

**Before the**

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

In the Matter of Amendment of Parts 73 and ) MB Docket No. 03-185  
74 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 )

**COMMENTS OF ANNAPOLIS BROADCASTING COMPANY, INC.**

Annapolis Broadcasting Company, Inc., (KMB), licensee of LPTV stations W61BY and W63BP in Annapolis, Maryland, hereby submits its comments in the above-referenced proceeding

**I. Summary of Comments**

The FCC has issued its NPRM at a critical juncture in the history of the LPTV industry, whose very future is in doubt for numerous reasons. The access to capital specifically envisioned by Congress when it passed the Community Broadcasters Protection Act in 1999, which established the Class A status for LPTV stations, turned out to be wishful thinking and has never materialized. Spectrum remains scarce for displaced stations. Programming sources are dwindling, some disappearing overnight, with little or no replacement programming sources appearing to replace them. While the industry approaches a crossroads for survival, the Commission acknowledges in the NPRM that LPTV stations have a unique position in terms of serving the public interest: "Many LPTV stations serve as the only local television station and source of local TV news and public affairs programming to their communities." The LPTV industry deserves the chance to continue to serve the public interest as a robust service, not one whose existence hangs in the balance. Consequently, the FCC has a unique and historic opportunity to serve the public interest by both meeting its stated goal of the furtherance of the transition to digital television as well as promulgate rules that will guarantee the continued

existence of the LPTV service. While KMB acknowledges the importance of the transition to digital television, KMB feels strongly that the FCC must use the LPTV digital conversion rules to provide the groundwork for the stabilization of the current LPTV industry. The FCC must provide a solid basis for the existence of current LPTV stations before it provides a framework for expansion of the existing service. This framework is permanent status, not Class A status, for all LPTV stations that make the investment to further important FCC policy and convert to digital transmission. LPTV's contribution overall to the digital conversion will be minimal without permanent status, given the status of the conversion by full power stations already almost completed; however, the FCC's influence on the future of the LPTV industry can be profound, with the proper regulatory assistance.

This permanent status has been envisioned by legislation and the FCC previously. The FCC established a pilot project for the conversion of LPTV stations to digital service on the instruction of Congress in legislation known as the LPTV Pilot Project Digital Data Services Act (DDSA). Successful completion of the pilot program would have led to completely permanent (not Class A) status for those LPTV stations providing digital interactive services and access to the Internet. The same type of protection for digital LPTV stations must be afforded here.

In the initial phase of the LPTV conversion, the FCC must permit only on-channel conversion, and should not award a second channel to LPTV operators, particularly if the conversion will not result in a permanent license. Allowing current operators to have two channels when most can barely manage one will do nothing to assist the development of the industry. And surely, opening up new channels for application by any new party after incumbents have been afforded the opportunity to apply will have a devastating effect on existing operators by exacerbating current frequency scarcity and rewarding newcomers when it is existing operators that are in dire need of regulatory assistance to ensure the future of the industry.

The FCC's rules for digital conversion should establish completely voluntary options for LPTV stations to convert except where otherwise required by statute to do so, particularly

with respect to the time for conversion. Under no circumstances should existing analog LPTV operators be forced by the FCC to convert to digital at any time in the future, as such conversion is not mandated by statute. There should be no deadline established for conversion, and the marketplace should determine when LPTV operators should convert. Also, all renewed analog LPTV licenses should be for the full license period and not be truncated to a shorter date in anticipation of a digital conversion requirement that may not happen for years.

The foregoing premises considered, the Annapolis Broadcasting Company, Inc., respectfully requests the Commission incorporate its comments into rules adopted in this proceeding.

Respectfully Submitted,

ANNAPOLIS BROADCASTING COMPANY, INC.

By: \_\_\_\_\_  
Robert E. Kelly, President

Dated: November 17, 2003