

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

In the Matter of	)	
	)	
Digital Television Distributed Transmission System Technologies	)	MB Docket No. 05-312
	)	
CTB Group, Inc., Petition for Further Rulemaking	)	RM 11574
	)	

To: The Commission

**REPLY COMMENTS OF HARRIS CORPORATION**

Harris Corporation (“Harris”) respectfully submits these reply comments in response to the Federal Communications Commission’s (“Commission”) Public Notice<sup>1</sup> requesting comments on CTB Group, Inc.’s (“CTB Group”) Further Petition for Rulemaking (classified by the Commission as a counterproposal, hereinafter “Counterproposal”)<sup>2</sup> requesting an extension of the rules governing distributed transmission system (“DTS”) operations to Class A and low-power (“LPTV”) broadcast stations.<sup>3</sup> Harris Corporation is an international communications and information technology company serving government and commercial markets in more than 150 countries. As the world’s leading broadcast transmission equipment supplier, Harris’ Broadcast Communication Division is the leader in digital solutions for television and radio broadcasting

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<sup>1</sup> See In the Matter of Digital Television Transmission System Technologies, *Public Notice*, Report No. 2901, Rulemaking No. 11574 (rel. Oct. 16, 2009).

<sup>2</sup> See Petition for Further Rulemaking of CTB Group, Inc., In the Matter of Digital Television Transmission System Technologies, MB Docket No. 05-312 (filed Sep. 2, 2009; *erratum* Oct. 13, 2009)(“CTB Counterproposal”).

<sup>3</sup> Harris recognizes that the Counterproposal also requests that the Commission make modifications to FCC Forms 301-CA and 346 to allow an application for an LPTV station to specify multiple distributed transmitter sites. Harris does not take a position on this request. Harris defers to the opinion of Class A and LPTV stations and what is in their best interest.

and has been at the forefront of the transition to digital, supplying the majority of the digital radio and television transmitters and encoders in the United States.

Harris commends the Commission for its diligent work in ensuring that the digital television (“DTV”) transition was completed<sup>4</sup> as smoothly as possible and in a manner that serves the best interests of American consumers. The adoption of the Commission’s DTS rules for full-power stations was a vital step in ensuring a successful transition to DTV for all broadcast television viewers. The broadcast industry is rapidly recognizing and taking advantage of the potential that DTV can provide in the way of new products, services, and revenue streams. As recognized by the Counterproposal, the opportunity for extending new digital products and services in the broadcast spectrum is not just limited to full-power stations, but also includes low-power broadcasters. Although low-power broadcasters were not required to participate in the DTV transition, it is important that the Commission is proactive in its efforts to propel all broadcasting into the digital age. As a result, Harris supports the Counterproposal’s request to initiate a rulemaking to extend DTS rules<sup>5</sup> to Class A and LPTV stations.

**I. The Commission Should Initiate a Further Rulemaking to Consider Expanding DTS Rules to Class A and LPTV Stations.**

In the Commission’s Report and Order<sup>6</sup> approving the use of DTS technology for full-power broadcasters, the Commission also authorized the use of DTS for LPTV stations on an experimental basis, except for a provision allowing multiple Class A stations with overlapping

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<sup>4</sup> Harris recognizes that while the DTV transition date has passed, the transition is still not 100 percent complete. The Commission is still addressing a number of issues including digital channel allotments, viewer reception, and station power levels.

<sup>5</sup> See 47 C.F.R. § 73.626 (2009).

<sup>6</sup> See In the Matter of Digital Television Transmission System Technologies, *Report and Order*, MB Docket No. 05-312, 23 FCC Rcd. 16731 (rel. Nov. 7, 2008) (“DTS Report and Order”).

service areas to operate on a common DTS channel.<sup>7</sup> The primary reason the Commission chose to only allow the use of DTS for Class A and LPTV stations on a limited basis was what the Commission described as an “inadequate record” and not having a “sufficient indication widespread interest in DTS among individual low power stations.”<sup>8</sup> However, since comments were last solicited by the Commission in the DTS proceeding over three and a half years ago, the broadcast landscape, both full-power and low-power, has changed drastically and interest in digital broadcasting applications has increased significantly.

Since comments were due in response to the *DTS Notice of Proposed Rulemaking*,<sup>9</sup> the Commission has fully implemented rules facilitating low-power stations’ ability to convert to digital broadcasting through digital companion channels or on-channel digital conversion (also known as digital flash-cut).<sup>10</sup> The emergence of on-line streaming broadcasting and video on-demand has drastically modified broadcasters’ traditional business models. And perhaps most notably, the full-power digital television transition has been completed, with some stations actually utilizing DTS technology. With such drastic changes in the broadcast landscape, now is an appropriate time for the Commission to update the DTS proceeding record, seek further comment to complete the record, and reassess the interest in DTS amongst low-power broadcasters.

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<sup>7</sup> *Id.*, at 23 FCC Rcd. 16761-16764, ¶¶ 54-59.

