

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

To: The Commission

COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION

1. The Community Broadcasters Association (“CBA”) hereby submits these Comments in response to the Commission’s Notice of Proposed Rule Making (“NPRM”) in the above-captioned proceeding.¹ CBA is the trade association of the nation’s Class A and Low Power Television (“LPTV”) stations, which are over 2,700 in number,² and represents the interests of these stations before the Commission, the courts, and the Congress.

2. CBA wholeheartedly supports the proposals in the NPRM. It has members who are ready, willing, able, and anxious to experiment with digital distributed transmission systems (“DTS”). CBA urges that new rules be adopted promptly in this proceeding and that the flexibility afforded by such rules apply equally to all Class A and LPTV stations. It supports allowing a commonly owned group of stations to initiate single-frequency DTS operation covering the service area of all the stations. However, CBA urges that the Commission allow more flexibility to licensees in the choice of technical standards, as long as no increased interference is caused.

¹ *Clarification Order and Notice of Proposed Rule Making*, FCC 05-192, released November 4, 2005, published in the Federal Register on December 7, 2005.

² *See* “Broadcast Station Totals as of September 30, 2005”, DA-05-3149, released December 8, 2005.

3. The basic concept of DTS is a good one. In the digital environment, where advanced signal synchronization technologies are available to avoid self-destructive interference between the signals of multiple transmitters operating on the same frequency, DTS holds the promise of a better way to fill in gaps in signal coverage than simply blasting out more power from a single central transmitter at a high location. The migration of land mobile service from single centralized transmitters to cellular configurations has proved the benefits of distributed technology generally.

4. Class A and LPTV stations, which are confined to substantially lower maximum power levels than full power analog and digital television stations, have always faced obstacles in covering their market area except in very small communities; so they are prime candidates for exploring and experimenting with DTS. There are Class A and LPTV licensees who are very interested in DTS and want to try it, and some are already convinced that their service will be vastly improved. The Class A/LPTV industry is characterized by innovation and experimentation. There is no reason to restrict or restrain these licensees from taking full advantage of DTS.

5. The concept of a single-frequency network encompassing multiple Class A or LPTV stations is especially attractive, and CBA urges that the Commission approve it. Interference protection standards are important, of course, so that these networks do not result in deterioration of service to the public from other stations. There is no reason to distinguish between Class A and LPTV stations in authorizing this technology. CBA is not certain whether the Commission

proposed to treat the two classes of stations differently,³ but it sees no reason to restrict innovation by both LPTV and Class A stations.⁴

6. In determining what constitutes a group of commonly-owned stations for purposes of permitting single-frequency networks, CBA urges the Commission not to be unduly restrictive. There are numerous situations where a single licensee operates multiple Class A and/or LPTV stations to cover a single DMA or other market area; but because of the need to protect other stations from interference, the protected contour of these stations may not quite overlap. CBA suggests that the test for overlap for purposes of allowing a single frequency network to be created be the predicted Grade B contour rather than the interference-protected Grade A contour.⁵ The Grade B test more realistically reflects the area where a station's signal is likely to be viewed by the public, and it is an area that has already been recognized as appropriate for the production of "local" programming in the Class A main studio rule.⁶

7. DTS should be used as a fill-in concept, at least at the start, and not as a reason for any station, full power, Class A, or LPTV, to expand its conventional DTV service area. While exceptions may be appropriate on a case-by-case basis where a station proposes to provide a first service to an unserved geographic area or to fill in gaps in a full power station's coverage of its home Designated Market Area ("DMA"), DTS should not be used as a vehicle for abandonment

³ Par. 36 of the NPRM proposes DTS for only Class A stations, but then Par. 37 discusses both Class A and LPTV stations.

⁴ The fact that LPTV stations occupy their spectrum on a secondary basis and may not cause interference to primary spectrum users ensures that single-frequency network operation by LPTV stations will not create any risk of harmful interference.

⁵ The Grade B contour may be used for purposes of determining eligibility for a single frequency network without expanding interference protection from Grade A to Grade B.

⁶ See Sec. 73.1125(c) of the Commission's Rules.

of the local service concept that currently underlies all Commission broadcast licenses. In particular, DTS should never justify displacement of any LPTV station, as allowing a full power DTV station using DTS to displace an LPTV station would result in the substitution of distant service for local service, contrary to the basic local service concept.

8. Requiring a minimum level of service to a station's community of license may be appropriate for full power stations; but it is not appropriate for Class A and LPTV stations opting for DTS, because those stations do not have any required minimum coverage requirement under the present rules. There is no need to use implementation of DTS to impose a new type of regulation on these stations that does not exist today. At most, it may be appropriate to require some minimum level of service to the station's existing protected service area, so that DTS does not become a back-door way of relocating a Class A or LPTV station to a substantially different service area.

9. One area where CBA disagrees with the Commission's proposals relates to whether Class A and LPTV stations should be required to adhere to the ATSC technical standard in a DTS environment. Some technical experts believe that the ATSC standard is far from optimal and that the best technology for DTS digital signal distribution is COFDM. While there may be some reason to require full power stations to use a common technical standard, so that the public will be able receive all signals on a single consumer-grade receiver, there is much less reason to do so for Class A and LPTV stations, which generally have no market power and have no economic incentive to undertake any activity that will not reach the public. In other words, self-preservation will prevent Class A and LPTV licensees from cutting off their own audiences. If a particular licensee believes that experimentation with an alternative technical standard will lead to long-range benefits, there is no reason to stand in the way of a licensee with no market power

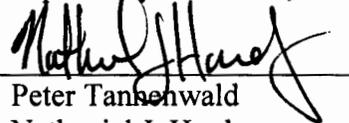
and every reason to encourage experimentation to see if the licensee's prediction proves valid.⁷ Therefore, CBA urges the Commission not to restrict the ability of Class A and LPTV stations to explore the full range of benefits that may be available with DTS technology.⁸

10. In conclusion, CBA urges the Commission to adopt rules authorizing DTS operation on an optional basis by all digital Class A and LPTV stations, not to use DTS as a reason to impose any new regulatory requirements on these stations, and to allow maximum flexibility for technical experimentation.

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⁷ The Commission has exempted Class A and LPTV stations from the multiple ownership limits in Section 73.3555 of the Commission's Rules, so some of these licensees have multiple stations in a market that give them more flexibility than most full power licensees have to experiment with one station will continuing to provide traditional service with another station. In any event, the absence of market power makes these stations especially suitable for experimental programs, whether or not a licensee has multiple stations in the market.

⁸ CBA anticipates that individual Class A and LPTV licensees will file comments elaborating on their capabilities and desires to innovate. CBA urges the Commission to afford these licensees the maximum possible flexibility, subject only to protecting other stations from new interference.