

December 3, 2007

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Re: Docket 87-268

Response to “Opposition to Petitions for Reconsideration”, from the Association for Maximum Service Television, dated December 3, 2007.

I. My Comment letter to the Commission, dated November 12, 2007, was filed before the November 16, 2007, deadline for Replies. Consequently, I assert that it was filed in a timely manner, despite the December 3, 2007, Opposition from the Association for Maximum Service Television (“MSTV”).

II. In its “Opposition”, the Petitioner, hence MSTV, puts forth a predictable, “boilerplate” contention that “...eliminating protection for – or the existence of – free, over-the-air television service on Channels 5 and 6 would harm the public interest. It would hurt the viewers relying on the news and information provided over those channels, and it comes far too late in the digital transition to be a viable proposal. MSTV respectfully requests that the Commission...dismiss the Petitions...”

I would respectfully offer to the Petitioner-in-Opposition, MSTV, that it is the Commission, its Bureaus and staff that determine, first, what would harm the public interest, and second, whether an alternative proposal is “too late” in the regulatory and decision-making process. Until the Commission issues a final Report and Order, alternative broadcasting proposals remain “viable” and open for consideration.

Additionally, terrestrial television service is no longer the major source of news and information that it was in recent years. Today, there are additional, numerous, and increasingly ubiquitous sources of news and information, including cable television, satellite television, terrestrial radio, satellite radio, daily and weekly newspapers, periodicals, the Internet, wireless telephones and other devices, and more.

III. Unlike the Mullaney Petition, my Comments and ideas only envision using the now-Channel 6 bandwidth, from 82-88 MHz, for expanding terrestrial, FM radio service. I believe that assigning the 82-88 MHz bandwidth is a sufficient, but very significant, way of opening up more bandwidth for the high-in-demand, Low Power FM (LPFM) service, which the

Commission, in just the past few days, has publicly debated and discussed. And, again, using the 82-88 MHz bandwidth for LPFM and additional FM translator stations would allow for the expansion of both services without crowding them into the existing FM band, which already faces interference and short-spacing challenges.

For purposes of distinguishing my more limited proposal from that of Petitioner Mullaney, I again offer:

1. Removing the spectrum now used by Channel 6 for TV broadcasting would, once and for all, remove the conflict with FM Channel 253 (98.5 FM).
2. Use the lowest portion of the now-Channel 6 frequency, at 82 MHz, for five LPFM-only frequencies at 82.1, 82.3, 82.5, 82.7 and 82.9 MHz. Incumbent LPFM stations would be mandated, and given a specified amount of time to comply, to migrate to the 82 MHz frequencies. Moving the LPFM stations to this new bandwidth would eliminate concerns about interference to existing, full-power FM stations, and would open up hundreds (thousands?) more LPFM frequencies.
3. Use the 83 MHz frequencies, at 83.1, 83.3, 83.5, 83.7 and 83.9 MHz, as translators for AM daytime-only stations, local (AM Class C) stations, and Class D AM stations that are required to power down significantly after sunset. These 83 MHz translators would be capped at 250w ERP. As with incumbent LPFMs, the few AM stations that are presently using FM translators at night would be mandated to surrender their current FM translators and move to one of the 83 MHz frequencies.
4. Finally, use that part of the Channel 6 spectrum from 84.1 MHz to 87.9 MHz for additional, full-power NCE FM stations. For both channel spacing/interference reasons, and to allow a greater number of NCE licensees, I would recommend that these new stations be limited to 50kW ERP (FM Class B or C2). Incumbent NCE stations that are currently broadcasting above 50kW ERP would continue to do so. And again, NCE broadcasters that are currently using the "non-reserved" band, from 92.1 to 107.9 MHz, would be required to migrate to the new and existing "reserved" band (84.1 MHz to 91.9 MHz).

NCE licensees now operating in the "non-reserved" band would be the first group to be moved to the expanded "reserved" band, for reasons of "cleaning up" the non-reserved band, eliminating short-spacing, and allowing for more commercial FM stations, for which there is still a huge demand. Next in order to be moved would be incumbent NCE stations, now operating in the

existing "reserved" band ( 88.1 MHz to 91.9 MHz), again for purposes of cleaning up that band and eliminating short-spacing. Remaining frequencies in the expanded "reserved" band would be available for new NCE licensees.

IV. Contrary to the claims of Petitioner, MSTV, I request that the Commission accept my Comments in Reply, dated November 12, 2007, as timely, valid and viable.

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