<sup>8</sup> *Id.*, at 23 FCC Rcd. 16761, ¶ 54.

<sup>9</sup> See In the Matter of Digital Television Transmission System Technologies, *Clarification Order and Notice of Proposed Rulemaking*, MB Docket No. 05-312, 20 FCC Rcd. 17797 (rel. Nov. 4, 2005) (“DTS Notice of Proposed Rulemaking”).

<sup>10</sup> Although the Commission adopted these rules prior to the *DTS Notice of Proposed Rulemaking*, an application window was not open to low-power stations to apply for digital companion channels until May 2006, nearly three months after Reply Comments were due in the response to the *DTS Notice of Proposed Rulemaking*. See Announcement of Filing Window for LPT and TV Translator Digital Companion Channel Applications, *Public Notice*, 21 FCC Rcd. 418 (rel. Jan. 26, 2006).

## **II. Permitting Class A and LPTV Stations To Utilize DTS Technology Would Further Facilitate Low-Power Broadcasters Transition to Digital and Allow Low-Power Broadcasters to Take Advantage of Emerging Business Opportunities.**

While low-power stations were left out of the congressionally mandated DTV transition, the Commission has recognized the importance of converting low-power stations to digital broadcasting and finding ways to facilitate that transition.<sup>11</sup> It is important that the Commission creates a regulatory environment that provides low-power broadcasters the same opportunities as full-power broadcasters in order to leverage their valuable spectrum and implement new and innovative business ideas.<sup>12</sup> In fact, many full-power stations have started to utilize their digital spectrum in unique ways, such as through the offering of Mobile TV. However, current rules restricting the extent that Class A and LPTV stations can utilize digital spectrum, including the use of DTS technology, will inhibit the beneficial impact that digital television can have on the low-power broadcasting community. As illustrated by the Counterproposal, there are significant overarching benefits that DTS technology can provide to low-power stations including, but not limited to: more efficient use of spectrum; promotion of small businesses; providing additional competitive video services; and rejuvenating the ailing LPTV industry by offering unique broadcast services and business opportunities.<sup>13</sup>

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<sup>11</sup> See Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, *Report and Order*, MB Docket No. 03-185, 19 FCC Rcd. 19331 (rel. Sep. 30, 2004) ("Digital LPTV Order").

<sup>12</sup> Expanding DTS capabilities to Class A and LPTV stations would be consistent with the spirit of the Commission's actions in the *Digital LPTV Order* where the Commission set out to establish a "regulatory framework consistent with [the Commission's] stated goals to hasten the transition of LPTV and TV translator stations to digital operations while minimizing disruption of existing service to consumers served by analog LPTV, TV translator and Class A stations." *Id.*, at 19 FCC Rcd. 19332, ¶ 1.

<sup>13</sup> CTB Counterproposal, *supra* note 2, at p. 3-4.

In August 2009 the Commission opened the first of two low-power television filing windows accepting applications for new digital low-power television stations.<sup>14</sup> With over 1,500 applications already filed, it is clear that interest in digital low-power broadcasting is immense. The Commission should be proactive and initiate a Further Rulemaking in the DTS proceeding to provide current low-power applicants, future low-power applicants, and existing low-power stations the opportunity to take advantage of all the opportunities that digital broadcasting technology has to offer.

### **III. Conclusion.**

CTB Group's Counterproposal is an opportunity for the Commission to continue being proactive in facilitating the transition of all broadcasting to digital technology. While the digital transition date for full-power stations has come and gone, the low-power digital television transition is still in its early stages. The Commission must continue to examine ways to encourage low-power stations to convert to and take advantage of digital broadcasting. For the aforementioned reasons, Harris supports the Counterproposal and urges the Commission to initiate a Further Rulemaking to consider expanding DTS rules to Class A and LPTV Stations.

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<sup>14</sup> See Commencement of Rural First Come First Serve Digital Licensing for Low Power Television and TV Translators Beginning August 25, 2009, and Commencement of Nationwide First Come First Serve Digital Licensing for Low Power Television and TV Translators Beginning January 25, 2009, Public Notice, 24 FCC Rcd. 8911 (rel. June 29, 2009).

Respectfully submitted,

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November 4, 2009

## Certificate of Service

I hereby certify that on this the 4<sup>th</sup> day of November 2009, I caused a copy of the Reply Comments of Harris Corporation, in response to the Federal Communications Commission's Public Notice requesting comments on CTB Group, Inc.'s ("CTB Group") Further Petition for Rulemaking, to be served in accordance with 47 C.F.R. § 1.405 and 47 C.F.R. § 1.47, and filed as follows:

- 1) One original copy served by USPS mail to:  
Peter Tannenwald  
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- 2) One original copy served via electronic mail to:  
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- 3) One electronic copy filed via the Federal Communications Commission's Electronic Comment Filing System in MB Docket 05-312.

Respectfully submitted,

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