

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

<b>In the Matter of:</b>	)	
	)	
<b>Advanced Television Systems</b>	)	<b>MM Docket No. 87-268</b>
<b>and their Impact upon the Existing</b>	)	<b>Seventh Report and order.</b>
<b>Television Broadcast Service</b>	)	<b>Eighth Further Notice of</b>
	)	<b>Proposed Rule Making</b>

**To: The Commission.**

**PETITION FOR RECONSIDERATION.**

EME Communications hereby submits a petition for reconsideration in the above report and order.

On October 22, 2007, the Commission closed a long awaited window for new and major change FM applications in what is know as the "reserved" portion of the FM broadcast band. Many of the organizations that applied in the window either had to restrict their proposed interfering contour to protect what the Commission has obviously determined to be an antiquated analog channel six service. Many applicants attempted to contact their local channel six facility and were either ignored or forced to pledge they would not start the new service prior to the February 2009 sunset date on analog television service.

When a FCC staff member was contacted to get advice on the channel six requirements for a channel six DTV facility, the member was unable to provide guidance and suggested the new FM applicants use the antiquated rules and protection offered to an analog channel six facility.

This is a perfect opportunity for the Commission to eliminate the protection requirements to channel six DTV allotments (47 CFR § 73.525) or eliminate channel six from the digital allotments process. It is time the Commission stops penalizing FM broadcasters in favor of the television service.

Respectfully:

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