

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Third Periodic Review of the) MB Docket No. 07-91
Commission’s Rules and Policies)
Affecting the Conversion to Digital Television)
)

To: The Commission

COMMENTS OF VERMONT ETV, INC.

Vermont ETV, Inc. (“VETV”) submits these comments in response to the Commission’s commencement of the Third Periodic Review of the transition to digital television.¹ In Appendix D to the *NPRM*, the Commission has published a list of stations that it believes to be “ready, or very close to ready,” to make the transition.² The Commission has asked licensees with stations on the list to respond as to whether the stations are in fact already prepared for the transition. VETV is the licensee of four educational television stations that the Commission identified on this list. (See Attachment 1.) It submits these comments in order to affirm that these stations are at their final, post-transition facilities. VETV notes that the final, authorized facilities of three of these stations, while falling within the service contours of the

¹ See *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Notice of Proposed Rulemaking, FCC 07-70 (rel. May 18, 2007) (“*NPRM*”).

² See *NPRM* at n.42 (explaining that the Appendix “includes those stations whose post-transition channel is the same as their pre-transition DTV channel and that have constructed their full, authorized DTV facilities”); see also *id.* at Appendix D.

allotments set forth in the recently released DTV Table of Allotments,³ differ slightly from the technical facilities specified in the DTV Table, as noted below.⁴

These facilities have been constructed in accordance with the facilities approved through Canadian coordination. VETV experienced an extended delay in obtaining Canadian coordination for the digital facilities of WETK-DT, WVTB-DT, and WVER-DT. Once Canadian coordination was obtained, VETV made the necessary adjustments to the facilities subject to these coordination issues. Because VETV's stations all carry the same programming, and in light of these adjustments, VETV was also able to reassess the coverage necessary for WVTA-DT.

In addition to the Canadian coordination issue, Vermont ETV has determined that, contrary to its initial estimates, high-powered facilities simply are not necessary in order to serve the viewers of Vermont. The coverage provided by WETK-DT, WVTB-DT, WVTA-DT, and WVER-DT at their existing facilities covers the state of Vermont, and therefore, VETV will not seek to further expand these facilities.⁵ Building WETK-DT, WVTB-TV and WVTA-DT out to 200 kW facilities would increase coverage only to out-of-state viewers; for in-state viewers, the only effect would be that some viewers would have the option of watching VETV programming on two channels, *e.g.*, on WETK-DT and WVTB-DT.

³ See *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Seventh Report and Order and Eighth Further Notice of Proposed Rulemaking, MB Dkt. No. 87-268, FCC 07-138 (“*DTV Table Order*”) (rel. Aug. 6, 2007).

⁴ The stations' licensed facilities are a matter of record in the Commission's CDBS database. The FCC approved these facilities in granting the digital licenses.

⁵ In addition to the main stations, VETV has obtained construction permits for two digital translator companion channels in order to provide service to rural viewers in southern Vermont. VETV has determined that these translators would have been necessary regardless of whether the main stations were maximized, due to terrain issues in that part of the state.

WETK-DT, Burlington, Vermont, facility ID 69944, is licensed pursuant to FCC File No. BLEDT-20061011ADW. Its effective radiated power (“ERP”) is 90 kW and its height above average terrain (“HAAT”) is 830 meters. These facilities are in conformance with those approved in Canadian coordination, which provide for an ERP of 90 kW and a HAAT of 844 meters.⁶ The Commission stated a slightly lower HAAT of 826 meters and a significantly higher ERP of 200 kW in the recently released DTV Table.

WVTB-DT, St. Johnsbury, Vermont, facility ID 69940, is licensed at 75 kW ERP at a HAAT of 590 meters (FCC File No. BLEDT-20060703ABN). These facilities also are in conformance with those approved in Canadian coordination, which provide for an ERP of 75 kW and a HAAT of 592.4 meters. In the DTV Table, the Commission has specified an ERP of 200 kW and a HAAT of 592 meters.

Finally, an application for license to cover (FCC File No. BLEDT-20070307AAW) has been filed to cover the facilities described in the construction permit BMPEDT-20060306BRA for WVTA-DT, Windsor, Vermont, facility ID 69943. The facilities have an ERP of 56 kW, at a HAAT of 692 meters, while the Commission has specified an ERP of 200 kW (and a HAAT of 693 meters) in the recently released DTV Table.⁷ When VETV filed this application, the staff asked VETV to provide an explanation for the reduction in power to 56.7 kW. On March 6, 2006, VETV filed such an amendment, setting forth these reasons and

⁶ See Attachment 2.

