

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

In the Matters of )  
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Data Sought on Uses of Spectrum ) GN Docket Nos. 09-47, 09-51, and 09-137  
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**TO: The Office of the Secretary**

**COMMENTS – NPB PUBLIC NOTICE # 26  
TRINITY BROADCASTING NETWORK**

**I. INTRODUCTION**

Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network (“Trinity”), pursuant to the Commission’s December 2, 2009 *Public Notice*, DA 09-2518, hereby provides these comments on its use of the 6 MHz of spectrum at its owned and operated and affiliated commercial and noncommercial television stations.<sup>1</sup> As explained below, Trinity provides a multicast service which includes five free-to-the-home standard definition signals. Each signal requires an average of 3.538 mbps of spectrum. Trinity is also working to add a mobile video service which will require an additional 2 mbps of spectrum. This level, quality, and variety of signal and public service effectively utilizes all of the 19.4 mbps of spectrum available within the 6 MHz allocated for each station. Moreover, when a future high definition broadcast signal is factored in, which will require between 5-8mbps of spectrum, it is clear all (with a need for more) of the spectrum allocated for broadcast use at each station is fully engaged and “spoken for.”

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1. A listing of the stations of the Trinity Broadcasting Network is provided in Attachment A.

## II. TRINITY IS A MULTICAST BROADCASTER

Trinity is a religious broadcaster dedicated to declaring and propagating the Gospel (Good News) of Jesus Christ and to operating Christian television stations. Digital broadcasting has presented it with new opportunities to develop unique, free, and innovative program and community service opportunities. Key among such opportunities is the capacity of a licensee undertaking a digital broadcast service to use the capacity of digital transmission to multicast within its licensed 6 MHz portion of the spectrum. While Trinity does not disapprove the actions of multicasting licensees who seek to maximize revenues and profit through multicasting, like public television, the drive for revenue generation or profit is not Trinity's goal.

In pursuit of its religious mission and goals, and in service of the various communities and publics it reaches, Trinity has developed and brought to service several additional streams of video programming. Those multicast streams include "The Trinity Broadcasting Network," "The Smile of A Child TV," "The Church Channel," "Enlace USA," and "JCTV." In addition to its flagship service, "The Trinity Broadcasting Network," Trinity developed these additional multicast video programming streams to serve the public and provide unique, varied, and valuable religious, cultural, educational, and informational services. Trinity's pursuit of its religious mission has allowed it to extensively serve the public interest by developing these particular, additional programming streams.<sup>2</sup>

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2. In advancing important constitutional and public service values the Commission recognizes and encourages licensees to develop, select, and offer unique and innovative programming. *See In the Matter of Children's Television Programming and Advertising Practices*, 96 F.C.C.2d 634, ¶¶ 39-43 (FCC 1984) (discussing cases and decisions); *id.*, ¶ 43 ("[w]e thus find ourselves precisely caught between the apparent possibility of accomplishing an extremely important and socially desirable objective and the legislative and Constitutional mandate and the values on which they are based which forbid our direct involvement in program

“Enlace USA,” for example, serves the religious programming needs and interests of Spanish-speaking viewers, and expands the diversity and availability of public interest content to previously under-served communities. “The Smile of A Child TV,” another 24 hour digital multicast service, provides significant educational programming service from a distinctly Christian and virtue-focused perspective for children under the age of twelve. “The Church Channel,” provides a trans-denominational offering, including some of the most compelling, and ethnically and culturally diverse, religious services from across the country. Finally, “JCTV” is a Christian programming network that is designed with the teenager-young adult age group in mind, combining music video programming, sketch and stand up comedy, talk shows, adventure, informational, action sports programming, and other diverse subject matter of interest to teens and young adults. Each of these multicast programming streams is available on over the air digital broadcasting receivers free for any viewer in the community of license and surrounding area.

Trinity’s experience with the development and implementation of additional video programming streams, and with the operation of multicast digital services, allow it to conclude that it needs and uses all of the 6 MHz (19.4 mbps) of spectrum (bandwidth) it is entrusted with at each of its stations.

## **II. TRINITY’S MULTICAST SERVICE UTILIZES ALL OF ITS ALLOCATED SPECTRUM**

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ensorship and which require that broadcast station licensees retain broad discretion in the programming they broadcast”). In the case of Trinity, the pursuit of mission and the goal of enlarging the circle of those who not only have access to its programming services, but are actually served by them, has driven its development of the varied lines of multicast video programming discussed herein.

