

SUMMARY

MSTV welcomes the Commission's initiation of this proceeding to establish final rules governing the use of Distributed Transmission Systems ("DTS") technologies, which offer the potential to improve reliability of service to viewers of free, over-the-air television services. The Commission should proceed cautiously, however, to ensure that DTS deployment does not produce new interference to stations or undermine principles of localism through arbitrary service expansion, especially into adjacent markets.

First, consistent with the local market definitions expressed herein, the Commission should license DTS on a primary basis to encourage the adoption of the new technology. DTS transmitters should be licensed as part of a linked group of the original full power license, with modifications processed through minor change applications. MSTV also agrees with the Commission that the DTS licensing rules should include a principal community coverage requirement, thereby protecting localism.

Second, the Commission should protect the quality of the public's free, over-the-air television service by adopting an interference standard that (i) prohibits DTS users from creating new interference that would exceed the limits applicable to single-transmitter systems, (ii) incorporates field strength aggregation and variable protection ratios into the OET-69 methodology, and (iii) incorporates existing Part 73 parameters concerning power, antenna height, and emission masks.

Third, the Commission should not permit DTS to materially alter a station's market. Most importantly, the Commission should prohibit the use of DTS to expand service into adjacent DMA markets. Thus, the "Table of Distances" approach proposed in the *DTS NPRM* should be rejected. Moreover, even within a station's DMA, the Commission should

establish mechanisms that will prevent arbitrary expansion by stations to areas outside their service area that are already well served by full-power, local stations.

Fourth, the Commission should allow technical standards for DTS to remain flexible in the near term to encourage development and enhancement of standards. Also, before standards are adopted, the Commission should ensure that essential patents will be licensed on a fair and nondiscriminatory basis.

Fifth, LPTV and translator stations should be permitted to use DTS, but the Commission should not permit Class A stations to create single frequency networks using DTS, nor should the relationship between Class A and full-power stations turn on whether the full-power station is using DTS technology.

DTS offers much potential as a tool for improving reliability of service to local viewers. MSTV accordingly looks forward to working further with the Commission as this proceeding develops to ensure that DTS may be deployed by local stations without interference to viewers and in a manner consistent with the public interest.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Digital Television Distributed Transmission) MB Docket No. 05-312
System Technologies)

To: The Commission

COMMENTS OF
THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC.

The Association for Maximum Service Television, Inc. (“MSTV”) welcomes the Commission’s initiation of the above-captioned proceeding to establish rules for Distributed Transmission Systems (“DTS”) technologies.¹ As MSTV has previously explained, implementation of DTS can help improve service to viewers in hilly or mountainous areas, and deliver service to underserved areas where there would otherwise be gaps in coverage.² These benefits, however, must be carefully weighed against the risk of DTS in causing harmful interference to neighboring stations or otherwise undermining local television service.

In crafting rules for DTS, the Commission should properly understand DTS as one means by which broadcasters can enhance reliability of over-the-air coverage to viewers, who historically have been served through use of a single main transmitter.³ Accordingly, the

¹ See *Digital Television Distributed Transmission System Technologies*, Clarification Order and Notice of Proposed Rulemaking, FCC 05-192, MB Docket No. 05-312 (rel. Nov. 4, 2005) (“*DTS NPRM*”).

² See Comments of MSTV and NAB, MB Docket No. 03-15, at 32 (filed April 21, 2003)

³ It is important that broadcasters have the option of employing DTS when appropriate to their coverage situation, but the Commission has wisely refrained from proposing to mandate use of DTS. DTS is one of many techniques broadcasters may use to more reliably reach viewers in hard to reach locations within their service area.

Commission's DTS rules should not be used to arbitrarily expand a broadcaster's coverage area or cause any additional interference to neighboring stations. The following recommendations of MSTV address rules that would provide for a DTS implementation which serves local communities' interest in maintaining interference-free access to over-the-air television services.

