

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the matter of:

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

**REPLY COMMENTS OF KUED-TV and KULC-TV IN  
SUPPORT OF THE ASSOCIATION FOR PUBLIC TELEVISION  
STATIONS FILED COMMENTS**

KUED-TV and KULC-TV, non-commercial CPB-Qualified Television Stations serving all of the State of Utah and portions of five other states, support the recently filed Comments from the Association for Public Television Stations (APTS). We are providing the following additional information:

**HISTORY:**

KUED-TV and KULC-TV have been leaders in providing television to Utah's rural populace, via television translator stations, since 1957. Approximately 130 of the total 600 translators in the State of Utah are licensed to or carry the analog signals of KUED-TV and KULC-TV.

The FCC has accepted public comments for FCC document RM-10666, which requests the Commission to establish a Rural Translator Service. We understand the FCC has completed both the Public Comment Period and the Reply Comment Period for this National Translator Association request. We also understand that out of 46 public responses, only two were actually negative.

The acceptance of RM-10666 would exempt translator applicants from auction and allow them to file for new stations, including digital, on a daily basis. This is absolutely necessary if rural viewers are to maintain their television service during the digital conversion.

CPB-qualified noncommercial educational programming is greatly appreciated in rural areas, and the constant delays of filing windows have definitely impeded this service. In the past, local governmental groups and non-profit organizations throughout Utah have relied on State and Federal grants to help provide PBS programming and educational

services to public television viewers and students. Rural viewers deserve the full compliment of the 8VSB technology, which includes High Definition, Multi-programming and Ancillary Data Services. KUED-TV and KULC-TV provide weekday Instructional Services Programming to Utah's K-12 students. Both stations have recently performed PBS Pilot Programs in which we have used our digital signals to send data and video "packets" to schools in our test areas. The feedback from teachers and students in these schools has been very positive – the material is readily available and is easily used for class instruction. However, at the present, only those schools in urban areas covered by the digital signals from our primary transmitters can benefit from our digital services.

The configuration of geographic terrain in Utah allows our main transmitters for KUED-TV and KULC-TV located east of Salt Lake City, to reach only those urban areas in Utah along the "Wasatch Front" – from Brigham City in the North to Spanish Fork in the South Central part of the state. While the digital transmitter can, and does cover limited areas west of its location into Tooele County, the mountainous terrain throughout the rest of the state prohibits the DTV transmissions from reaching much of the state. More than 22% of the State of Utah requires the use of translators for our viewers, students and educators to receive our digital services. Those counties include: Cache, Rich, Morgan, Summit, Daggett, Wasatch, Duchesne, Uintah, Juab, Sanpete, Carbon, Millard, Sevier, Emery, Grand, Beaver, Piute, Wayne, Iron, Garfield, Kane and San Juan and parts of Box Elder and Tooele. Some of these counties, such as San Juan have significant minority populations. San Juan's Native American population represents almost 40% of the population.

We have shared our concerns with members of our congressional delegation – Senator Orrin Hatch, Senator Robert Bennett, and Representative Jim Matheson. All of these members of Congress agree with our desire to continue to provide free over-the-air television and our related digital services to Utah's rural populations.

Former Utah Governor, Michael O. Leavitt, also addressed this issue in letters to the FCC on January 16, 2003 and September 26, 2003. (See Exhibit 1 and Exhibit 2, attached.)

To ensure the universal and fair distribution of digital services, the Commission should act swiftly to allow for the licensing of digital translators and, where appropriate, on-channel repeaters in addition to the existing analog translators. KUED-TV and KULC-TV support the proposal to allow for rolling "translator only" application windows based on region and state. KUED-TV and KULC-TV have not been successful in applying for needed translator channels because of wide-spread speculation by "out of state" entities. In this regard, KUED-TV and KULC-TV support the policy suggestion by APTS that the Commission should (a) impose some reasonable geographic restrictions on the application process for second channels, and (b) limit the number of *multi-state* applications by LPTV and TV translator stations by a single entity.

KUED-TV and KULC-TV also support the proposal that channels 52 through 59 remain available for translator use in frequency-congested areas.

KUED-TV and KULC-TV urge the Commission 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 translator service while maintaining its secondary status.

Respectfully Submitted,

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## **Exhibit 1**



STATE OF UTAH  
OFFICE OF THE GOVERNOR  
SALT LAKE CITY  
84114-0601

MICHAEL O. LEAVITT  
GOVERNOR

OLENE S. WALKER  
LIEUTENANT GOVERNOR

September 26, 2003

Mr. Ken Feree  
Chief of the Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, DC 20554

Dear Mr. Feree,

I am writing as a follow-up to my January 13, 2003 letter (copy attached) to Barbara Kreisman regarding the future of translator service in rural Utah. I have not received a response to this earlier letter. As this is a significant issue in our state, I am reiterating the necessity of prompt action.

Several events have taken place since my January 13<sup>th</sup> letter, which will be helpful as you move this process forward. They include:

1. The FCC has accepted public comments for FCC document RM-10666, which requests the Commission to establish a Rural Translator Service. I understand the FCC has completed both the Public Comment Period and the Reply Comment Period for this National Translator Association request. I also understand that out of a total of 57 public responses, only three were negative. Thus, it would appear that the process for developing and implementing the resulting rules should be able to move forward expeditiously. The acceptance of the NTA request (RM-10666) will exempt the translator applicants from auction and allow them to file for new stations, including digital, on a daily basis, which is absolutely necessary if rural viewers are to maintain their service **during** the digital conversion.
2. Our local technicians have proven the new digital television translator technology is available and dependable and can provide HDTV television service to our rural citizens. This has been accomplished through authority from the FCC and some very helpful support from major equipment manufacturers. We now have five experimental digital signals serving the Sevier Valley area of Utah. This is a result of two and a half years of effort proving we can deliver very high quality and dependable DTV pictures for our rural viewers.