Each of Trinity's five multicast streams, which are free-to-the-home, uses an average of 3.538 mbps of spectrum. Trinity uses a statistical multiplexing ("stat muxing") process in broadcasting its five standard definition program streams. This is a dynamic system which allows each channel to use only the bandwidth needed at any given moment, and sharing bandwidth back and forth with the other four (4) channels being broadcast. During a sporting or public event where there is constant or regular motion, more than the average spectrum (bandwidth) may be required. Alternatively, during an interview or news program where the settings are more or less static, less bandwidth is needed. This dynamically changes thousands of times per second with the redistribution of bandwidth taking place constantly based on the need in each channel.

The current broadcast transmission loading for Trinity's five digital multicast channels totals 19.4 mbps, as follows:

- for its Program and System Information Protocol (PSIP), 750kbps;
- for its AC-3 Audio, 960kbps;
- for its 5 stat muxed videos, 17.69 mbps (3.538mbps on average per channel)
- Total 19.4Mb

In addition, Trinity is working to add a mobile video service which will require an additional 2 mbps of bandwidth. This level, quality, and variety of signal and public service effectively utilizes all of the 19.4 mbps of spectrum available within the 6 MHz allocated for each station. Moreover, Trinity is planning to add a future high definition (HD) broadcast signal which, when broadcasting, will require between 5-8mbps of spectrum. This will also impact the ability to provide all five of Trinity's standard definition channels simultaneously, and will, with current technology, reduce by at least two the number of standard definition signals that could be

broadcast when a HD service is being provided. Clearly, Trinity is using all (and needs more, not less) of its allotted bandwidth.

**III. PROGRAMMING INNOVATION RESULTING FROM LOCAL ORIGINATION AND FROM PROVIDING TARGETED STREAMS OF PROGRAM OF PUBLIC INTEREST AND UTILITY WILL BE IMPACTED NEGATIVELY BY RECAPTURING ANY PORTION OF THE BROADCAST TELEVISION SPECTRUM**

Over the last almost forty years television broadcasting has provided spectrum accommodation and has numerous times surrendered spectrum for competing uses. These have included over 100 MHz of spectrum through vacating VHF channel 1, UHF channels 70 through 83, and UHF channels 52 through 69. Digital television has been re-packed into the core television spectrum between channels 2 and 52.<sup>3</sup> In the 2 GHz band, broadcasters are also vacating 35 MHz of spectrum as part of the digital conversion of auxiliary service equipment. At the same time, television broadcasting remains the most efficient way to provide free service to the widest public possible. These steps and efficiencies must be considered when modifying spectrum allocation and management. Moreover, spectrum management policies must recognize the value of the new, diverse, and innovative services and offerings being provided and developed by broadcasters such as Trinity. Such policies should also not deprive the public of these services and offerings, or force the public to pay for similar services being provided by competing providers, such as cable, or wireless services sometime in the future.

In June of this year television broadcasters completed the more than ten year process of moving from an analog to a digital service format, at the cost of many billions of dollars nationwide. Each station had to invest millions of dollars in new and parallel transmission facilities

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3. <http://www.fcc.gov/cgb/consumerfacts/digitaltv.html> (visited 12-13-09).

and operational costs over that time. At the same time, consumers were also required to make investments in new digital televisions with receivers, and new tuner boxes. A recent MediaPost News item<sup>4</sup> reported that consumers spent over \$25 billion in HDTV receivers in just 2009. The government also spent billions of dollars in subsidies to help consumers acquire converter boxes to make the analog to digital switch. The Commission should not now minimize or strand such investments by consumers and broadcasters by reducing or limiting access to free broadcast service with any proposal to recapture even more broadcast spectrum.

There is only one likely outcome from the recapture of additional broadcast spectrum, it will be the diminution in the quantity of voices and programming streams from which broadcast television audiences will be able to choose. Licensees will be driven by the Commission to either pursue revenue positive selections, without regard to whether the choices that result serve the public interest, or abandon a wider diversity in multicast programming presented.

