

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 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: The Commission

**PETITION FOR RECONSIDERATION AND CLARIFICATION OF  
THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC. AND  
THE NATIONAL ASSOCIATION OF BROADCASTERS**

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## **EXECUTIVE SUMMARY**

The Association for Maximum Service Television, Inc. (“MSTV”) and the National Association of Broadcasters (“NAB”) submit this Petition in order to address four narrow but important issues in the transition to digital television. With less than a year remaining until February 17, 2009, we respectfully seek prompt resolution of these issues.

### **Viewer Notification**

- We ask that the Commission clarify that, where more than one viewer notification obligation is triggered, broadcasters may provide one consolidated notification that provides all of the information that is required to be provided. We believe that this is consistent with the requirements articulated in the *Report and Order*, and that it is a viewer-friendly, efficient approach.

### **Implementation of the New PSIP Standard**

- We request the Commission to reconsider the effective date by which broadcasters must implement the new PSIP standard (A/65-C), extending the date by one year (to May 29, 2009). We believe that broadcasters will need this time in order to deploy equipment and software capable of complying with the new PSIP standard.
- We also ask that the Commission acknowledge that real-time updates to the Event Information Table (“EIT”), such as in the case of program overages, will require automation capabilities that are not expected to be widely available for several years. Relatedly, we ask that the Commission clarify that real-time updates are not required under the new PSIP standard.

### **Use of PSIP to Provide Information on a Program’s Definition**

- MSTV and NAB note that the A/65C standard does not provide a separate field in which to identify a program’s definition, nor does the PSIP standard generally require that broadcasters specify the program’s definition. We seek clarification from the Commission that, by saying that broadcasters “should” use PSIP to provide information on a program’s definition, it did not intend to go beyond the requirements set forth in the A/65C standard.

### **Multicast Station Identification**

- We seek reconsideration of the Commission’s decision that a station retransmitting another station’s programming on a multicast channel may not identify the retransmitted station’s frequency or channel number in the station identification. We believe that this decision would be difficult to implement and that it would create a risk of viewer confusion.

- We ask that the Commission clarify that its decision with regard to multicast station identification was not intended to alter stations' ability to use PSIP to provide the retransmitted station's major channel number. PSIP permits stations that are using multicast channels to retransmit another station's programming to provide the retransmitted station's channel number. A harmonization of the station identification and PSIP rules would be helpful.

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With less than a year remaining until February 17, 2009, completing the transition to digital television will be a complex and high-stakes undertaking for broadcasters and for the Commission. The Association for Maximum Service Television, Inc. ("MSTV")<sup>1</sup> and the National Association of Broadcasters ("NAB")<sup>2</sup> applaud the Commission's achievement in the *Report and Order* in the Third Periodic Review of the transition to digital television,<sup>3</sup> which addressed a number of the central issues facing broadcasters as they strive to complete the transition to DTV. We believe that more flexible and streamlined rules with respect to a number of issues would have been in the public interest, but at this stage in the transition, stability and certainty in the rules and policies governing the transition are critical. In that regard, MSTV and

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<sup>1</sup> MSTV is a nonprofit trade association of local broadcast television stations committed to achieving and maintaining the highest technical quality of the local broadcast system.

<sup>2</sup> NAB is a nonprofit trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission, the Courts, and other federal agencies.

<sup>3</sup> See *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Report and Order, FCC 07-228 (rel. Dec. 31, 2007) ("*Report and Order*").

NAB submit this Petition for Reconsideration and Clarification solely to address four narrow but important issues. Because of the narrowness of these issues and the almost immediate need for broadcasters to take action to comply with the relevant requirements, we respectfully request that the Commission take expeditious action to address the issues raised herein.

First, MSTV and NAB seek clarification from the Commission that where more than one of the Commission's viewer notification obligations is triggered, a station may comply with the Commission's requirements through the use of a consolidated notification that includes all of the elements required in each of the triggered viewer notification obligations. We believe that such an approach is both consumer-friendly and consistent with the requirements articulated in the *Report and Order*, but believe that an express clarification by the Commission would avoid confusion and assist broadcasters in their efforts to comply.