I. MSTV SUPPORTS THE COMMISSION'S PROPOSALS CONCERNING THE LICENSING OF DISTRIBUTED TRANSMISSION SYSTEMS.

A. The Commission Should License DTS on a Primary Basis.

MSTV agrees with the Commission's tentative conclusion that DTS be licensed on a primary basis. This decision will allow stations to objectively evaluate whether viewers in their service area will be efficiently served by a DTS system. It is important, however, that such licensing take into account the market considerations expressed in Section III.

Were DTS to be licensed on a secondary basis, broadcasters would have a disincentive, based not on cost and technology but on regulatory classification, to favor use of a main, single-transmitter rather than a distributed transmission system. Those broadcasters contemplating adoption of a DTS-based system licensed on a secondary basis would confront the fact that any distributed transmission system that they invested in would have to accept interference caused by systems with primary status. This risk would provide little incentive for broadcasters to invest in DTS, and would consequently deprive the public of the benefits discussed above.⁴ In sum, without the protection of primary status, "few, if any stations, would

⁴ See Comments of the Merrill Weiss Group, LLC, in MB Docket No. 03-15, *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television* (April 21, 2003) ("MWG Comments") at 11; *id.* at 13.

opt for [DTS] technology” even where DTS technology would provide reliable over-the-air service to the public.⁵

Yet as discussed in Section II, primary status notwithstanding, DTS systems should not be permitted to increase interference to surrounding full service stations. Moreover, as discussed in Section III, DTS systems must remain subject to careful market limitations.

B. Stations’ DTS Operations Should Be Licensed on a Group Basis, with Modifications Processed Through Applications for Minor Change.

MSTV supports the Commission’s proposal that DTS transmitters be licensed as part of a linked group that will be covered by a single construction permit and license, rather than separately licensed.⁶ Because this approach will permit licensees to request, with one application, authority to construct DTS facilities, it will provide for a more efficient and simpler process for stations attempting to build out DTS operations.⁷ The Commission, however, should modify the current Form 301 to include the necessary information to conduct a proper interference analysis in accordance with the methodology suggested below.

As a corollary to this efficient and straightforward process, stations should be able to add DTS transmitters to their authorization using a minor change application (for a construction permit to change a licensed DTV facility) or a modified construction permit (to change a DTV facility authorized by a construction permit).⁸ Likewise, use of the Part 73 rules and guidelines to process such applications is appropriate, as it avoids the need to create new

⁵ *DTS NPRM* at ¶ 13.

⁶ *Id.* at ¶ 28.

⁷ *Id.*

⁸ *Id.*

processing rules that could create confusion among entities already familiar with the Part 73 procedures.

C. Consistent with the Industry’s Commitment to Localism, the Commission Should Adopt a Principal Community Coverage Requirement.

MSTV agrees with the Commission’s proposal to require at least one of a licensee’s DTS transmitters to provide coverage of the station’s community of license.⁹ This proposal is consistent with the FCC’s localism policies. MSTV recommends, however that the Commission allow the Bureau to grant waivers of this rule to the extent that stations demonstrate that alternative arrangements, such as service to the principal community using a combination of the main transmitter and a DTS transmitter, would provide equal or better coverage of the principal community.

II. THE COMMISSION SHOULD ENSURE THAT THE INTERFERENCE STANDARD ADOPTED PROTECTS NEIGHBORING STATIONS FROM HARMFUL INTERFERENCE.

A. The Commission Should Not Allow Users of DTS to Create New Interference.

It is essential that DTS be employed in a manner that avoids any increase in interference to the viewing public. As MSTV explained in opposition to proposals to place licensed or unlicensed devices into the television bands, the Commission must avoid decisions that will increase interference to viewers by raising the spectral noise floor – which would gradually but significantly degrade the quality of the public’s free and universal television

⁹ *Id.*

service¹⁰ – or by allowing nearby transmitters to operate under parameters that will directly interfere with reception of over-the-air television services, thus causing abrupt loss of service.¹¹

Thus, the Commission’s rules should ensure that the aggregate interference generated by a station implementing DTS does not exceed the applicable limits for a single transmitter. To illustrate, if a hypothetical station utilizing a single, main transmitter were allowed to generate x percent interference, the same station should be held to the x percent figure in implementing DTS, calculated as the aggregate interference from the main transmitter and any DTS transmitters. By establishing this policy, the Commission will allow DTS to be implemented without increasing interference to the viewing public.