An unexpected positive outcome of this experimental effort is the ability to now transmit three 8VSB digital stations on one microwave transmitter/receiver instead of the previous ability to only broadcast one station on a standard FM microwave. This new concept can also include high definition and ancillary data in the bandwidth formally required for one TV broadcast station. However, we need the permanent digital translator rules in order to fully utilize this new service.

3. Utah has reviewed both of its existing statewide microwave and TV translator master plans and confirms they are current and will facilitate the conversion to digital services. But we are not able to implement these plans as we are still waiting for the necessary FCC rules. **Also, potential funding sources are not able to provide funding help without the assurance that the required FCC authorizations will be available when needed.**

4. We are pleased the Commission has responded favorably to a newly adopted Notice of Proposed Rule Making regarding rules, policies, and procedures for digital station operations for LPTV, TV translators, and TV booster stations in their meeting on August 6, 2003; however, we are fearful this will consume an extended amount of time.

I understand the current target date for the end of analog services is 2006. Based on this schedule, we need a minimum of two years lead-time to complete the transition to digital services for our rural citizens. **So the rules need to be available to the translator services by the spring of 2004 in order to not deprive our rural users of their local broadcast television stations.** This schedule will insure they will be able to participate in the transition to digital and high definition multi-streaming services and will open the door for additional data based services. This will also insure that the rural cable companies, who depend on translator feeds for their input signals, will have access to the new digital signals for their distribution systems.

Reiterating my final paragraph from the January 13<sup>th</sup> letter: Rural communities should be given the opportunity to move forward with technological innovation and the prosperity it brings, or they will be left behind. I urge the FCC to not delay but to act on behalf of rural Utahans and rural Americans.

I respectfully request a response from you indicating your schedule for resolution and confirming that our target date of spring of 2004 for these rules will be achieved.

Respectfully,



Michael O. Leavitt  
Governor, State of Utah

cc: Michael K. Powell – Chair of FCC  
Kathleen O. Abernathy – Commissioner  
Michael J. Copps – Commissioner  
Kevin J. Martin – Commissioner  
Jonathon S. Adelstein – Commissioner  
Barbara Kreisman – Chief of Video Services Division, Mass Media Bureau  
Keith Larsen  
Hossein Hashemzadeh  
Byron St. Clair – President of National Translator Association  
Kent Parsons  
Laura Hunter  
Larry Smith  
Michael Petersen

## Exhibit 2



MICHAEL O. LEAVITT  
GOVERNOR

STATE OF UTAH  
OFFICE OF THE GOVERNOR  
SALT LAKE CITY  
84114-0601

OLENE S. WALKER  
LIEUTENANT GOVERNOR

January 13, 2003

Federal Communications Commission  
Atten: Barbara Kreisman  
Chief of the Video Division  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

Dear Ms. Kreisman:

The FCC has a very important role to play with regard to translator stations in Utah and other parts of the West and its actions will have either a supportive or disruptive influence.

Television viewing, especially in rural areas, must not be interrupted either as a result of the transition to digital television or by efforts to clear those channels for new entrants. I am writing to urge the FCC to work with us to solve this pressing problem by rapidly creating simple and separate rules and regulations that expedite and permit translator stations to upgrade their existing infrastructure to handle digital TV transmission. The FCC should give top priority authorization to translator stations that have the capability and funding to quickly convert their facilities. This approach would also permit the FCC to reasonably manage translator applications that are received from those only serious enough to invest in the necessary modifications.

Without these changes, Utah's entire translator infrastructure is at risk. Our experts have said that some translators undoubtedly will be evicted from their analog spectrum since the FCC currently considers them to be a "secondary" instead of "primary service." This will lead to costly reengineering as they are "bumped" from their existing channels. In response, it is likely that some communities will become frustrated with these costly delays and "relocations" and cease operations of their translators entirely. Because of its rugged topography, Utah in the 1950s, put into place a network of translator stations each dependent upon one another in a "chain" to bring analog broadcast viewing to the rural areas of our state. If one or more translators cease operation for any reason, other communities who depend on the translator network for access to the major broadcast networks could find themselves "in the dark."

How disruptive could this be to rural America? 1.5 million people, according to a National Translator Association study, have access to CBS, NBC and ABC only through

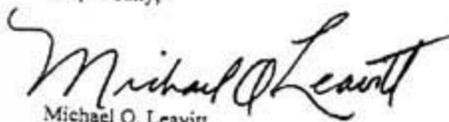
the existence of translator stations. The same is true for 2.3 million viewers of PBS and 2.1 million viewers of FOX.

Disruption of the translator network in Utah not only endangers existing analog broadcasts from the Salt Lake urban area, but also dims the hope of future access to digital and high definition television. Even the possibility of future "broadband-like" download services that could be delivered to the PC via a TV tuner would become a distant dream if the translator network were disrupted. Finally, local cable businesses would also be negatively affected since many of them rely on the translator network for their transmissions.

If the FCC fails to act soon, this inaction will have a long-term irreversible and disproportionate impact on our state. Of the 700 translator stations in the United States, 10% are within Utah and an additional 5% are in Idaho, our northern neighbor.

Rural communities should be given the opportunity to move forward with technological innovation and the prosperity it brings, or they will be left behind. I urge the FCC to not delay but to act on behalf of rural Utahans and rural Americans.

Respectfully,



Michael O. Leavitt  
Governor, State of Utah

Cc:  
Michael Powell  
Keith Larsen  
Hossein Hashemzadeh  
Senator Orrin Hatch  
Senator Robert Bennett  
Representative Chris Cannon  
Representative Jim Matheson  
Representative Rob Bishop