

**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)

To: Secretary, FCC
For: The Commission

**REPLY COMMENTS OF
SUNBEAM TELEVISION CORPORATION**

Sunbeam Television Corporation ("Sunbeam"), the licensee of WSVN-TV, Miami, Florida ("WSVN"), WHDH-TV, Boston, Massachusetts ("WHDH"), and WLVI(TV), Cambridge, Massachusetts ("WLVI")¹ hereby submits these Reply Comments through counsel in response to the May 18, 2007 *Notice of Proposed Rulemaking* ("Notice") in the Third Periodic Digital Television ("DTV") Review proceeding and the comments filed therein.²

The Weight of Comments Supports a Lifting of the Filing Freeze

Sunbeam joins the chorus of broadcasters urging the Commission to promptly lift the August 2004 filing freeze.³ Not one comment was filed in support of a continuation of the freeze, and numerous commenters have noted the difficulty in complying with the mandatory DTV transition as a result of the ongoing freeze. Sunbeam submits that the rationale for imposing the freeze expired long ago, particularly because the Commission has now released the

¹ The licenses for WHDH and WLVI are held by Sunbeam's affiliate, WHDH-TV.

² *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Notice of Proposed Rulemaking, MB Docket No. 07-91, FCC 07-70 (rel. May 18, 2007).

³ See *Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes*, Public Notice, 19 FCC Rcd 14810 (MB 2004).

DTV Table.⁴ A delay in lifting the freeze is likely to seriously impede broadcasters' efforts to complete the DTV transition in a timely manner.

For example, WSVN is planning to collocate on a new tower with Post-Newsweek's station WPLG-TV, as part of the DTV transition. Such a minor modification of facilities normally would be authorized as a matter of right; however, the freeze prevents the parties from requesting such a modification absent a waiver. The reality is that the freeze is preventing many broadcasters from filing to implement important engineering decisions and necessary modifications. Sunbeam urges the Commission to lift the freeze as soon as possible, but in no event later than the adoption of a *Report and Order* in this proceeding. Ideally the Commission should provide advance notice to all broadcasters so that parties may begin preparation of necessary applications and expeditiously file them once the freeze has been lifted.

In addition, Sunbeam wishes to inform the Commission of the steps that must be taken by each Sunbeam station to complete the DTV transition.

WSVN

WSVN operates its licensed analog facilities on Channel 7, and its licensed digital facilities on Channel 8. WSVN elected Channel 7 as its post-transition channel and the Commission approved that election. The newly adopted DTV Table of Allotments also reflects this election.

To complete the transition, WSVN intends to use the current digital Channel 8 facilities for DTV Channel 7 by retuning the exciter to Channel 7 on the transition date. WSVN has committed to purchasing the transmitter and other equipment necessary to operate at the power

⁴ *Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service*, Seventh Report and Order and Eighth Further Notice of Proposed Rule Making, MB Docket No. 87-268, FCC 07-138 (rel. Aug. 6, 2007).

level authorized in the DTV Table. The station may be off the air for several hours while the transition is completed, but WSVN does not anticipate any major disruption in service.

However, as noted above, WSVN intends to relocate to a new tower to provide better service to the public. Therefore, WSVN encourages the Commission to lift the freeze as soon as possible so that the freeze does not create an impediment to WSVN's tower relocation.

WHDH

WHDH does not benefit from the warm Miami weather that WSVN enjoys. Completing the DTV transition in the middle of a Boston winter would be challenging. Nonetheless, WHDH has devoted substantial time and effort to planning the transition to reduce the potential for service loss and minimize service reduction.

WHDH operates its licensed analog facilities on Channel 7, and its licensed digital facilities on Channel 42. WHDH elected to return to Channel 7 as its post-transition channel and the Commission approved that election. The newly adopted DTV Table of Allotments also reflects this election.

On the final day of the transition, WHDH intends to shut down its digital Channel 42 operation and its analog Channel 7 operation. It will immediately switch to the new digital Channel 7 transmitter and other equipment. However, the antenna to be used may differ from the antenna authorized in the DTV Table, and to the extent necessary, WHDH may seek Special Temporary Authority to operate with an alternate antenna for several months following the transition. Sunbeam anticipates that a tower crew will replace the temporary antenna in the Summer of 2009. In the meantime, the alternate antenna should cover the same population service area as the antenna authorized in the DTV Table. Accordingly, at this time, Sunbeam does not anticipate any loss or reduction in WHDH service, weather permitting.

WLVI

WLVI is licensed to operate on analog Channel 56 and DTV Channel 41. WLVI elected Channel 41 as its post-transition channel. That election was approved by the Commission and is reflected in the newly adopted DTV Table of Allotments.

WLVI is listed in Appendix D of the *Notice*, indicating the Commission's belief that WLVI is "ready, or very close to ready" to completing the DTV transition.⁵ Sunbeam agrees with this assessment, and at this time believes that WLVI is substantially ready to complete the DTV transition because it will remain with its presently authorized facilities on its DTV Channel while simply shutting down its analog facilities. However, WLVI is contemplating a tower move and would therefore also benefit from a lifting of the filing freeze.

For all three stations, it is important to underscore the fact that unforeseen delays may result for reasons beyond Sunbeam's control, such as weather and equipment delivery delays. Sunbeam urges the Commission to adopt rules that account for the inability of broadcasters to control such problems.

Conclusion

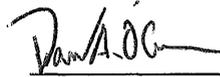
Sunbeam has made substantial efforts, at significant expense, to comply with the mandates of the DTV transition. However, like most television broadcasters, Sunbeam will need flexible regulatory treatment in order to complete the transition in a way that minimizes loss of

⁵ *Notice* ¶ 18.

service to the public.

Respectfully submitted,

SUNBEAM TELEVISION
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August 30, 2007

Submitted via ECFS

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