Second, in light of recently discovered facts, MSTV and NAB seek reconsideration with respect to the May 29, 2008, effective date by which broadcasters must implement the new PSIP standard (A/65-C), and seek clarification with respect to that new standard.<sup>4</sup> Through discussions with our broadcasting membership as well as with equipment manufacturers, we have learned that broadcasters may not be able to deploy PSIP equipment that meets the new standard within the specified timeframe. We respectfully seek reconsideration of the March 29, 2008, deadline and request that the Commission instead adopt a March 29, 2009, effective date for compliance with the new PSIP standard, which will permit time for

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<sup>4</sup> See *Report and Order*, 73 FED. REG. 5634, 5634 (Jan. 30, 2008) (noting that “[t]he incorporation by reference of certain publications listed in Sections 73.682(d), 73.8000(b)(2) and (4), and 73.9000(k), is approved by the Director of the Federal Register, as of May 29, 2008”). See also revised Section 73.682(d) (47 C.F.R. § 73.682(d)), which now provides, “[e]ffective May 29, 2008, transmission of digital broadcast television (DTV) signals shall comply with the standards for such transmission set forth in...ATSC A/65-C....”).

broadcasters to order and install the new equipment. We also respectfully ask that the Commission acknowledge that real-time updates to the Event Information Table (“EIT”) require automation capabilities which will not be available for several years and are permissive under the new PSIP standard.

Third, we seek clarification of the Commission’s statement regarding use of PSIP to provide information on the definition of programming (*i.e.*, standard definition versus high definition).

Fourth, we believe that the Commission should reconsider its decision to prohibit a station retransmitting the programming of another station on a multicast channel from providing the retransmitted station’s frequency and channel number in the station identification. This prohibition creates a risk of complex technical challenges for both the retransmitting station and the retransmitted station, and it can create a risk of viewer confusion. Further, we ask that the Commission clarify that broadcasters are permitted to use their current branded channel numbers (*i.e.*, the NTSC channel numbers) as their PSIP major channel numbers (and in their on-air station identification), even if the station is not broadcasting (or being rebroadcast) on that channel’s frequency.<sup>5</sup>

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<sup>5</sup> In addition to the issues described above, we note that in the *Report & Order*, the Commission made a number of important decisions regarding the post-transition operations of full-power stations including, most importantly, adopting a 0.5 percent new interference standard when evaluating applications of full power stations after the transition. Although the *Report & Order* was silent on the calculation of interference to Class A stations from the post-transition applications of full-power DTV stations, the Commission should clarify that full-power stations can count pre-transition masking interference before computing or applying the 0.5 incremental standard to Class A stations. Without such a clarification, the Commission will inhibit or prevent full-power stations from expanding and improving their digital television service at a time when these steps are most needed to enhance the likelihood of a seamless transition. This standard would be applied except in those situations where additional technical flexibility is warranted under Section 336(f)(1)(D) of the Communications Act of 1934, as amended.

**I. THE COMMISSION SHOULD CLARIFY THE VIEWER NOTIFICATION RULES.**

In the *Report and Order*, the Commission established multiple distinct but similar viewer notification requirements.<sup>6</sup> While certain details of the notices differ, much of the required content is the same. MSTV and NAB do not seek any substantive change with respect to the viewer notification obligations adopted by the Commission in the *Report and Order* and, indeed, believe that the consolidated approach discussed here is consistent with the requirements the Commission adopted. In the interest of clarity, however, MSTV and NAB respectfully request that the Commission clarify that in cases where a station must comply with multiple viewer notification requirements, a consolidated message providing all of the unique information described in the separate requirements will satisfy the viewer notice requirements. This approach not only will be more efficient, it will help to avoid viewer confusion at a time when clear messages about the digital transition are paramount.

The Commission has established five different viewer notification requirements, four of which pertain to pre-transition service disruptions and one of which pertains to post-transition service limitations. All of the notices have overlapping requirements – for example, requirements that the broadcaster provide the station’s call sign and community of license, information on what viewers can do to continue to receive the station, and the station’s contact information. Several of the viewer notification requirements also require that the broadcaster provide notice of the fact that the station is planning to or has reduced or terminated its pre-transition service, the date of the planned reduction or termination, and information about the availability of digital-to-analog converter boxes in their service area. Thus, while each

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<sup>6</sup> All notices must be provided on-air four times per day, including at least once during primetime.

notification requirement specifies information that is unique to the triggering situation, all of the notifications are similar. As noted above, MSTV and NAB believe that, where more than one notification obligation is triggered, a consolidated notification providing all of the required elements would comply with the Commission's decision. However, clarification of this point would be desirable.

