Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Replacement Digital Low Power Television Translator Stations	))))	MB Docket No. 08-253

To: The Commission

COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS AND
THE ASSOCIATION OF MAXIMUM SERVICE TELEVISION, INC.

I. Introduction and Summary

The National Association of Broadcasters (NAB)[1] and the Association of Maximum Service Television, Inc. (MSTV)[2] submit these comments in response to the Commission's request for expedited information in the above proceeding.[3] Like the Commission and the rest of the nation, broadcasters are eagerly anticipating the switch to all-digital broadcasting. Digital broadcasting promises substantially improved television quality, both in picture and sound, and a host of new possibilities, including multicast television and datacasting, not available with analog broadcasts.

---

[1] 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.

[2] 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.

[3] *Notice of Proposed Rulemaking* in MB Docket No. 08-253 (rel. Dec. 23, 2008) ("*Notice*").

With that improved quality, however, comes some new challenges, including possible new reception issues. Concerns remain that some customers may be left without access to certain stations in their area because of the so-called "digital cliff" – the abrupt drop-off at the outer fringe of a broadcaster's digital service area. Further, because of elevated terrain or other natural barriers, some areas within a broadcaster's service area that received limited or less-than-perfect analog service before may experience reception problems after the analog shutoff. The Commission in this proceeding characterizes that as a "loss area."[4] As the Commission notes, these loss areas are "a result of unavoidable engineering changes that stations were required to implement in order to avoid interference or other problems on their post-transition digital channel." *Id*. As the FCC observed in many areas, the number of viewers served by broadcast television will increase after the transition. Nonetheless, we recognize that, for some stations, the DTV Table of Allotments provides for coverage over a geographic area that may different than the geographic coverage provided by analog service. Boosters, existing translators and partnerships with low power television stations will help broadcasters fill in some of those areas. NAB and MSTV commend the Commission for initiating this proceeding and for putting the creation of a new translator service on the fast-track. NAB and MSTV support nearly all of the suggestions in this proceeding with only minor modifications, which we discuss below.

[4] *Notice* at ¶ 2. Alternatively, many areas that received a less than perfect analog picture will receive a perfect digital picture post-transition.

II. The Commission Should Provide Broadcasters Flexibility When Demonstrating "Loss Area"

In the *Notice*, the Commission tentatively concludes "that the service area of the replacement translator should be limited to only a demonstrated loss area." *Notice* at 7. NAB and MSTV agree with this conclusion but request that the Commission provide latitude in methodology for broadcasters to demonstrate the existence of a loss area. In addition to calculated loss areas per OET 69,[5] the Commission should allow broadcasters to demonstrate (with field strength measurements conducted per § 73.686(c)) that there is deficient field strength in such areas.[6] Quite simply, some loss areas may not be discovered until broadcasters switch to an all-digital environment. The actual propagation conditions where, for example, there is dense urban construction can be markedly different from those predicted by the model.

III. The Commission Should Not Assign Unique Call Letters to Each New Translator Adopted Under These Rules

Although translators have historically received unique call letters, NAB and MSTV believe that, in this case, applying unique call letters to each new fill-in translator serves little or no purpose and will only cause confusion. Because this particular class of translators can only be built and operated by full power television stations, legal identification of the radio frequency source (to the degree that it is required) can be accomplished via a search through the FCC database. The emission of any new DTV translator will contain the identification of the licensee that is responsible for the operation of the translator on each such frequency in the form of the

[5] OET Bulletin No. 69, "Longley-Rice Methodology for Evaluating TV Coverage and Interference" (rel. Feb 6, 2004).

[6] For areas less than 16 square kilometers in size, the mobile requirement should be waived.

Transport System ID (TSID)[7] that is assigned to the licensee. The frequency is directly determinable by any professional receiver. The Commission should conclude that the radio frequency band and the station's TSID in the signal together meet any statutory or treaty requirement for unique identification that may apply.

Further, the Commission must not require that the emissions from these translators be identified with their own TSID numbers rather than the TSID of the primary station to ensure consistency with ATSC system design. To do so would be effectively inventing a new system framework that differs from that established in long-considered, industry-consensus technical rules. The DTV framework for translators, as required by the provisions of PSIP,[8] is designed to work with bit-by-bit replication of the main broadcast signal. NAB and MSTV urge that the Commission not institute rules applicable just to the contents in the emissions from these translators that will require broadcasters to modify the signal before it is emitted from the translator.