B. To Properly Calculate Interference from DTS Transmitters, the Commission Should Incorporate Variable Protection Ratios and Field Strength Aggregation into the OET-69 Methodology.

The process described in Office of Engineering and Technology Bulletin No. 69, “Longley-Rice Methodology for Evaluating TV Coverage and Interference” (“OET-69”), which the Commission uses for calculating interference from single-transmitter stations, cannot accurately calculate interference from distributed transmission systems. As MSTV has explained in other proceedings, OET-69 was not designed to measure interference from multiple transmitter networks operating within the coverage areas of television stations in the same market.¹²

The current broadcast system in the United States is based on use of single, high-power transmitters to cover wide areas. Consequently, the interference evaluation mechanism

¹⁰ See, e.g., Comments of MSTV and NAB, ET Docket No. 04-186, at 17 (filed Nov. 30, 2004).

¹¹ See, e.g., Comments of MSTV and NAB, WT Docket No. 05-7, at 19 (filed March 10, 2005).

¹² *Id.* at 12-17.

built into the existing DTV analysis model, OET-69, relies on certain assumptions about the placement of these transmitters relative to their TV channel relationship within a given geographic area. For example, in developing the DTV Table of Allotments and minimizing interference, the FCC made every effort to ensure that DTV stations operating on first adjacent channels were either collocated (*i.e.*, clustered all together at the same location) or significantly separated from each other (*i.e.*, outside their respective TV service area). The OET-69 methodology was then designed to compute interference from adjacent TV channel operation based on the transmitter placement assumptions described above, and did not include a technique to compute interference based on the placement and operation of transmitters anywhere within the service area of adjacent channel DTV stations, or consider the aggregate effect of multiple DTS transmitters in the same area.

Before discussing any proposed modifications to the OET-69 methodology, it is useful to first describe the current OET-69 methodology. In calculating interference from a given station, the OET-69 methodology first determines the extent of the station's service contour, defined according to a combination of longstanding but basic variables: transmit height above average terrain ("HAAT") between two and ten miles from the transmitter along eight evenly spaced radials, the station's effective radiated power ("ERP"), and a set of empirically derived curves. Once the extent of the service contour is defined, the area within that contour is divided into grid points. At each grid point the signal of the desired station and those of all potential interfering stations is calculated using the Longley-Rice propagation model, which takes into consideration the actual terrain over the entire path from each transmitter to the

individual grid point. The ratio of the desired signal to each individual undesired signal (“D/U ratio”)¹³ is evaluated to determine whether the ratio is sufficient to avoid harmful interference.

To more accurately predict interference in evaluating stations’ applications to implement DTS technologies, MSTV proposes two modifications to the OET-69 methodology. The first entails the incorporation of variable protection ratios (D/U) in computation of interference from DTS transmitters; the second is a proposed approach to deal with multiple DTS transmitters in the same market by aggregating their signal for interference computation.

1. Consideration of Variable D/U ratios in OET 69 Methodology.

Television receivers operating at moderate and high signal levels degrade differently in the presence of interference than those operating at low signal levels. This effect is well understood and documented within the technical community and television receiver designers, and has been acknowledged by the Advanced Television Systems Committee (“ATSC”).¹⁴ Unfortunately, the current OET-69 methodology ignores this effect and only computes interference resulting from weak signal levels. With the deployment of multiple DTS transmitters in a single market, however, signal levels will vary. Taking account of these different signal levels is critical in properly determining the interference caused by DTS transmitters operating within the coverage areas of television stations in the same market.