Clarification that a station may consolidate the elements required will help to avoid viewer confusion, because stations will be able to provide notice of related DTV developments in one streamlined notice instead of bombarding viewers with similar, but different, notices. Providing a consolidated message that includes all of the relevant information that a particular station is obligated to communicate to its viewers at the particular time under the viewer notification requirements would help to ensure that viewers do not "tune out" a notice that seems duplicative of an earlier, similar notice but actually contains unique information.

This clarification also will be more efficient and help to conserve station resources. If a station is subject to two viewer notification requirements, it would not be in the public interest to require stations to provide eight viewer notices a day (including at least two in primetime), especially when, as the Commission made clear in the *Report and Order*, these viewer notifications must be provided in addition to "any notification requirements that [the Commission] may adopt pursuant to [its] DTV Consumer Education Initiative."<sup>7</sup> Rather, such stations should be able to provide four notices per day (including at least one in primetime) which provide all of the elements required under the viewer notification requirements.

## **II. THE COMMISSION SHOULD RECONSIDER THE DEADLINE FOR IMPLEMENTATION OF THE NEW PSIP STANDARD AND ACKNOWLEDGE**

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<sup>7</sup> See, e.g., *Report and Order* at para. 106.

**THAT REAL-TIME UPDATES ARE NOT MANDATORY AND MAY TAKE YEARS TO FULLY IMPLEMENT.**

We respectfully request that the Commission impose a deadline of May 29, 2009 (rather than May 29, 2008) for the implementation of the new PSIP standard. As set forth in their comments in this proceeding, MSTV and NAB support the Commission's inclusion of the ATSC's new PSIP standard (A/65C) in its rules. At the time that they filed their comments, however, MSTV and NAB anticipated that broadcasters would be able to comply with the new standard by the time it was implemented by the Commission. Since that time, from discussions with broadcasters and with equipment manufacturers, such as Harris Corporation, we have learned that most broadcasters will not be able to implement the new standard by May 29, 2008. Broadcasters rely on software and equipment to generate the PSIP tables. In order to implement the new PSIP standard, most broadcasters will need to install software and/or hardware upgrades to their PSIP generators. Ordering and installing these upgrades in order to deploy the new standard will take a significant amount of time, especially for smaller stations whose resources may already be strained with the digital buildout issues associated with the transition. Thus, we believe that a one-year delay in implementing the standard is warranted, so that stations have time to obtain the necessary equipment and software.

We also note that the new standard requires broadcasters to populate Event Information Tables ("EITs") with the specified information about each event and to update the EIT if more accurate information becomes available. We ask that the Commission clarify that real-time updates to the EIT are not required under the standard.<sup>8</sup> We also request that the

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<sup>8</sup> To the extent such EIT information is included in the broadcast stream, the FCC should make every effort to ensure that such information is subsequently retransmitted by cable and satellite operators.

Commission acknowledge that real-time updates would require automation, which will not be feasible as a technical matter for several years.

First, MSTV and NAB note that the A/65C standard does not require real-time updates of program overages.<sup>9</sup> The standard does not specify how quickly stations must provide updates to the PSIP generator so it can update the EITs. The new PSIP standard is permissive, not mandatory, with respect to rapid updates of program overages, and we ask that the Commission clarify that it did not intend to go beyond what the standard requires in this regard.

Second, we request that the Commission recognize that immediate updates of unscheduled program overages are not feasible with today's technology. The problem is especially acute with small stations, and stations in smaller markets. We believe that rapid EIT updates will be possible someday, but that they will require automated communications systems which are not yet on the market. The new standard requires PSIP generator support for real-time updates to program titles, but the infrastructure to implement automation of this support does not exist in most facilities.<sup>10</sup> At most stations today, updates to the EIT must be done manually. So, for example, if breaking news were to cut into a program's start-time, in most stations station personnel would be required to manually enter this information into the PSIP generator. This can be a difficult and time-consuming process requiring expertise beyond that of routine operating staff. Few stations have personnel that are able to manually enter data as it is dynamically altered by the master control and traffic systems, and station resources may be devoted to the breaking news event. The ability to send updates to a station's PSIP system on an

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<sup>9</sup> See *Report and Order* at para. 188.

