational translators) (“An applicant for a translator or low power television station that proposes a noncommercial educational service will be entitled to a refund of fees paid for the filing of the application when, after grant, it provides proof that it has received funding for the construction of the station through the National Telecommunications and Information Administration (NTIA) or other showings as required by the Commission.”).

³⁴ NPRM, ¶ 118 et. seq.

³⁵ Association of Public Television Stations, Public Broadcasting Service and Corporation for Public Broadcasting, Petition for Rulemaking, Enhancement of Broadband Access Through the Preservation of Public Television Translator Service and the Development of Digital Translators and Digital On-Channel Repeaters, p. 13, et. seq. (May 29, 2002).

Public Television suggests that the Commission grant the same degree of interference protection to the booster. The booster, in other words, should be considered merely an extension of the main signal through alternative technological means. Boosters may also be an effective means of providing service beyond a main station's DTV contour. In such cases, the usual rules for interference protection that apply to a secondary service should apply.

Other Technical Issues. In addition, Public Television requests a limited number of policies concerning the technical operation of digital translators. First, to ensure that licensees have the technological flexibility to meet local needs, digital translators should be permitted to use the same input signal delivery techniques as they do presently, including but not limited to the signal of a full-power broadcast station, a booster, another translator or translator relay (digital or analog), a microwave relay link or a fiber optic circuit.³⁶

Second, the Commission seeks comment on whether digital translators should be authorized to use either a heterodyne frequency conversion mode, a regenerative digital mode or whether broadcasters should be able to choose their mode of transmission based on individual circumstances.³⁷ The Commission notes that while a heterodyne digital translator is less complex and therefore less costly, a regenerative digital translator is particularly useful for multi-hop translator networks.³⁸ While on one hand public television stations are sensitive to the issue of cost and prefer the most efficient and least costly equipment consistent with their universal distribution mission due to limitations on

³⁶ See NPRM, ¶ 17.

³⁷ NPRM, ¶ 14.

³⁸ Id.

their financial resources, many public television stations in the West operate multi-hop translator networks to reach remote or difficult-to-access populations. Public Television therefore believes that it is most reasonable for the Commission to allow broadcasters to choose the mode of transmission based on the compelling nature of individual circumstances that a local broadcaster is best situated to assess.

Third, when predicting interference protection,³⁹ the Commission should, where possible, use the Longley-Rice method of predicting signal propagation. The Longley-Rice method takes detailed topographic terrain information into account and not only more accurately determines the expected coverage area but also provides a more accurate estimate of potential interference to, and from, translators. In addition, because the frequency offset rules were designed to address the reception of high-powered signals, digital TV translator stations should not be required to operate with a frequency offset where an NTSC signal is on the lower adjacent channel to the digital LPTV or translator in the same area.⁴⁰

Fourth, regarding the use of out-of-channel emission masks,⁴¹ Public Television notes that the nature of translators is to operate a relatively low power levels compared to full-power stations. Thus it would be reasonable to believe that less attenuation of out-of-band emissions would be acceptable for low power facilities if scaled according to power level. While a continuous scale may be too cumbersome to implement, it should not be difficult to establish multiple out-of-band emission masks for digital translator effective radiated power levels of, for example, 1-10 watts, 10-100 watts, 100-1,000

³⁹ See NPRM ¶ 41 et. seq.

⁴⁰ NPRM ¶ 57.

⁴¹ NPRM ¶ 64.

watts, and 1,000-10,000 watts, while employing the standard emission masks for power levels above 10,000 watts.

Fifth, in order to enhance flexibility and responsiveness to local circumstances, Public Television agrees with the Commission that local interference agreements freely entered into among digital LPTV and TV translator stations and other primary services should be allowed to supercede any interference protection standards adopted by the Commission.⁴² For the same reasons, the Commission should allow the use of co-located adjacent channels either on a waiver basis or pursuant to a written agreement among all affected parties.⁴³

Sixth, Public Television believes that because it is difficult to insert customized station identification into any configuration of a DTV translator, there should be no requirement for the translator to transmit a unique identification code.⁴⁴ Should there be a need to identify the digital translator, the output signal contains adequate information about the input signal station identification within the DTV signal itself on a continuous basis. Alternatively, however, if the Commission were to require a unique station for a digital translator, such a requirement should be limited only to those translators with an ERP of 10,000 watts or more in order to be sensitive to the costs that such a requirement would impose.

Lastly, because many translators are located at remote locations, such as mountain tops or terrain that is difficult to access (especially during winter), Public Television

⁴² NPRM ¶ 50.

⁴³ NPRM ¶ 54.

