

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Digital Television Broadcast Service)
Johnstown and Jeannette, PA)

APR 27 2006

MB Docket No. 05-52
RM-10300
Federal Communications Commission
Office of Secretary

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

COMMENTS ON PETITION FOR RECONSIDERATION

1. The Community Broadcasters Association ("CBA") hereby submits these comments on the Petition for Reconsideration in the above-captioned proceeding, filed on March 24, 2006, by Larry L. Schrecongost ("Schrecongost").¹ CBA is the trade association of the nation's Class A and Low Power Television stations and represents the interest of those stations in regulatory, judicial, and legislative forums.

2. CBA believes that Schrecongost has stated his overall case well, and there is no need to repeat his arguments in this separate pleading. CBA's particular concern is that the Commission interpret the Community Broadcasters Protection Act of 1999 strictly. The Commission must not find that almost any reason or preference given by a full power television station requesting a change of its digital television channel is a "technical problem[] requiring an engineering solution" that justifies disregarding the statutorily-mandated primary spectrum status of a Class A television station.² To justify displacing a Class A station, a full power television station must have a technical problem that prevents it from providing adequate digital service to

¹ Notice of the Petition for Reconsideration was published in the *Federal Register* at 71 FR 18758 (April 12, 2006).

² See Sec. 336(f)(1)D) of the Communications Act.

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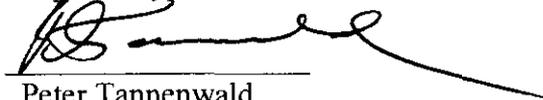
the public. It is not sufficient that a full power licensee simply prefer a different channel or be able to serve more people or be more profitable with a different channel; those are not technical problems that require an engineering solution.³

3. While CBA does not believe that the full power station in this case has a true technical problem that justifies Class A displacement, if the Media Bureau decides otherwise and upholds its earlier decision, then CBA submits that under the circumstances here, and particularly the full power station's failure to file a timely maximization application, the victimized Class A station at a minimum should be made whole. To do that, CBS Broadcasting, Inc., licensee of the full power television station, should be required to reimburse all of the costs incurred by the Schrecongost, including both the costs of actually changing channels and the legal, engineering, and other costs that Schrecongost has incurred in trying to preserve his station in light of an onslaught coming so many years after enactment of the Community Broadcasters Protection Act of 1999 and after the expiration of all deadlines for full power stations to file applications that take priority over Class A protection. It is an unreasonable, if not unlawful, double hit for a Class A station not only to be displaced for a problem that has so many non-technical aspects but also to have to bear the entire resulting cost burden.

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April 27, 2006

Respectfully submitted,



Peter Tannenwald

Counsel for the Community
Broadcasters Association

³ In this case, it appears that the full power station failed to meet the requirements for timely notifications and applications that might otherwise have given it priority over Class A stations without regard to technical problems.

CERTIFICATE OF SERVICE

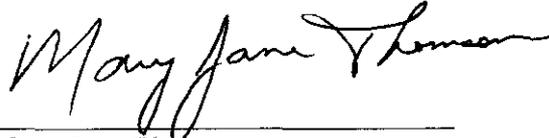
I, Mary Jane Thomson, do hereby certify that I have, this 27th day of April, 2006, caused to be sent by first class United States mail, postage prepaid, a copy of the foregoing "Comments on Petition for Reconsideration" to the following:

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In addition, on April 28, 2006, a copy will be sent by e-mail to:

Ms. Pamela Blumenthal (pamela.blumenthal@fcc.gov)
Video Division, Media Bureau
Federal Communications Commission
Washington, DC 20554



Mary Jane Thomson