<sup>10</sup> The intent of this change to the PSIP standard was to require the PSIP generators to support the communications protocols being developed, and to automatically insert data when it is sent to the PSIP generator (at which point it is technically known and available to the equipment).

automated basis from other parts of the station's plant as changes occur is just now completing standardization by the SMPTE.<sup>11</sup> When stations begin to implement the new standards, automated – and therefore immediate – updates will be possible.

**III. THE COMMISSION SHOULD CLARIFY THAT PSIP DOES NOT REQUIRE BROADCASTERS TO SPECIFY A PROGRAM'S DEFINITION.**

MSTV and NAB note that the Commission stated that “if a broadcaster transmits a program in standard definition, the PSIP information should state that the programming is being broadcast in standard definition, as opposed to High Definition.”<sup>12</sup> We observe that the A/65C standard does not provide a separate field in which to identify a program's definition, nor does the PSIP standard generally require that broadcasters specify the program's definition. Accordingly, we respectfully request that the Commission clarify that, by saying that broadcasters “should” use PSIP to provide information on a program's definition, it did not intend to go beyond the requirements set forth in the A/65C standard.

**IV. THE COMMISSION SHOULD RECONSIDER AND CLARIFY ITS DECISION ON MULTICAST STATION IDENTIFICATION.**

MSTV and NAB appreciate the Commission's decision to clarify the rules applicable to multicast station identification, and agree that a station retransmitting the programming of another station on a multicast channel should have the option of identifying that station.<sup>13</sup> However, we disagree with the Commission's decision to prohibit the station

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<sup>11</sup> The SMPTE draft standard for Broadcast Exchange Format (“BXF”), SMPTE 2021, was passed for draft publication in a technical committee ballot but the document has still to be approved by the SMPTE ST13 Standards Committee. The draft BXF standard establishes a standard way for the pieces of equipment in the station to pass information about planned changes and current operational status. The ATSC's Program and Metadata Control Protocol Standard (A/74) establishes the communication protocol to deliver data for the PISP generator.

<sup>12</sup> *See Report and Order* at para. 188.

<sup>13</sup> *See id.* at paras. 199 and 203.

retransmitting the programming from providing viewers with the frequency and/or channel number of the station whose programming is being retransmitted. We believe that the station identification should permit (but not require) the station to provide this additional information to viewers.<sup>14</sup> Permitting stations to provide this information will reduce the burden and complexity of complying with the multicast station identification rule, and we believe that it will help to avoid viewer confusion. Further, the Commission should clarify that it does not intend to create a rule that conflicts with the PSIP standard.

Permitting stations to provide the program supplier's frequency and/or channel number will help to streamline compliance with the station identification rule. In many cases, the station whose programming is being retransmitted may already include its frequency and/or channel number in its station identification. By permitting stations to include the retransmitted station's frequency and/or channel number, the Commission would facilitate compliance. If, however, the Commission retains the restrictive approach adopted in the *Report and Order*, then either Station WXXX (the transmitting station) may have to change its station identification so that it no longer included the channel number (which could be difficult to implement and would deprive WXXX's viewers of relevant information) or Station WYYY (the transmitting station) may have to strip out the existing WXXX station identification (which also would require technical and financial resources).<sup>15</sup>

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<sup>14</sup> Other additional information might include the network affiliation of the carried station, which may already be included between the carried station's call letters and community of license in the carried station's official station identification. The Commission's rule would permit the transmitting station to provide this information to viewers. The rule could be read, however, to be limited to situations where the information is provided between the transmitting station's call letters and community of license, which could be confusing to viewers.

<sup>15</sup> MSTV and NAB also understand that stations commonly inform their viewers of all distribution paths over which the programming is delivered (including, *e.g.*, distribution over (continued...))

