Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Unlicensed Operation in the TV Broadcast Bands	)	**ET Docket No. 04-186**
	)	
Additional Spectrum for Unlicensed devices Below 900 MHz and in the 3 GHz Band	)	**ET Docket No. 02-380**

To: The Secretary, for forwarding to Chief, Media Bureau

COMMENTS OF COMMERCIAL BROADCASTING CORP.

Commercial Broadcasting Corp. submits these Comments in response to the Commission's Notice of Proposed Rule Making ("NPRM"), FCC 04-113, released May 25, 2004.

Commercial Broadcasting Corp. owns stations WPHA-CA Philadelphia, WRAP-CA Cleveland, WIRE-CA Atlanta, KBOP-CA San Diego and KSEX-LP Dallas. The Commission's Notice of Proposed Rule Making, FCC 04-113, released May 25, 2004 seeks to allow unlicensed networking and internet devices to operate on "unused" broadcast channels. The definition of "unused" broadcast channels in FCC 04-113 includes the area within the Grade B contour of both Class A and LPTV stations. Commercial Broadcasting Corp's stations are all within top 25 markets and while the population outside the Grade A contour of a comparable station in a rural market may be of minor concern because of population density; the population within the Grade B contour in a top 25 market may be as high as 50% of the viewing public.

For example, WPHA-CA Philadelphia presently has a Grade A population of 2,052,000 while it's combined Grade A & B population is 2,841,000. In this instance Station WPHA-CA's Grade B coverage area contains over 38 percent of the total potential viewing audience! KSEX-

LP has a Grade A population of 2,368,000 while it's combined Grade A & B population is 4,010,000. In this instance Station KSEX-LP's Grade B coverage area contains 41 percent of the total potential viewing audience!

In addition both Class A and LPTV stations were never granted "must carry" status in the top 160 markets. That, combined with continual roadblocks and constantly unaffordable rates quoted for carriage by the local cable and satellite systems means almost all Class A and LPTV stations have no cable coverage whatsoever and thus depend ***exclusively*** on their broadcast signal to reach our viewers. Obviously the potential loss of up to 45% of our station's audience would not only be a potentially crippling blow to our company's profitability but may very well jeopardize our Class A and LPTV station's economic viability and survival. I firmly believe enactment of FCC 04-113 as proposed would be in direct conflict of both Class A and LPTV's mandate as free over the air broadcast stations to serve the best interests of the public and may also be in violation of laws established to protect small businesses.

Class A and LPTV stations must be protected from any interference of any kind whatsoever up to and including the station's presently granted Grade B coverage area. We have no cable or satellite coverage and depend solely and exclusively on our broadcast signal's ability to reach our viewing public. The difference is plainly obvious if we lose our Grade B protection; the loss of up to 41% of our audience with the consequent loss of our broadcast company's economic viability.

Respectfully submitted,

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