

**Before the  
Federal Communications Commission  
Washington, D.C. 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	)	

**COMMENTS OF MARANATHA BROADCASTING COMPANY, INC.**

Maranatha Broadcasting Company, Inc. ("MBC"), permittee of digital television broadcast station WFMZ-DT, Allentown, Pennsylvania, through counsel, hereby responds to the FCC's *Notice of Proposed Rulemaking* in the above-captioned proceeding, FCC 07-70, released May 18, 2007 (the "*NPRM*").

While the matter addressed in these Comments is not among the specific questions posed in the *NPRM*, the purpose of these biennial reviews of the transition to digital television is to allow the FCC to make any necessary adjustments to its rules and policies to facilitate the introduction of digital television services. These Comments, therefore, are appropriate for consideration at this time.

Insofar as WFMZ-DT is concerned, there is an arguable inconsistency between Appendix B to the FCC's recent *Seventh Report and Order* in MB Docket No. 87-268, FCC 07-138, released August 6, 2007, adopting a "final" DTV Table of Allotments, and Appendix D to the *NPRM*, which lists (on the basis of covering license applications) stations – including WFMZ-DT – which the FCC believes are ready to complete the transition to digital television broadcasting. This possible inconsistency, while minor, creates unnecessary ambiguity about

WFMZ-DT's DTV authorization and should be corrected, either in this proceeding or through procedures adopted as a result of this proceeding.

Specifically, Appendix B to the *Seventh Report and Order* – the “final” DTV allotments table – lists WFMZ-DT's authorized power and antenna height as 500 kW, at 314 meters above average terrain. Pursuant to an application to modify WFMZ-TV's construction permit (File No. BMPCDT-20041029, granted December 6, 2004), the FCC authorized WFMZ-DT to operate with 400 kW at 331 meters AAT. This was based on substitution of a PSI Model PSIMPTD-9-DCP-46 antenna for the Dielectric Communications Model TFU-16DSC-R-S380SP antenna proposed in the original construction permit and achieves coverage equivalent to the previously authorized facilities. It was confirmed in the covering license application, BLCDDT-200620060621AAU, granted August 11, 2006. Appendix D to the *NPRM* is based on the granted license application (for 400 kW at 331 meters AAT), while Appendix B to the *Seventh Report and Order* reflects the previously authorized facilities.

While the discrepancy has no effect on WFMZ-DT's coverage, it creates an undesirable ambiguity about the conformity of WFMZ-DT's operation with Section 73.622 of the Rules and could cause administrative issues to arise, unnecessarily, in the future.

In the *Seventh Report and Order*, ¶ 143, the FCC initiated a notice-and-comment rulemaking proceeding on a request by WDCA-DT for changes in the Table of Allotments to conform the DTV Table to actual, authorized facilities, even though the proposed change would not result in any impermissible interference. Unlike WFMZ-DT's case, however, the authorized WDCA-DT facilities were for a different transmitter location than the one reflected by the original allotment.

Correction of WFMZ-DT's allotment, unlike the situation posed by WDCA-DT, involves (1) equivalent facilities and (2) no potential consequences for any other stations. Under those circumstances, a notice-and-comment rulemaking proceeding would be wasteful of both MBC's and the FCC's time and resources. Not every change in the rules requires notice-and-comment procedures. See, 5 U.S.C. § 553(b) (3)(B).

MBC therefore requests that the FCC resolve the discrepancy between the Table and WFMZ-DT's authorized facilities in this proceeding. Alternatively, the FCC should provide (and if necessary make appropriate changes in its rules) that stations in WFMZ-DT's circumstances may seek *pro forma* corrections in the Table of Allotments administratively without the necessity to initiate notice-and-comment proceedings.<sup>1</sup>

Respectfully submitted,

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<sup>1</sup> Conceivably, the FCC could obtain necessary information concerning such changes in the new form it proposes to require DTV licensee/permittees to file concerning the status of each station's transition to digital television broadcasting. Indeed, the language of the proposed form (*NPRM*, Appendix B) could require MBC to explain or clarify a number of its responses in light of the difference between the allotment values and the authorization.