

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

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

REPLY COMMENTS OF PAXSON COMMUNICATIONS CORPORATION

Paxson Communications Corporation (“Paxson”) hereby submits these reply comments in the above-captioned proceeding regarding the implementation of distributed transmission systems (“DTS”).¹ The parties responding to the Commission’s *Notice* overwhelming shared Paxson’s belief that DTS will serve the public interest both by improving reception reliability and community aesthetics, and, just as importantly, by expanding free over-the-air television service to those unable to receive it.

Furthermore, DTS not only will permit the development of new handheld receiving devices but will reduce the consumer cost of “traditional” receivers as well.

The majority of commenters recognized that DTS will enable broadcasters to compete in the digital age and, with associated service area expansion, will place stations on an equal footing with competitors. Paxson agrees and accordingly urges the Commission to establish a DTS regulatory regime that will provide free over-the-air television service to all – especially to those who cannot now receive such service.

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

I. DTS CAN ENHANCE AND EXPAND BROADCAST SERVICE.

Some of the most significant DTS benefits would accrue to households that cannot now receive free over-the-air television service. As the Coalition for DTS (“Coalition”) explained in its comments, DTS will allow stations “to provide service to portions of their service area that do not currently receive an adequate signal due to terrain shielding or other impediments.”² The Coalition agreed with PCC that to allow service area expansion throughout a station’s DMA also will allow currently underserved viewers in rural or geographically distant areas to receive for the first time the full benefits of free over the air television.³ The Coalition noted as did Paxson that most stations already are carried throughout their DMAs by cable and satellite providers, but a DTS station’s expansion of over-the-air service would allow the broadcaster to achieve competitive parity.⁴ Expanded DTS service areas also can enable stations to provide an alternative source of multi-channel video programming to those viewers in underserved areas currently dependent on a single fee-based provider.⁵

For these reasons, Paxson would oppose artificially restricting a DTS service area to less than the DMA. As Sunbelt Television, Inc. explained in its comments, the DMA is a station’s “real” market for video program delivery.⁶ MVPD competitors no doubt would be pleased if broadcast television stations were prohibited from serving

² Comments of the Coalition for DTS at 4.

³ *See id.* at 7.

⁴ *See id.* at 10.

⁵ Comments of Reading Broadcasting, Inc. at 5, Comments of the Coalition for DTS at 7-8.

⁶ Comments of Sunbelt Television, Inc. at 3.

their full DMA simply to create a legacy boundary. Practically all commenters agreed that broadcasters should be allowed to serve their entire DMA. Against the powerful public interest benefits DTS can offer, none of the comments in this proceeding set forth a compelling justification for deliberately withholding free over-the-air broadcast service from portions of the public.

II. TREATMENT OF DTS EXPANSION AREAS AS SECONDARY IS AKIN TO THE FAMILIAR REGULATION OF TELEVISION TRANSLATORS.

As pointed out in comments filed by the Alliance for Local Broadcasters, affording secondary status to DTS operations in expansion areas is substantially similar to the Commission's regulation of television translators.⁷ Television stations typically use translators, which the Commission long has treated as secondary, to serve areas inside their DMA but outside the full power station's service area. Under the regime proposed in the Alliance's comments, broadcasters could operate DTS networks throughout their DMAs. Outside of the authorized service areas set forth in the *Notice*, however, this operation would have secondary status. In adopting such a regulatory regime, the Commission could preserve the potential for creating new full power stations in the future while hastening the delivery of advanced services in the present.

Paxson supports the proposed secondary status of DTS operations outside of a station's existing service area. Such a regulatory regime will allow broadcasters and viewers to realize the benefits of DTS by means of a regulatory structure familiar to the Commission.

⁷ See Comments of The Alliance for Local Broadcasters at 3.

III. THE COMMISSION SHOULD REJECT EFFORTS TO ENTANGLE THE DTS RULEMAKING WITH THE SPECULATIVE UNLICENSED DEVICE PROCEEDING.

The New America Foundation, together with a coalition of like-minded interest groups (“New America Foundation”), submitted comments that inappropriately attempt to join the issues involved in this proceeding with those separately addressed in the Commission’s so-called “white spaces” proceeding.⁸ Paxson believes the still-speculative issue of unlicensed device operation in broadcast white spaces should be entirely divorced from the DTS technology at issue in this proceeding. In Paxson’s view, New America Foundation’s conflation of these two issues tellingly reveals they anticipate that unlicensed devices would cause unacceptable interference to television viewers. Unlicensed white space operations plainly should not be allowed until unlicensed technology is demonstrably mature to prevent this interference from happening. New America Foundation wishes to postpone DTS implementation to avoid exposing technological failings of unlicensed operations, but the Commission should reject such tactics of obstruction and delay.

DTS stations are proposing only *marginal* service area increases on frequencies *already* in use. These service gains moreover will occur primarily in areas currently underserved. If the New America Foundation is to be believed, this marginal gain will materially eliminate the white spaces in which unlicensed operations are contemplated.⁹ If so, the only logical conclusions that can be drawn are (1) there is not much white

⁸ See Unlicensed Operation in the TV Broadcast Bands, *Notice of Proposed Rulemaking*, OET Docket No. 04-186, 19 FCC Rcd 10018 (2004).

⁹ Comments of New American Foundation, et. al. at 9.

space; and (2) compressing unlicensed operations next to existing broadcast service areas is both necessary and expected.

Under such conditions, new interference to existing television viewers is practically certain. If marginal service gains into primarily underserved areas meaningfully can foreclose unlicensed use of broadcast spectrum, it is apparent that the amount of white space is insufficient (with existing technology) to support unlicensed use. New America Foundation is arguing in its comments to delay DTS until unlicensed technology is more developed so that intensive use of apparently minimal white space is realizable.

Accordingly, the Commission must reject New America Foundation's attempt to entangle the DTS rulemaking with the unlicensed device rulemaking. There is no reasonable justification for delaying and subordinating the DTS rulemaking. If a marginal increase in a television station's service area is sufficient to threaten the viability of unlicensed operations, then unlicensed white space use has no value. One may have thought that unlicensed operators would have favorably viewed the opportunities that DTS presents for eliminating translators and creating more white space. New America Foundation's position instead reveals that unlicensed technology apparently is not ready for prime time.¹⁰

¹⁰ Paxson wishes to note another unarticulated presumption underlying New America Foundation's comments. New America Foundation rightly presumes that DTS stations, even if afforded secondary regulatory status outside of primary areas, still would have priority over unlicensed operations. To realize the full benefits of DTS networks, DTS operations must not be secondary to any services other than full power licensed broadcasters.

CONCLUSION

The public service provided by broadcasters is vital to Americans, particularly in times of emergency or natural disaster. Immediately following the arrival of Hurricane Katrina in the fall of 2005, for example, broadcasters continued to serve the public, providing crucial information to residents in devastated areas. Station WPXL(TV) in New Orleans fortunately survived the hurricane intact and used its multicast channels to carry the signals of other local broadcasters whose transmission facilities were inoperable. Through this arrangement, New Orleans residents and others in the area could receive the latest updates after the storm had passed.

In response to such emergencies and tragedies, broadcasters are uniquely positioned to provide crucial information via free over-the-air television service. This only will increase in importance as handheld and portable television receivers become more affordable, more ubiquitous, and more effective with the advent of DTS stations. Paxson accordingly urges the Commission to allow DTS station to serve their entire DMA with priority over unlicensed use. Broadcast television services are unrivaled in importance, and there is no compelling reason for withholding these services deliberately from portions of the public.

Respectfully submitted,

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