

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	MB Docket No. 09-17
Implementation of the DTV Delay Act)	
)	
DTV Consumer Education Initiative)	MB Docket No. 07-148
)	
Third Periodic Review of the Commission's)	
Rules and Policies Affecting the Conversion)	MB Docket No. 07-91
To Digital Television)	
)	
Implementation of Short-term Analog Flash)	
and Emergency Readiness Act;)	MB Docket No. 08-255
Establishment of DTV Transition "Analog)	
Nightlight" Program)	
)	
Service Rules for the 698-746, 747-762)	WT Docket No. 06-150
and 777-792 MHz Bands)	
)	
Former Nextel Communications,)	
Inc. Upper 700 MHz Guard Band)	WT Docket No. 06-169
Licenses and Revisions to Part 27 of)	
the Commission's Rules)	
)	
Implementing a Nationwide,)	
Broadband, Interoperable Public)	PS Docket No. 06-229
Safety Network in the 700 MHz)	
Band)	
)	
Development of Operational, Technical and)	WT Docket No. 96-86
Spectrum Requirements for Meeting)	
Federal, State and Local Public Safety)	
Communications Requirements Through)	
the Year 2010)	

To: Office of the Secretary

COMMENTS

Pappas Telecasting of Central Nebraska, LP ("Pappas Nebraska"), and Pappas Arizona License, LLC ("Pappas Arizona") (collectively, "Pappas"), by and through its attorneys, hereby submits these **COMMENTS** in response to the *Second Report and Order and Notice of Proposed Rulemaking*, released on February 20, 2009 (FCC 09-11), in the above-referenced proceedings. The Commission sought comment from the public regarding its proposed rules

which would, *inter alia*, require television licensees to undertake additional public notice obligations if they seek to terminate operations prior to June 12, 2009.

Pappas is submitting comments regarding just one aspect of the proposed rules.¹ In particular, Pappas strongly urges the Commission to not impose the proposed additional public notice requirements on those stations that are authorized to operate their post-transition digital facilities on their analog channel. For these stations, it is necessary to cease analog operations prior to June 12, 2009, so that the construction of their digital facilities can be completed, and the digital facility fully-tested and made operational as of June 12, 2009 (i.e., before their construction permit for post-transition digital facilities expires).

Under the proposed rules, however, if the licensee of an analog station seeks to terminate operations on June 7, 2009, for example, to permit the modification required to flash-cut to digital on its analog channel by June 12, 2009, it must air 120 additional public notices and run DTV crawls for five minutes of every hour for the first five of the last seven days of analog operation and 10 minutes of every hour in the last two days. *NPRM*, ¶150. These additional obligations are not similarly required for those stations which are to operate on post-transition DTV channels that are different from their analog channels, and are permitted to cease analog operations on June 12, 2009, without additional public notice obligations.

There is a significant difference between those stations that choose to terminate their analog operations far in advance of the digital transition date (i.e., May 1, 2009), which admittedly should make the public aware of their early termination, and those that must do so a few days before the transition date in order to finalize the construction of their digital facilities. Pappas submits that, in light of the fact that many, if not most, flash-cutting stations **must** turn off their analog facilities “early” to enable them to convert their facilities to digital by the deadline, and in light of the substantial number of public notices that have been, and will be,

¹ Pappas Nebraska provides programming to KTVG-TV, Grand Island, Nebraska, pursuant to an agreement with the licensee of the station. Pappas Arizona is the licensee of KSWT-TV, Yuma, Arizona. The stations will utilize their current analog channels for post-transition digital operations, and therefore, must terminate analog operations prior to the Transition Date set forth in the DTV Delay Act.

aired between November 17, 2008 and June 12, 2009 under the DTV Education Initiative, there is little benefit from requiring an additional 120 public notices so close to the transition date for those stations that must terminate their analog operations within days of the transition deadline to permit the completion of construction of their post-transition digital facilities, which can not otherwise occur prior to the transition date.

Therefore, Pappas urges the Commission to carve out an limited exception for those stations that are utilizing their analog channel for post-transition digital operations to permit the termination of analog operation within two weeks, i.e., June 1, 2009, of the transition date specified in the DTV Delay Act, without having to make additional public notices beyond that which is required under the DTV Education Initiative.

By June 1, 2009, the public will have been exposed to more than six months of the intensive public notice requirements mandated by the DTV Education Initiative, and the additional public notices required in this limited period would have little effect upon the public. Finally, given the varying needs of the analog facilities terminating their analog service to permit digital operation on the former analog channels, the limited relief proposed herein would provide a window of flexibility for the licensees that must (1) coordinate the termination of their analog facilities, (2) modify their technical facilities to permit digital operations, and then (3) test and commence operation of their post-transition digital facilities.

**PAPPAS TELECASTING OF CENTRAL NEBRASKA, LP
PAPPAS ARIZONA LICENSE, LLC**

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