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Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
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	)	
Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television	)	MB Docket No. 03-15
	)	
	)	RM 9832
	)	
	)	
	)	

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To: Office of Secretary
Attention: The Commissioners

PETITION FOR CLARIFICATION

Cox Broadcasting, Inc. ("Cox"), and The Liberty Corporation, ("Liberty"), by their attorneys, hereby petition for clarification of several specific issues set forth in the Commission's above-referenced Report and Order in MB Docket No. 03-15 (the "*Order*"). Cox and Liberty respectfully request that the Commission clarify five points regarding the channel election procedures.

I. THE COMMISSION SHOULD CLARIFY THAT A STATION ELECTING ITS IN-CORE NTSC CHANNEL MAY SPECIFY EITHER ITS NTSC OR DTV SERVICE AREA FOR PROTECTION PURPOSES.

The *Order* allows stations that currently have two in-core allotments the option of electing to operate their future DTV facilities on either of these allotted channels. The *Order* further provides that in its Step 3 interference conflict analysis, the Commission will analyze the extent to which DTV operations on the elected channel may cause interference to the service populations of other licensees' elected channels, based on those licensees' authorized replication or maximization facilities, as certified. In this analysis, a licensee may receive protection on its elected channel to the extent of its authorized replication or maximization service area. Cox and

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Liberty request that the Commission clarify that a licensee electing its in-core NTSC channel will have the option of selecting and receiving interference protection for the service area covered by either its NTSC or DTV antenna pattern. In this manner, stations would be best positioned to minimize stranded costs associated with discarding paired antennas. Stations also could minimize amounts of fallow spectrum and optimize spectrum usage.

II. THE COMMISSION SHOULD CLARIFY THE INTERFERENCE STANDARD APPLICABLE AFTER ADOPTION OF THE FINAL TABLE.

The Commission's current *de minimis* interference standard for DTV applications and allotment changes is specified in Section 73.623(c)(2) of the Commission's Rules.[1] This section provides that an application or a request for modification of an allotment must result in no more than an additional 2 percent interference to any other station. In the *Order*, it appears that the Commission anticipates modifying this standard in the future. In footnote 83 to the *Order*, the Commission provides that a station may seek to enlarge its service area after adoption of the Final Table subject to the rules then in place, but the *Order* does not specify what level of interference may be acceptable at that time. Cox and Liberty request that the Commission clarify the *Order* by specifying the interference standard that will be applied. Cox and Liberty understand that any interference standard established now would be subject to future changes, but such clarification is preferable to the present uncertainty as a standard is essential to analyze election options and consider the potential to maximize beyond current authorizations.

[1] 47 C.F.R. §73.623(c)(2) (2003).

III. THE COMMISSION SHOULD CLARIFY THAT "EXISTING INTERFERENCE" MEANS "EXISTING INTERFERENCE" WHEN EVALUATING ELECTION OF NTSC CHANNELS.

In implementing the Step 3 interference conflict analysis, the *Order* provides that channel elections will be approved where they do not create an interference conflict with any other DTV allotments and that such a conflict will be found where an election creates "new" interference, defined as 0.1 percent interference in addition to existing interference. Cox and Liberty request clarification of the definition of "existing interference," as applied to stations electing NTSC channels. Specifically, Cox and Liberty request that the Commission clarify that if two licensees currently cause interference to each other on their NTSC allotments, this level of interference will be considered "existing interference" if both of these licensees elect their NTSC channels in Step 1. For example, if two stations currently operating their NTSC facilities cause 1 percent interference to each other, and each elects its NTSC channel in the channel election process, Cox and Liberty hereby request that the Commission clarify that this 1 percent interference will be treated as "existing interference" for the purposes of performing the Step 3 interference conflict analysis, resulting in the acceptability of a total interference level of 1.1 percent.

IV. THE COMMISSION SHOULD CLARIFY THAT IT WILL PROTECT THE NTSC AND DTV-EQUIVALENT SERVICE AREAS OF SINGLETONS.

Certain licensees, referred to in the *Order* as "singletons," did not receive a paired DTV channel in the initial DTV table of allotments. The *Order* allows these licensees two options in the first round of elections: to elect to keep their in-core channel or to turn in this channel and be treated like a licensee with two out-of-core channels. Cox and Liberty request that the Commission clarify the degree of protection such licensees will receive in the Step 3 first round interference conflict analysis. Specifically, Cox and Liberty request that the Commission clarify that both the current NTSC service areas and predicted maximized or replicated DTV service

areas of these licensees will be protected from interference. Such an approach would be more in keeping with the actual operation of the stations.

V. THE COMMISSION SHOULD CLARIFY THE SOFTWARE PARAMETER SETTINGS FOR INTERFERENCE DETERMINATION.

It is Cox's and Liberty's understanding that the Commission is employing the software described in OET Bulletin 69 to analyze the degree of interference created for stations' elected channels. Cox and Liberty request that the Commission clarify values for the user selectable parameters for this software so that parties more confidently can predict results that the Commission will obtain. These parameters, and what is believed to be the Commission's "default" parameters, are (1) a grid resolution cell size of two kilometers on a side; (2) a terrain spacing increment of one kilometer, and (3) the continued Longley-Rice Error Code 3 implementation (which is when an Error Code 3 flag is returned by the Longley-Rice propagation model at a particular cell, that cell is classified as having interference-free service). Such clarification will permit consistence in predicting interference and confidence that station calculations will conform to those that the Commission generates.

CONCLUSION

Cox and Liberty respectfully request that the Commission clarify its *Order* as detailed above to ensure that DTV channel elections occur efficiently and smoothly.

Respectfully submitted,

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