ASSOCIATION FOR **MAXIMUM SERVICE TELEVISION, INC.**

MSTV

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February 9, 2004

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

RE: Ex Parte Filing
Second DTV Biennial Review
MB Docket No. 03-15

Dear Ms. Dortch:

We were informed that the attached report entitled "Reaching the Audience: An Analysis of Digital Broadcast Power and Coverage," was somehow not placed in the FCC's record when it was originally filed with our letter dated October 30, 2003. Please submit the letter on the attached report into the FCC record for MB 03-15.

Sincerely,

David L. Donovan
President

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4100 Wisconsin Avenue, NW
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October 30, 2003

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

RE: *Ex Parte* Filing
Second DTV Biennial Review
MB Docket No. 03-15

Dear Ms. Dortch:

On October 23, 2003, MSTV released the results of a study titled "*Reaching the Audience: An Analysis of Digital Television Broadcast Power and Coverage,*" conducted by the BIA Financial Network. The study addresses the concern that television broadcasters are not operating DTV facilities with sufficient power to cover their market. Overall, the study concluded that:

> "The number and actual reach of DTV signals available today appears to be substantial and should be sufficient to stimulate the marketplace for over-the-air DTV receivers. A vast majority of the U.S. population has access to multiple DTV facilities at the present time. Given the reach of many of the DTV facilities and the fact that the most popular stations are reaching their replication areas, the viewing public has many choices of DTV stations to select. Clearly, the local over-the-air television stations have invested in and continue to operate enough DTV facilities to 'jump start' the digital transition."

The report examined the authorized power levels of 1000 DTV stations that were operational on September 3, 2003. This includes facilities operating pursuant to a construction permit, license or special temporary authorization. Using the same coverage methodology employed by the FCC, the report looked at the current total population covered by these facilities. The report then compared this current population coverage with a station's initial population coverage area contained in the original DTV table of assignments. Some of the highlights of that analysis include:

- Nearly three-quarters (73.7%) of U.S. television households are in markets where there are at least six over-the-air DTV facilities.

(over)

- More than ninety percent (92.7%) of the replication area populations of DTV stations on the air are presently being served by existing facilities.

- At current power levels, over 70 million U.S. DTV households are *reached* by six or more over-the-air DTV signals, 49 million U.S. TV households are *reached* by nine or more off-air DTV signals, and 30 million U.S. TV households are *reached* by 12 or more over-the-air digital signals.

- The most popular television stations have operational DTV facilities that serve most, if not all, of their replication areas. The weighted average audience market share for those stations is 81.6% of all viewing to local broadcast stations.

MSTV believes these are significant findings. They demonstrate that over-the-air television broadcasters are meeting their obligations by not only constructing digital facilities, but also operating them in a manner that will accelerate the digital transition.

The report's conclusions will have a direct impact on many of the issues confronting the Commission as it proceeds with the DTV Biennial Review. Accordingly, we are filing this report in the above referenced docket.

Sincerely,

David L. Donovan
President

CC: The Honorable Michael Powell
The Honorable Kevin Martin
The Honorable Michael Copps
The Honorable Kathleen Abernathy
The Honorable Jonathan Adelstein
W. Kenneth Ferree,Chief, Media Bureau