Accordingly, the OET-69 methodology should be modified to consider the effect of variable signal levels and to include the appropriate D/U ratios for strong, moderate and weak

¹³ An adjustment of the undesired signal is made to take into consideration the directionality of a standard receive antenna. It is assumed that the main beam (direction of maximum gain) of that antenna is pointed at the desired station.

¹⁴ See, e.g., ATSC, ATSC A/74 Recommended Practice: Receiver Performance Guidelines, at 13 (2004), available at http://www.atsc.org/standards/practices/a_74.pdf (last visited Feb. 2, 2006).

signal levels. Specifically, the Commission should establish a methodology for determining the proper D/U ratios for strong, moderate and strong signal conditions and develop an appropriate interpolation technique to determine the D/U ratio between these three different level conditions.

To ensure proper considerations of variable D/U ratios in measuring interference from a station's proposed use of DTS,¹⁵ MSTV proposes the following approach to modify the OET-69 Methodology:

- Select the values specified in ATSC A/74 Receiver Performance Guidelines¹⁶ for strong (-28dBm), moderate (-53 dBm) and weak (-68 dBm) DTV signal levels;¹⁷
- Modify the OET-69 methodology to incorporate the three signal level conditions described above in the software and to apply the appropriate D/U ratios corresponding to these levels so that the interference level caused by a DTS transmitter may be computed;
- Develop an interpolation technique to determine the appropriate D/U ratios when the desired signal level falls in between the three different signal levels proposed above. MSTV recommends a simple linear interpolation technique to determine the appropriate D/U ratios for these cases;
- In computing the interference from DTS transmitters, MSTV recommends that when the desired signal level is equal to or greater than the strong signal level, the OET-69 methodology should be modified to ignore the adjustment of the receive antennae in the interference calculation. Under strong signal levels, where indoor reception is likely, the use of an outdoor antenna to compute interference most likely would underestimate the interference caused by a DTS transmitter;

MSTV plans to further refine this approach and will work with the Commission in developing an adequate revised methodology for consideration of variable D/U ratios.

¹⁵ Note that in this context, the desired signal (D) corresponds to that of the single transmitter, while the undesired signal (U) corresponds to the DTS transmitter.

¹⁶ *Id.*

¹⁷ For analog service the following signal level are proposed: -15 dBm for strong signals level, -35 dBm for moderate and -55 dBm for weak signal levels.

2. Aggregation of Signals on Same Frequency.

As applied to DTS applications, the OET-69 methodology should be modified to properly measure the interference effect of aggregate, co-channel signals. As explained above, because the existing broadcasting service has been based on the use of single high-powered transmitters, it has traditionally been assumed that transmitters operating on the same channel would be widely separated from one another (*i.e.*, each station would only operate one transmitter on its assigned frequency and any other transmitters operating on that frequency would be located far away in another market). Consequently, the OET-69 methodology places only one adjacent channel signal of any significant magnitude at each of the grid evaluation points, and it does not aggregate signals from co-channel transmitters. Yet by its nature, DTS involves transmission of multiple signals on the same frequency within the service area.

To ensure that aggregate signals are considered in measuring interference from a station's proposed use of DTS, MSTV proposes the following approach:

- Calculate the interference contribution from each transmitter;
- Convert the above results for each transmitter from dB μ into μ Volts/meter (this conversion allows for addition of the interference contributions);
- Aggregate each transmitter's contribution at each grid point;
- Convert the aggregate contribution from μ Volts/meter into dB μ ; *and*
- For each grid point, evaluate the aggregate dB μ figure using the standard Longley-Rice propagation model and computation of variable D/U ratios proposed earlier.

MSTV plans also to further refine this approach and will work with the Commission in developing an adequate revised methodology for aggregation of signals on the same frequency.