That outcome would not only be unfortunate, but is inconsistent with constitutional values and important communications policies of the United States. More than sixty years ago, the Supreme Court noted that the First Amendment's "assumption that the widest possible dissemination of information from diverse and antagonistic sources" promotes a free society. *Associated Press v. United States*, 326 U.S. 1, 20 (1945). More recently, the Supreme Court held, in *Turner Broadcasting System, Inc. v. FCC*, 520 U.S. 180, 189 (1997), that "promoting the widespread dissemination of information from a multiplicity of sources" is an important

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4. *MediaPost News*, [http://www.mediapost.com/publications/?fa=Articles.showArticle&art\\_aid=114483](http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=114483), September 29, 2009 (visited 12-13-09).

government interest, and a core First Amendment value. As Justice Kennedy's opinion for the Court explained:

We have noted that it has long been a basic tenet of national communications policy that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public. [I]ncreasing the number of outlets for community self-expression represents a long established regulatory goal in the field of television broadcasting.

520 U.S. at 192-93 (citations and internal quotation marks omitted).

Trinity believes its experience in multicasting evidences that it has taken a studied and distinctly public service oriented approach to utilizing its digital bandwidth. Whether that is the case or not, there is no doubt that because of the unique nature of the opportunity presented by the capacity to multicast multiple video programming streams with digital broadcasting, Trinity has used the increased capacity to serve the public interest in providing a diversity of programming options, to the end that a broader scope of audience demographics find their particular broadcasting interests and needs answered by one or another of Trinity's offerings. In doing so, Trinity has advanced the interest in diversifying the voices carried by its video programming services, and properly advanced the interests of the First Amendment and the public. Any further recapture of broadcast spectrum will limit these advancements in public service, and should be avoided.

## **CONCLUSION**

For the foregoing reasons, the Commission should refrain from recapturing or aggregating any additional broadcast spectrum. Trinity provides a multicast service which includes five free-to-the-home standard definition signals. Each signal requires an average of 3.538 mbps of spectrum. Trinity is also working to add a mobile video service which will require an additional 2

mbps of spectrum. This level, quality, and variety of signal and public service effectively utilizes all of the 19.4 mbps of spectrum available within the 6 MHz allocated for each station, and any reduction in available spectrum would necessarily diminish and undermine the service Trinity is presently providing to the public.

Respectfully submitted,

**TRINITY CHRISTIAN CENTER OF  
SANTA ANA, INC.**

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**ATTACHMENT A**

**STATIONS OF THE TRINITY BROADCASTING NETWORK**

## STATIONS OF THE TRINITY BROADCASTING NETWORK<sup>5</sup>

<u>Call Sign</u>	<u>Community of License</u>
WTJP-TV	Gadsden, Alabama*
WMPV-TV	Mobile, Alabama*
WMCF-TV	Montgomery, Alabama*
KTBN-TV	Santa Ana, California*
WELF-TV	Dalton, Georgia*
WHSB-TV	Monroe, Georgia*
KAAH-TV	Honolulu, Hawaii*
WWTO-TV	LaSalle, Illinois*
WBUY-TV	Holly Springs, Mississippi*
KTAJ-TV	St. Joseph, Missouri*
KNAT-TV	Albuquerque, New Mexico*
WDLI-TV	Canton, Ohio*
KDOR-TV	Bartlesville, Oklahoma*
WPGD-TV	Hendersonville, Tennessee*
WGTW-TV	Burlington, N.J. (Philadelphia, PA)*
WHLV-TV	Cocoa, FL*
WFSJ-TV	Newark, OH*
KPJR-DT	Greeley, CO*
KPAZ-TV	Phoenix, Arizona*
WHFT-TV	Miami, Florida*
WKOI-TV	Richmond, Indiana*
WCLJ-TV	Bloomington, Indiana*
WTBY-TV	Poughkeepsie, New York*
KTBO-TV	Oklahoma City, OK*
KDTX-TV	Dallas, Texas*
KTBW-TV	Tacoma, Washington*
KNMT-TV	Portland, Oregon*
WWRS-TV	Mayville, Wisconsin*
KHCE-TV	San Antonio, Texas
KITU-TV	Beaumont, Texas
KLUJ-TV	Harlingen, Texas
KETH-TV	Houston, Texas
WTCE-TV	Fort Pierce, Florida
WJEB-TV	Jacksonville, Florida
WHRE(TV)	Virginia Beach, VA

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5. Owned and Operated stations noted with an asterisk (\*), and include Trinity Christian Center of Santa Ana, Inc.; Trinity Broadcasting of Arizona, Inc.; Trinity Broadcasting of Florida, Inc.; Trinity Broadcasting of Indiana, Inc.; Trinity Broadcasting of New York, Inc.; Trinity Broadcasting of Oklahoma City, Inc.; Trinity Broadcasting of Texas, Inc.; and Trinity Broadcasting of Washington.