

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Promoting Diversification of Ownership in the Broadcasting Services)	MB Docket No. 07-294
)	
2006 Quadrennial Regulatory Review—Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996)	MB Docket No. 06-121
)	
2002 Biennial Regulatory Review—Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996)	MB Docket No. 02-277
)	
Cross-ownership of Broadcast Stations and Newspapers)	MM Docket No. 01-235
)	
Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets)	MM Docket No. 01-317
)	
Definition of Radio Markets)	MM Docket No. 00-244
)	
Ways to Further Section 257 Mandate and to Build on Earlier Studies)	MB Docket No. 04-228
)	

To: The Commission

COMMENTS IN SUPPORT OF PROPOSAL TO REALLOCATE
TELEVISION CHANNELS 5 AND 6 FOR FM BROADCAST USE

The National Translator Association (“NTA”), an industry group representing television translator and FM translator station members throughout the United States, hereby comments on a limited, but highly consequential, portion of the Further Report and

Order and Third Further Notice of Proposed Rule Making, FCC 07-217, dated March 5, 2008 (but not actually released until the following day) (“Third Further Notice”).

At Paragraph 100 of the Third Further Notice, the Commission expressed initial support for and sought comment on a proposal, advanced by Mullaney Engineering, Inc., and endorsed by The Diversity and Competition Supporters, to reallocate Television Channels 5 and 6 for FM broadcast use. For the reasons set forth below, NTA strongly supports such a step. In addition, NTA also suggests several procedural mechanisms for dealing with ancillary issues that will arise if the reallocation is adopted.

Moving spectrum currently allotted to Television Channels 5 and 6 into the FM band is warranted because after the digital transition is complete, those channels will be underutilized. The Table of Allotments for digital television reflects only sixteen full-service DTV stations authorized on Channels 5 and 6. By contrast, there is significant unfulfilled demand for more FM stations of all categories, particularly in rural areas.

NTA members frequently operate FM translators as an adjunct to their TV translator operations, but the number of translators is limited by channel availability. Further, there are too many instances where an FM translator is lost due to displacement by a higher-priority station and no replacement channel is available.

Accordingly, on balance, NTA believes the public interest would be better served if the spectrum currently allocated to Television Channels 5 and 6 were reallocated to the FM band.

At present, there are about two hundred analog TV translators on Channels 5 and 6. If the decision is made to reallocate this spectrum to FM, the following protections

should be provided to the incumbent TV translators:

1. The TV translators now operating on Television Channels 5 and 6 should be grandfathered indefinitely.
2. Such a TV translator should have displacement eligibility to file for a change to a different channel in a manner similar to the displacement eligibility of TV translators licensed on out-of-core Channels 52 to 69.
3. In the event such a TV translator is displaced by a full-service FM station coming into this spectrum, the FM permit holder should be required to cover the cost of changing the TV translator to a new channel.
4. A proponent of a new or modified FM translator or LPFM station on the reallocated spectrum should be allowed to negotiate, without any restrictions, with the licensee or permittee of a station on Television Channels 5 or 6, for the latter party to change to a different TV channel.

With these considerations in mind, NTA strongly supports the reallocation by the Commission of Television Channels 5 and 6 for future FM broadcast use. Service to the public would be enhanced, and broadcasters would benefit from the greater flexibility afforded by the proposed reconfiguration of available spectrum.

Respectfully submitted,

NATIONAL TRANSLATOR
ASSOCIATION

/s/ George R. Borsari, Jr.

By: _____
George R. Borsari, Jr.
Its Counsel

BORSARI & PAXSON
4000 Albemarle Street, N.W., Suite 100
Washington, DC 20016
(202) 296-4800

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