IV. New Digital Translators Should Receive Full Protection From White Space Devices

The Commission is seeking comment on the effect that the new digital replacement translator service may have "on the prospects for future white spaces use of the spectrum."[9] The Commission has proposed to license the digital translators in

[7] TSID is a 16-bit number which serves as a label to identify each transport stream from any other multiplex within a network. The usage rules for this number are established in the ATSC A/65's Annex B which has been made part of the FCC's regulations per § 73.682(d).

[8] *ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable*, (Revision B), 2003, (incorporated by reference into the Commission's rules at § 73.682(d)).

[9] *Notice* at ¶ 6.

association with full-power television stations' main station licenses.[10] As part of a licensed service operating in the television band, digital replacement translators will be entitled to full protection from unlicensed devices.[11]

As the Commission acknowledges by raising the white spaces question, the white spaces proceeding and this proceeding regarding digital translators are closely linked. Asking the question in this proceeding appears to conflict with the Commission's purported conclusion in the television white spaces proceeding that the digital transition was not implicated, because unlicensed devices would not enter the band until after February 17, 2009. Obviously, this is not the case as the FCC has set no date for the transition for low power and translator stations. Moreover, interference to the new proposed "fill-in" translator service from unlicensed devices will be extremely harmful, because many areas that the FCC believes need the translator fill in service are "white space" areas under its proposed white spaces rules. Indeed, virtually all actions that the Commission takes with respect to unlicensed devices (that make use of the television "white spaces") will have an impact on the public's free, over-the-air television service.

The digital transition is still ongoing, and it is a priority of the Commission "that all Americans continue to receive the television broadcast service that they are accustomed to receiving following the digital transition." *Notice.* at ¶ 3. This is a priority shared by Congress and by broadcasters. We urge the Commission in this proceeding

---

[10] *Notice* at ¶ 9.

[11] *Id.* at ¶ 6 (noting that "[u]nlicensed devices must fully protect the licensed services, such as television translators, that operate in the TV bands").

as well as the white spaces proceeding[12] to protect the public's access to over-the-air digital television and to prevent unlicensed television band white spaces devices from causing harmful interference.

V. The Translator Construction Period Should Not Be Limited to Six Months

In the *Notice*, the Commission seeks comment on whether it should "limit the construction period for replacement translators to six months." *Notice* at ¶ 11. NAB and MSTV do not believe that such a limited construction period is necessary or prudent. As the Commission notes, the normal construction period for translators is three years.[13] The Commission suggests that a shorter construction period is warranted in this case to ensure the "expedited construction of replacement translators." *Id*. This entire proceeding, which requires the voluntary commitment of broadcasters across the country, is based on the assumption that broadcasters will be singularly motivated to quickly and efficiently set-up translator services to fill-in any digital loss areas. We believe that assumption is correct. It is therefore illogical that in this one area of the proceeding the Commission should assume broadcasters need extra motivation to build translators quickly. The six-month construction period limitation is too restrictive. While the majority of translators could be built within that time frame, unforeseen circumstances could easily delay the building of a new translator. Broadcasters will be required to find and lease new property, purchase new equipment, and secure clearance from local zoning boards. Any of these steps could be delayed for reasons

---

[12] *See Unlicensed Operation in the TV Broadcast Bands*, ET Docket No. 04-186, Second Report and Order and Memorandum Opinion and Order, FCC 08-260 (Nov. 24, 2008).

[13] *See* 47 C.F.R. § 73.3598.

outside of a broadcaster's control. A six-month construction period leaves almost no room for error. NAB and MSTV suggest the Commission consider construction periods of at least one year. This construction period would still be considerably shorter than the three-year period normally afforded to construct television translators.

VI. Conclusion

NAB and MSTV commend the Commission for initiating this proceeding. The new rules for translators will provide broadcasters yet another tool to ensure a smooth transition to all-digital television.

Respectfully submitted,

ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC.
4100 Wisconsin Avenue, NW
Washington DC 20016
(202) 966-1956

David Donovan
Victor Tawil

NATIONAL ASSOCIATION OF BROADCASTERS
1771 N Street, NW
Washington, DC 20036
(202) 429 5430

Jane E. Mago
Jerianne Timmerman
Scott A. Goodwin

Art Allison
NAB Science and Technology Department

January 12, 2009