⁴⁴ NPRM ¶ 85, et. seq.

agrees that the Commission should apply its current analog rules to the digital translator service for unattended operation.⁴⁵

IV. The Commission Should Act to Protect the Integrity of the Analog Translator Service while Maintaining its Secondary Status

The Commission seeks comment on actions it might take to preserve the analog service provided by LPTV and TV translator stations.⁴⁶ Public Television requests that the Commission act to protect the integrity of the existing analog translator service while maintaining its secondary status.

Because television translators are a secondary service, they must protect other stations, including both full-power and low-power Class A stations from interference.⁴⁷ Even if a translator station provides the only public television signal to a community, it must accommodate the needs of neighboring full-power stations and some low-power stations by seeking a replacement channel in increasingly congested spectrum or go off the air. In addition, the Commission has held that because a translator station operates as a secondary service it must vacate the spectrum at channels 60-69 at the end of the DTV transition in its market.⁴⁸ Although the Commission has recently ruled that a translator may continue to operate at channels 52-59 even after the end of the DTV transition in its market, the Commission has made it clear that a translator continues to be secondary to other services and that it must not cause actual interference to either DTV stations or

⁴⁵ NPRM, ¶ 84.

⁴⁶ NPRM, ¶ 105 et. seq.

⁴⁷ See 47 C.F.R. § 74.703 et seq.

⁴⁸ Reallocation of Television Channels 60-69, the 746-806 MHz Band, ET Docket No. 97-157, Report and Order, ¶¶ 25, 29 (January 6, 1998); Reallocation of Television Channels 60-69, the 746-806 MHz Band, Memorandum Opinion and Order, FCC 98-261, ET Docket No. 97-157, ¶ 13 (rel. Oct. 9, 1998). See also <http://www.fcc.gov/oet/faqs/dtv-tvtx.html>.

licensees for new services.⁴⁹ Consequentially, when new services are introduced at channels 60-69 and later at 52-59, translators must re-engineer into channels 2-51 under the constant threat of eviction.

Recognizing the plight of these essential television translator services, the Commission has created some limited relief in its Sixth Report and Order in the Advanced Television proceeding.⁵⁰ For instance, the Commission allows a displaced translator station to apply on a first-come first-served basis for a suitable replacement channel in the same geographic area without being subject to competing applications and without having to wait for a filing window.⁵¹ The Commission has also relaxed certain technical requirements pertaining to interference standards and taboo restrictions.⁵²

While the Commission's displacement policies are helpful to a certain extent, in many situations, the engineering and planning required to successfully file displacement applications and construct in accordance with any resulting construction permit are too costly for noncommercial educational licensees and the rural communities they serve. Although Public Television emphasizes that it does not advocate any change to the secondary status accorded television translators, it submits that the Commission can do much more to encourage mutually acceptable technical solutions prior to any request that a translator cease operations due to a higher priority use.

⁴⁹ Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), Report & Order, FCC 01-364, ¶¶24-30. (rel. January 18, 2002). The Commission also allowed translator licensees to negotiate interference agreements with new service providers. *Id.* at ¶ 27.

⁵⁰ See Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Sixth Report & Order, FCC 97-115, MM Docket No. 87-268, ¶ 141 et. seq. (April 21, 1997).

⁵¹ *Id.* at ¶144.

⁵² *Id.* at ¶145. See also NPRM, ¶ 105.

In this regard, Public Television respectfully requests that the Commission should facilitate the relocation of analog translators to their communities by continuing to process displacement applications at any time and quickly. In addition to the displacement relief that the Commission already has in place, Public Television proposes that the Commission should encourage all new entrants to cooperate and work with existing analog translators to accommodate them, if possible, in finding technical solutions prior to requesting that the translator cease operations.⁵³ Examples of such technical solutions include, but are not limited to, the use of directional antennas and limits on power and/or antenna height.⁵⁴ In this regard, significant technical advances have been made that will achieve major spectrum efficiencies to provide the spectrum needed for and during the transition to nationwide digital television.⁵⁵

⁵³ See Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Memorandum Opinion & Order on Reconsideration of the Sixth Report & Order, FCC 98-24, ¶ 107 (rel. Feb. 23, 1998).

⁵⁴ See Id. at ¶ 77.

⁵⁵ Examples of such technical advances include those in interference prediction, digital television allocation criteria (e.g., FCC OET Bulletin #69), favorable power ratios and interference protection, adjacent channel operation, directional transmitting antennas, and the potential relaxation of UHF "taboos" (as a result of recent tests of DTV and analog television receivers).

Conclusion

For the above reasons, Public Television urges the Commission to act swiftly to authorize the licensing and operation of digital translators and on-channel repeaters in rural areas and to protect the integrity of the existing analog service while maintaining its secondary status.

Respectfully submitted,

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