



May 18, 2004

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

Re: Written *Ex Parte* Submission in MB Docket No. 03-15

Dear Ms. Dortch:

In the above captioned docket, the Commission has sought comment on the appropriate timing of its channel election, replication and maximization requirements. Public Television agrees that all television broadcasters – public and commercial—with two in-core channels should elect which channel they wish to retain by May 1, 2005 with appropriate extensions of this deadline where the station has obtained an extension of time to construct digital facilities due to circumstances beyond the licensee’s control. Thereafter, by the end of the transition in each market, but no earlier, all television broadcasters should be required to both replicate and maximize the DTV coverage area of their final channel or lose interference protection to the unreplicated and unmaximized portions of that DTV coverage area.

Public Television believes that any rational build-out plan will allow television broadcast stations a reasonable amount of time to consider the propagation patterns, costs and other factors associated with each of their dual channels so that broadcasters will be able to make an informed choice of which channel to retain, *prior* to the time that any replication or maximization requirement takes effect. This will ensure that a broadcaster will not be forced to invest in replicated or maximized facilities for allocations that might be returned to the Commission, which would entail an unnecessarily wasteful investment of private and public capital that public television stations – and the governmental and community funding sources upon which they rely – can ill afford. In addition, if the Commission were to require broadcasters to replicate and/or maximize prior to the channel election deadline, the Commission and other broadcasters in each market (and adjacent markets) would be faced with the technically difficult issue of how to “carry over” the replicated and maximized facilities to the final channel without interference to

other operations. This would enmesh the Commission in an excessively large number of interference disputes as it attempts to construct a final DTV Table of Allotments.¹

To illustrate the financial burden that a replication requirement would impose, the Commission should consider the case of KCTS, Seattle. Its DTV channel 41 operates at 427 kW. If required to replicate the analog service area prior to transition, it would have to operate at 1,000 kW, which would require it to spend an additional \$500,000-\$700,000 on supplemental transmitter equipment. However, KCTS is planning to convert its analog Channel 9 to digital at the point of transition, and this will require a similar equipment investment. This public broadcaster would therefore have to spend \$500,000-\$700,000 on equipment that would be used for a very short period of time and no longer needed after transition, with an additional equivalent amount required to convert the analog channel to digital operation.

For these reasons, Public Television supports Commission rules that do not penalize a station for not replicating or maximizing its service area prior to the end of the transition where its final channel will be different than its current DTV allocation. Alternatively, and for the same reasons, Public Television would support requiring replication or maximization only *after* the deadline for a final channel election has passed.

Respectfully submitted,

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¹ The Commission has also sought comment on how its replication and maximization requirements would apply to stations with out-of-core DTV assignments and whether its replication and maximization requirements should be different for this class of stations as compared to stations with DTV channels within the core. For similar reasons, Public Television believes that stations with out-of-core channels should not be required to replicate or maximize on the out-of-core channels.

/s/ Katherine Lauderdale

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