Flexibility is also needed to minimize viewer confusion. For example, consider a scenario where a cable system receives WXXX's programming over WYYY's multicast channel. The cable system may be required to carry WXXX's programming on the channel number matching WXXX's major channel number. Under the current multicast station identification rule, however, the station identification might be "Station WYYY-DT, [station WYYY's major channel number], [station WYYY's community of license], bringing you WXXX, [WXXX's community of license]." Thus, to the extent that there is any channel number provided in the station identification, it would be confusing for the viewer. Permitting the addition of WXXX's major channel number would permit stations to provide information that viewers could reconcile with reality.<sup>16</sup>

We also urge the Commission to clarify that the information that a station provides via PSIP may include the retransmitted station's major channel number. PSIP explicitly permits stations retransmitting another station's programming via a multicast channel to provide the retransmitted station's channel number.<sup>17</sup> We ask that the Commission clarify that its statements with respect to on-air station identification were not intended to alter stations' ability to use this technique as permitted under PSIP. This clarification would help to harmonize the

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another station's multicast channel). We urge the Commission to clarify that this practice is permissible, as it provides viewers with full information and enables the station to preserve resources.

<sup>16</sup> For over-the-air viewers, it would be clear from looking at the major and minor channel numbers while selecting channels on their DTV receiver that Station WYYY-DT's channel is the relevant one for them.

<sup>17</sup> See A/65 C at Annex B, section 1, item 7 (providing in part that "[a] broadcaster may include in the transmitted multiplex programming originating from a different licensed broadcaster and use the major/minor channel numbers of the original broadcast if the major/minor channel number combinations are coordinated in the local broadcast area to avoid conflicts").

Commission's policies on station identification and PSIP, and it would help avoid confusion on the part of broadcasters.

We ask that the Commission revise amended Section 73.1201(b)(1)<sup>18</sup> to read as follows:

Official station identification shall consist of the station's call letters immediately followed by the community or communities specified in its license as the station's location; Provided, That the name of the licensee, the station's frequency, the station's channel number, as stated on the station's license, and/or the station's network affiliation may be inserted between the call letters and station location. DTV stations, or DAB Stations, choosing to include the station's channel number in the station identification must use the station's major channel number and may distinguish multicast program streams. For example, a DTV station with major channel number 26 may use 26.1 to identify an HDTV program service and 26.2 to identify an SDTV program service. A DTV station that is devoting one of its multicast streams to transmit the programming of another television licensee must identify itself and may also identify the licensee that it is transmitting. If a DTV station in this situation chooses to identify the station that is the source of the programming it is transmitting, it must use the following format: Station WYYY-DT, community of license (call sign and community of license of the station whose multicast stream is transmitting the programming), bringing you WXXX, community of license (call sign and community of license of the licensee providing the programming). The transmitting station may insert between its call letters and its community of license the following information: the frequency of the transmitting station, the channel number of the transmitting station, the name of the licensee of the transmitting station and the licensee providing the programming, and/or the name of the network of either station. Where a multicast station is carrying the programming of another station and is identifying that station as the source of the programming, using the format described above, **it may insert between the call letters and community of license of the carried station any information that may be included in the carried station's official station identification (including the frequency and/or channel number of the carried station, the station's licensee, and/or the station's network affiliation).** ~~the identification may not include the frequency or channel number of the program source.~~ **The virtual channel table of the DTV station so allocating one of its multicast streams may contain the major channel number of the station being carried, in compliance with the ATSC A/65 standard incorporated by reference in Section 73.682 of the Commission's rules.** A radio station operating in DAB hybrid mode or extended hybrid mode shall identify its digital signal, including any free multicast audio programming streams, in a manner that appropriately alerts its audience to the fact that it is listening to a digital audio broadcast. No other insertion between the station's call letters and the community or communities specified in its license is permissible.

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<sup>18</sup> 47 C.F.R. § 73.1201(b)(1).

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For the reasons set forth above, MSTV and NAB respectfully request that the Commission reconsider and clarify the *Report and Order*. Because of the narrowness of the issues presented and the need for prompt certainty, we respectfully request that Commission take expeditious action to resolve the issues addressed in this Petition.

Respectfully submitted,

/s/

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