⁷ Also, while the longitude for the facilities approved and built pursuant to FCC File No. BMPEDT-20060306BRA is 72-27-08 (degrees-minutes-seconds), the longitude in the recently released DTV Table is 72-27-07, a difference of one second. Where a station’s licensed or permitted coordinates differ from the coordinates in the DTV Table by three seconds or less, the Commission has accepted corrections to the Table, consistent with the policy that such corrections may be licensed without a construction permit. See *DTV Table Order* at ¶ 35.

stating that VETV had initially planned to rely on high-power operations at WVTA-DT in order to address the risk of reduced coverage from WETK-DT and WVTB-DT due to the coordination issues.⁸ VETV explained that “[i]t obtained a maximized construction permit authorizing operation at 200 kW ERP” but that “[t]his approach was not ideal, given that it caused WVTA to deliver service not only to parts of Vermont, but also to certain sections of neighboring states, already served by other noncommercial stations.” When the international coordination issues for WETK-DT and WVTB-DT ultimately were resolved, with the power levels described above, VETV felt “confident that operation of WVTA at 55.7 kW ERP, rather than the higher power authorized in its initial construction permit, [would] more efficiently serve VETV’s coverage goals.”⁹

* * *

Accordingly, VETV submits these comments to affirm that the stations listed in Attachment A have completed their digital build-out and are prepared for post-transition operation, although there are certain differences between the facilities of three of these stations and the facilities in the recently released DTV Table of Allotments. These facilities serve virtually everybody in Vermont. The final facilities of WETK-DT and WVTB-DT reflect adjustments undertaken pursuant to Canadian coordination, with a corresponding adjustment to WVTA-DT’s service area in light of the coverage provided by the other stations.

⁸ See Exhibit 1 to Form FCC 340, File No. BMPEDT - 20060306BRA.

⁹ *Id.* VETV also certified “that it intends to operate at 55.7 kW ERP both during the transition to digital television and in the post-transition environment.”

Respectfully submitted,



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August 15, 2007

Attachment 1

VETV Television Stations Ready for Post-Transition Operations

WETK
WVER
WVTA
WVTB

Attachment 2

Canadian Coordination

300 Slater Street
Ottawa, Ontario
K1A 0C8

6128-5 (DBC-E)

Ms. Kathryn O'Brien
Chief, Strategic Analysis and Negotiations Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554, U.S.A.

Dear Ms. O'Brien:

This is in reply to your letter dated March 15, 2005 concerning the following Digital Television proposals:

1. City, State:	Montreal, QC
2. Transmitter Location:	45-30-20 North Latitude 73-35-32 West Longitude
3. Call Sign:	CBMT-DT
4. Channel Number and Class:	20 VU
5. Effective Radiated Power:	107 kW
6. Height Above Average Terrain:	300 meters
7. Radiation Center AMSL:	327.1 meters
8. Antenna System:	Non-Directional
Make and Model:	Kathrein K723147 (16 bays of 4 panels each)
Polarization:	Horizontal, 0.7° electrical beam tilt

1. City, State:	St. Johnsbury, VT
2. Transmitter Location:	44-34-16 North Latitude 71-53-39 West Longitude
3. Call Sign:	WVTB-DT
4. Channel Number:	18
5. Effective Radiated Power:	75 kW
6. Height Above Average Terrain:	592.4 meters
7. Radiation Center AMSL:	1023 meters
8. Antenna System:	Non-Directional
Make and Model:	Andrew ATW22H4-HTO-18S
Polarization:	Horizontal, 1° electrical beam tilt

...2

- 1. City, State: Burlington, VT
- 2. Transmitter Location: 44-31-32 North Latitude
72-48-51 West Longitude
- 3. Call Sign: WETK-DT
- 4. Channel Number: 32
- 5. Effective Radiated Power: 90 kW
- 6. Height Above Average Terrain: 844 meters
- 7. Radiation Center AMSL: 1266.4 meters
- 8. Antenna System: Non-Directional
 - Make and Model: Dielectric TFU-14GTH-R 04
 - Polarization: Horizontal, 1.0° electrical beam tilt

- 1. City, State: Burlington, VT
- 2. Transmitter Location: 44-31-32.6 North Latitude
72-48-55.1 West Longitude
- 3. Call Sign: WCAX-DT
- 4. Channel Number: 22 (with deletion of DTV 53)
- 5. Effective Radiated Power: 808 kW
- 6. Height Above Average Terrain: 845.2 meters
- 7. Radiation Center AMSL: 1269.4 meters
- 8. Antenna System: Non-Directional
 - Make and Model: Dielectric TUP-O4/C4SP-10/40H-2-R
 - Polarization: Horizontal, 1.25° electrical beam tilt

In reply, we wish to advise that the Department would have no objection to DTV operations at the above-noted parameters for WVTB-DT St. Johnsbury and WETK-DT Burlington, provided the Commission has no objection to the addition of DTV channel 20 VU in Montreal, nor to the following proposed change to the DTV Transition Allotment Plan:

<u>Location</u>	<u>Channel Number</u>	
	<u>Delete</u>	<u>Add</u>
Ste-Agathe-des-Monts, QC 46-02-06 NL ; 74-14-19 WL	32 (+) A NTSC	49 (Z) A NTSC

With regard to the WCAX-DT proposal, preliminary analyses indicate that it may be possible to use channel 22 at Mt. Mansfield with a rearrangement of channels on the Canadian side of the border, and the use of a lower ERP towards Canada at WCAX-DT. Negotiations between our respective administrations and the broadcasters involved on each side of the border are already under way, and it is hoped that a satisfactory solution will be reached in the near future.

Yours truly,

P. Vaccani
Director
Broadcast Applications Engineering