



December 19, 2007

Eloise Gore, Esquire
Deputy Division Chief, Policy Division
Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Communication
Top-Mount/Side-Mount Antenna Issue
MB Docket No. 87-268; 07-91

Dear Ms. Gore:

As we have discussed on previous occasions, one of the more difficult issues concerning the digital transition concerns stations with side-mounted digital antennas. To meet proposed FCC coverage requirements, many of these stations will be required to take down their top-mounted analog antenna, and replace it with a new top-mounted digital antenna. However, a station simply cannot “switch” antennas. For a variety of reasons, including size, weight and wind resistance, you cannot place a side-mounted antenna on the top of a tower. Similarly, as a general matter one cannot simply place a top-mounted antenna on the side of a tower.

The top-mount/side-mount issue becomes important as stations move to complete the final transition to digital transmission on February 17, 2009. Specifically, meeting the coverage requirements in Table B will require many stations to 1) remove their existing top mount antennas, 2) cease transmitting from their current DTV side-mount antenna and 3) install a new digital top-mount antenna.

This situation is best illustrated by stations that have decided to remain on their current DTV channel. Many of these stations are currently operating with side-mounted DTV antennas and analog top-mounted antennas. In order to meet the coverage requirements in Table B, these stations must take down the top-mount analog antenna and replace it with a new digital top-mount antenna.

The following data was prepared for MSTV by Meintel, Sgrignoli and Wallace. The data focus specifically on stations that will be remaining on their current digital channels. The data compare the antenna height of a station’s current DTV facility with the antenna height of the final DTV facility in the FCC’s Table B.

●Number of stations with allotted height in Table B greater than current authorized DTV facility	138
●Number of stations with allotted height in Table B greater than current authorized DTV facility <i>by more than 10 meters</i>	97
●Number of stations with allotted height in Table B greater than current authorized DTV facility <i>by more than 20 meters</i>	72
●Number of stations with allotted height in Table B greater than current authorized DTV facility <i>by more than 30 meters</i>	46

The data reveal that there are 138 stations with antenna heights in Table B higher than currently authorized facilities. Ninety-seven stations may have to increase the height of their antenna by 10 meters or more to meet the Commission's coverage requirements. Seventy-two stations will have to move their antenna up 20 meters and 46 stations will have to move their antenna up by more than 30 meters. In most cases, these stations will have to remove their top-mounted analog antenna and replace it with a top-mounted digital antenna.

We would note that these data may underestimate potential for a top-mount/side-mount problem. For example, there are more than 100 stations that will be moving to an entirely new DTV channel. These stations may have a similar coverage issue. Indeed, it has been estimated that nearly 60% of the antennas sold are side-mounted antennas.

The significance of this problem should not be underestimated. In the FCC's Notice of Proposed Rulemaking, the Commission proposed allowing stations to turn off their analog facilities on February 17, 2009, and continue DTV operations on their current DTV facilities. Such a policy would facilitate the transition by reducing immediate demand for equipment and tower crews. As MSTV noted in its Comments and Reply Comments, we supported this policy.

Unfortunately, the benefits of this proposal may not be realized if the FCC requires stations to meet full Table B coverage requirements, or serve their current analog coverage area, on February 17, 2009. As the above data indicate, the only way many stations will be able to meet these requirements is to take down their top-mounted analog antennas and replace them with new top-mounted digital antennas, sometime this summer (2008). Stations will not be able to meet these requirements with their current side-mounted antennas. As a result, the FCC proposed coverage requirement will increase the immediate demand for top-mounted digital antennas, and most importantly, scarce tower crews.

Moreover, in many areas of the country, it is impossible to conduct antenna work safely during the winter. As a result, requiring these stations to meet full Table B requirements may force some stations to terminate analog service early. Such a result

may be problematic for consumers and stations. Both government and industry education efforts have been geared toward informing consumers that the transition will occur in February 2009. Moreover, it appears that the digital to analog converter boxes may not be available at retail in the market until March 2008. In short, consumers may not be ready to terminate their analog service.

The point is that the realities of complying with the FCC's coverage rules, rather than an assessment of consumer readiness in the market, will dictate when a station terminates analog service. This approach places a station in an extremely difficult position. Of course, this will occur during a presidential election year. If stations terminate analog service before consumers are ready, these viewers will lose access to critically important election information.

To resolve these problems, we urge the FCC to adopt the following policy. First, consistent with statutory requirements, stations must turn off their analog service no later than February 17, 2009. Second, permit stations to remain operating on their current DTV channel and side-mount facilities past February 17, 2009, provided these channels have not been assigned to other stations or cause interference. Third, station must retain their existing DTV service areas and at a minimum meet the city-grade DTV coverage area. Fourth, require stations to meet their Table B coverage requirement no later than 6 to 12 months after the February 17, 2009, transition date. We would urge the Commission to make this a specific rule rather than through a time-consuming waiver process.

It is important to recognize that stations have powerful economic incentives to erect their top-mounted antenna as soon as possible. We believe this policy helps ensure that consumers retain access to analog signals through February 17, 2009. It will also help alleviate the potential shortages for equipment and tower crews. While there are tradeoffs with any policy, this approach will help ensure that more consumers maintain access to free over-the-air television.

Sincerely,



David Donovan
President

cc: The Honorable Kevin J. Martin
The Honorable Michael J. Copps
The Honorable Deborah Taylor Tate
The Honorable Jonathan S. Adelstein
The Honorable Robert M. McDowell
Marlene Dortch, Secretary, FCC
Monica Desai, Chief, Media Bureau