

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

In the Matter of)	
)	
Advanced Television Systems)	MB Docket No. 87-268
And Their Impact Upon The Existing)	
Television Broadcast Service)	

**REPLY COMMENTS OF THE
ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC.**

The Association for Maximum Service Television, Inc. (“MSTV”) appreciates the substantial efforts of the Commission and its staff to implement a final DTV Table of Allotments (“Table”) that furthers the public interest goal of completing the digital television transition in a timely manner while minimizing loss of service to viewers caused by interference between neighboring stations.¹ Consistent with this goal, MSTV supports the productive suggestions of several commenters who have proposed steps that the Commission could take to complete the transition in the most efficient manner possible. MSTV also supports the Commission’s efforts to minimize interference in the post-transition DTV environment, and thus opposes a blanket increase in permitted interference and writes to respond to one commenter’s questions about the

¹ See *Advanced Television Systems & Their Impact Upon The Existing Television Broadcast Service*, Seventh Further Notice of Proposed Rulemaking, MB Docket No. 87-268, FCC 06-150 (rel. Oct. 20, 2006) (“Seventh FNPRM”). See also *Advanced Television Systems & Their Impact Upon The Existing Television Broadcast Service*, Order Granting Extension of Time, MB Docket No. 87-268, DA 07-38 (rel. Jan. 9, 2007) (extending deadline for filing of reply comments to February 26, 2007).

appropriateness of the interference standard applied by the Commission in this proceeding.

I. MSTV SUPPORTS COMMENTERS' SUGGESTIONS INTENDED TO ENSURE THE EFFICIENCY OF THE TRANSITION.

While generally recognizing the enormity of the task that the Commission has undertaken in preparing an entirely new Table of Allotments, several comments in response to the Commission's Seventh FNPRM observed inefficiencies in the existing process for making minor changes to broadcast facilities and accommodating those changes in the final Table. These commenters suggest minor changes in procedures that could reduce the regulatory burden on the Commission's staff and on affected licensees.

In particular, several commenters observed that the proposed Table does not reflect pending applications for minor modifications to stations' authorizations.² As a result, because licensees have already indicated their intention to, with Commission approval, use alternate facilities for their post-transition operations, the Table that the Commission proposes will be outdated as soon as it is adopted. MSTV agrees that the Commission should adopt a final Table in a manner that does not require an additional rulemaking once these pending applications are acted on. To this end, MSTV recommends that the Commission identify in the final Table of Allotments those stations that are the subject of pending modification applications. In its final order, the Commission could provide that the Table should be read to reflect the facilities specified in pending applications if those applications are ultimately granted.

² See Comments of Flathead Adventist Radio, Inc., MB Docket No. 87-268 (filed Jan. 25, 2007); Comments of Grant Educ. Found., *et al.*, MB Docket No. 87-268 (filed Jan. 25, 2007); Comments of NBC Telemundo License Co., MB Docket No. 87-268 (filed Jan. 25, 2007).

The question of pending applications is tightly related to another problem identified by subsidiaries of Pappas Telecasting Companies (“Pappas”). Pappas points out that there is not currently a method by which stations can correct minor variances between authorized facilities and built-out facilities.³ Under such circumstances, stations are presently subject to a multiple-step procedure involving a preliminary construction authorization, a subsequent license, and an amendment to the Table of Allotments. MSTV supports in principle Pappas’ proposal that the Commission should adopt a one-step application-and-public notice process through which licensees can obtain Commission approval for these minor corrections or adjustments.

Finally, MSTV agrees that any error in the software used by the Commission for calculating reference patterns should be corrected.⁴ While MSTV has not independently investigated whether the Commission’s software does, in fact, contain an error bringing the calculations used to prepare the Table out of compliance with the procedures identified in the Seventh FNPRM, it encourages the Commission to determine whether such an error exists. If the Commission finds that its software resulted in inaccurate specifications in the proposed Table, it should permit affected licensees to submit supplemental calculations performed using the procedure outlined in the FNPRM, which should be used in lieu of any erroneous calculations obtained from the Commission’s software.

³ Comments of Pappas Arizona License, LLC, *et al.*, MB Docket No. 87-268, at 3 (filed Jan. 25, 2007).

⁴ *See* Comments of Cohen, Dippel and Everist, P.C., MB Docket No. 87-268 (filed Jan. 26, 2007).

II. THE COMMISSION APPROPRIATELY APPLIED AN 0.1% INTERFERENCE STANDARD IN PREPARING THE PROPOSED DTV TABLE OF ALLOTMENTS.

In its comments, BlueStone License Holdings Inc. (“BlueStone”) questioned whether the Commission applied the appropriate standard for interference in preparing the proposed DTV Table of Allotments.⁵ In support of its argument, BlueStone implies that MSTV and the Commission have been inconsistent with respect to the interference standard applied to DTV stations and attributes to MSTV certain statements that purport to demonstrate this inconsistency.

In light of the Commission’s compelling goal of maximizing interference-free television service after the transition, MSTV fully supports the Commission’s decision to apply a 0.1% interference standard in preparing the proposed Table of Allotments.⁶ As the Commission found and BlueStone acknowledges, the more lenient 2.0% “*de minimis*” standard was appropriate for digital stations during the transition because of the extreme challenges associated with integrating DTV into a band already filled with analog stations. Under such difficult circumstances, the need to fit stations into the crowded band warranted a temporary increase in the permitted interference threshold.

⁵ Comments of BlueStone License Holdings Inc., MB Docket No. 87-268 (filed Jan. 25, 2007) (“BlueStone Comments”).

⁶ Despite MSTV’s agreement with the Commission’s approach, BlueStone’s comments attribute to MSTV certain statements concerning the rationale for a specific *de minimis* interference standard. BlueStone Comments at 3. Those statements were in fact made by certain broadcasters in comments responding to an MSTV transition proposal, not by MSTV itself. *See* Clear Channel Communications, Inc., *et al.*, Joint Response to *Ex Parte* Submissions of MSTV and ALTV, MM Docket No. 87-268 (filed Dec. 17, 1997) (quoted in BlueStone Comments at 3).

A permanent post-transition threshold for permitted DTV-to-DTV interference has yet to be established. Accordingly, there is no basis for BlueStone's assumption that the 2.0% standard that applied during the DTV transition should apply here. Instead, because the temporary circumstances necessitating an increased interference tolerance do not apply to the final DTV Table, the Commission appropriately applied an 0.1% threshold.

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With the adoption of the final DTV Table of Allotments, the Commission will take an important step toward a successful completion of the digital transition. Consistent with the suggestions of other commenters in this proceeding, MSTV urges the Commission to adopt a Table of Allotments and related procedures that will increase efficiency, reduce regulatory burden, and preserve a robust and interference-free over-the-air television service to American viewers after the DTV transition.

Respectfully submitted,



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