C. The Commission Should Adopt Its Proposal to Use Existing Part 73 Parameters Concerning Power, Antenna Height, and Emission Mask.

MSTV agrees with the Commission's proposed technical evaluation of DTS applications using the existing Part 73 parameters for power, antenna height, and emission masks. Use of the same criteria is appropriate, given the underlying principle that DTS should generally be treated on parity with single-transmitter system.

III. THE CORE PURPOSE OF DTS SHOULD BE TO ENHANCE THE RELIABILITY OF SERVICE TO A STATION'S OVER-THE-AIR VIEWERS.

MSTV supports the Commission's tentative finding that stations employing DTS technology should not "be afforded dramatically expanded primary coverage rights."¹⁸ Nonetheless, the *DTS NPRM* was not correct in its proposed wholesale rejection of the "DMA approach," and MSTV disagrees with the *DTS NPRM's* proposed use of a "Table of Distances," in which stations would be allowed to use DTS to serve any area within a "theoretically maximized DTV service contour."¹⁹ MSTV continues to believe that the placement of DTS transmitters should be expressly limited to areas within a station's own DMA. As discussed below, the FCC must accordingly take steps to prevent any spillover of signals from DTS transmitters into adjacent DMAs. Furthermore, the Commission should put mechanisms in place to ensure that a station generally cannot expand service to areas within its DMA that are nevertheless far outside the station's existing service area.

The Table of Distances approach proposed by the FCC, standing alone, overlooks the importance of a station's DMA in measuring the local market of a station. As the FCC has noted on numerous occasions, the DMA provides the appropriate definition for a television

¹⁸ *DTS NPRM* at ¶ 14.

¹⁹ *Id.* at ¶ 18.

station's local market. For example, the FCC's must carry rules are based on carriage throughout a station's local DMA.²⁰ The DMA is also the relevant area for purposes of the compulsory licenses rules.²¹ As a result, focusing on a station's DMA is a critical first step in approaching this complex issue.

Because it takes no account of a station's DMA, the Table of Distances approach may be either over- or under- inclusive of a television broadcaster's local market. In many cases, the coverage area permitted by the Table of Distances approach would arbitrarily permit stations utilizing DTS to substantially expand coverage into adjacent DMAs that are well served by existing local broadcasters. The Commission should instead design its rules to allow use of DTS to improve reliability of coverage generally within a station's existing local market (DMA).

Although the DMA approach is a more accurate reflection of a station's local market, the Commission must be careful in those circumstances where the DMA approach would allow a television broadcaster on one side of a DMA to commence primary service to an opposite extreme of the market.²² The fundamental consideration in these "intra-DMA" market issues should be the continued provision of over-the-air television service to the public. On the one hand, it would be inappropriate to allow use of the DMA method to alter the coverage area of a station so as to shift the station's primary focus from its community. On the other hand, it may be appropriate to allow use of DTS to expand service *into* traditionally underserved rural areas in which populations have historically been insufficient to sustain a viable, full-service over-the-air station. Thus, the FCC must not only be concerned with arbitrary service expansion

²⁰ See 47 C.F.R. § 76.55(e)(2).

²¹ See 17 U.S.C. § 111(f). See also 47 C.F.R. § 76.624(d) (using DMAs as the relevant metric for measuring DTV construction schedules).

²² See *DTS NPRM* at ¶ 18.

across DMA lines; it must also examine service shifts and expansions within a station's own DMA in order to insure that local viewers are served.

