

3. The NPRM points in the right direction in terms of ensuring that if replacement translators are authorized and are given any priority treatment, they will be confined to meeting the need for fill-in service. CBA urges the Commission to adhere strictly to that principle and to apply the principle in the manner suggested in CBA's December 17 letter, including:

a. Only fully power stations should be permitted to apply for replacement translator stations, which must be used only to translate their own full power primary station 100% of the time.

b. Translators should be authorized only where the applicant can demonstrate clearly that an on-channel booster or the new recently authorized distributed transmission technology would not be effective. In other words, a digital translator that blocks an additional frequency should be used only as a solution of last resort.

c. New translators and major changes in existing translators should not be permitted to serve areas beyond the larger of the primary station's predicted noise-free digital service area or its predicted Grade B analog service area.

d. Translators authorized in the limited application window should not be permitted to convert to LPTV operation.

e. Licenses for translators authorized in the limited window should not be assignable. When and if they are no longer needed, the spectrum should be returned to the Commission so that it is available for new applications. Making the translator a part of the full power license is a good step in that direction.

f. Translators authorized during the limited window should not be permitted to provide any ancillary services except by relaying the signal of the parent full power station.

4. It is especially important that the Commission adhere to its proposal not to afford replacement translator applications priority over Class A and LPTV displacement applications, because where the alternative is between enhancing a voice or silencing a voice, no voice should be silenced. The “co-equal” priority suggested by the Commission, if it is adopted, should be interpreted the way that term has been applied in the past, which is that a replacement translator application may not conflict with an earlier filed displacement application.

5. CBA also reiterates and emphasizes that replacement translators should not be permitted to expand a station’s service area and should not be authorized at all absent a showing that an on-channel booster or distributed transmission system is technically infeasible. The Commission should also enforce a strict use-it-or-lose it policy, with a short construction period, because the need for these translators will be greatest early on. As time passes, consumers will find other ways to view the stations they want to receive; so allowing a full power station to defer construction will result in fallow spectrum during the period of greatest need, to the detriment of other programming voices that may need the spectrum.

6. Many Class A and LPTV stations are actively planning their own digital transition. Every effort should be made not to thwart them in this endeavor.

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Respectfully submitted,
THE COMMUNITY
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