IV. TECHNICAL STANDARDS ADOPTED SHOULD FACILITATE DEVELOPMENT AND ENHANCEMENT OF DTS TECHNOLOGIES.

MSTV agrees with the Commission that “at this early stage in the introduction of [DTS] technology,” it would be premature to mandate a particular standard for synchronization of multiple DTV transmitters.²³ Maintaining such flexibility will encourage continued development and enhancement to the current ATSC standard. MSTV emphasizes that in the event the Commission elects to establish a DTS standard, it should insure that any entities holding patents essential to the new standard have committed to licensing the technology on a fair and nondiscriminatory basis. Such an approach saw much success when the Commission adopted the ATSC standard for DTV transmissions in 1996. There, the Commission noted approvingly that ATSC had represented that it “sought and obtained from each member of the Grand Alliance and from Dolby a written commitment to abide by this requirement.”²⁴

V. THE COMMISSION SHOULD ALLOW DTS USE BY CLASS A AND LOW POWER STATIONS IN ACCORDANCE WITH SUCH STATIONS' REGULATORY STATUS.

A. MSTV Supports Authorization of DTS for LPTV and Translator Stations.

Use of DTS by low power television (“LPTV”) stations may improve coverage within their viewing areas. MSTV accordingly supports the Commission's tentative conclusion to permit LPTV and TV translator stations to use DTS technologies within their protected service

²³ *Id.* at ¶ 33. Synchronization is necessary to prevent interference among the various co-channel signals emitted by the transmitters in the DTS network.

²⁴ *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Fourth Report and Order, 11 FCC Rcd. 17771, 17784 ¶ 24 (1996).

contours.²⁵ The same rules that apply to low power stations (including classification as a secondary service) should also apply to such stations' use of DTS. As in the case of full-power stations use of DTS, interference should be calculated in accordance with a modified OET-69 methodology, as discussed above.

B. The Relationship Between Full-Power and Class A Stations Should Not Change Based on Whether the Full-Power Station Uses DTS Technology.

MSTV agrees with the Commission's proposal that "[f]ull-service licensees wishing to use DTS technology must protect Class A stations to the same extent as stations using a single transmitter."²⁶ As explained above, in areas where a broadcaster is allowed to use DTS, the signal from the DTS transmitter should be accorded the same status as though it were originating from the "main" transmitter.²⁷ To the extent that any issues regarding the relationship between full-power and Class A stations remain unresolved in other proceedings,²⁸ the Commission should apply whatever result is reached equally to full-power stations, regardless of whether they utilize a single- or multiple-transmitter system.

²⁵ *DTS NPRM* at ¶ 37.

²⁶ *Id.* at ¶ 35.

²⁷ See also *Report and Order In the Matter of Establishment of a Class A Television Service*, 15 FCC Rcd 6355, 6377 ¶ 53 (2000) ("[I]t is more consistent with the statutory schemes both for Class A LPTV service and for digital full-service broadcasting to require Class A applications to protect all stations seeking to replicate or maximize DTV power ...").

²⁸ For example, in the *Digital Low Power Television* proceeding, the Commission deferred its resolution of "how and when to permit Class A stations to seek companion channels for digital Class A operations or to convert their LPTV digital companion channels to Class A regulatory status." *Amendment of Parts 73 and 74 of the Commission's Rules to Establish for Digital Low Power Television, Television Translator, and Television Booster Stations*, 19 FCC Rcd 19331, 19381 ¶ 148 (2004).

C. The Commission Should Not Permit Separate Class A Stations to Operate as a Single Frequency Network.

In keeping with the Commission’s admonishment that “the service areas of DTS and single-transmitter licensees should be treated as comparably as possible,”²⁹ the Commission should reject the *NPRM*’s proposal to authorize separate but commonly owned Class A stations to form a single frequency network (“SFN”) using DTS. If adopted, this proposal would allow DTS use not merely as an improvement in reliability and delivery of service to an individual Class A stations’ protected service contour, but rather to turn two or more separate, local channels into one, “super” Class A station.

* * *

²⁹ *DTS NPRM* at ¶ 19.

CONCLUSION

In accordance with the above, MSTV respectfully requests that the Commission adopt final rules authorizing use of DTS in a manner that will improve reliability of service to existing viewers but will avoid any expansion of existing service areas to adjacent DMAs or within a station's existing DMA where such intra-DMA expansion would undermine service to local communities.

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