

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

In the Matter of)	
)	
International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act)	GN Docket No. 09-47
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Inquiry Concerning the Deployment of Advanced Telecommunications Capability To All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act)	GN Docket No. 09-137
)	

To: Secretary, Federal Communications Commission
Attention: The Commission

**COMMENTS OF SMOKY HILLS PUBLIC TELEVISION CORP.
IN RESPONSE TO NBP PUBLIC NOTICE # 26**

Smoky Hills Public Television Corporation (“Smoky Hills PTV”) provides these comments in response to the Commission’s Public Notice¹ seeking comment in the referenced dockets on spectrum for broadband.

We are the licensee of four noncommercial educational television stations in the state of Kansas: KOOD(TV), DTV Channel 16 (Major Channel 9) in Hays; KSWK(TV), DTV Channel 8 (Major Channel 3), in Lakin; KWKS(TV), DTV Channel 19 (Major Channel 19) in Colby; and KDCK(TV), DTV Channel 21 (Major Channel 21), in Dodge

¹ *Data Sought on Uses of Spectrum - NBP Public Notice #26*, GN Docket Nos. 09-47, 09-51, 09-137, Public Notice, DA 09-2518 (rel. December 2, 2009) (the “Public Notice”).

City. Our mission is to provide our region with programming and services that nourish our curiosity, enrich our lives, and make Kansas a better place to live and work.

In the Public Notice, with a mind toward finding additional spectrum to allocate for wireless broadband purposes, the Commission seeks specific data on the use of spectrum currently licensed to broadcast television stations. Among other things, the FCC is attempting to account for the value that the country puts on free, over-the-air television. As reflected in the information we provide below, we urge to Commission to find that our use of our licensed television broadcast channels is exceptionally efficient and productive, and brings great value to our community. The cost to us and to our community resulting from the loss or curtailment of our over-the-air transmission service would be enormous and unacceptable.

Comments

Smoky Hills PTV currently broadcasts four noncommercial educational channels: (1) *SHPTV HD*, our primary public television service, featuring PBS programming; (2) *SHPTV SD*; (3) *Create*, a SD channel featuring “how-to,” travel and lifestyle programming; and (4) *World*, a SD channel featuring documentaries, public affairs and news.

Smoky Hills PTV is presently using all of its spectrum capacity for broadcast services. Our HD data rate is 14 megabits/second, and our SD data rates are 4 megabits/second. We currently utilize the maximum throughput at all times. As a result, we do not have any excess capacity to share with other broadcasters or other users, and if compelled to so, we would be forced to sacrifice some of our current multicast channels.

Over-the-air service is also vitally important for reaching viewers in our area. Approximately **20%** of households in our communities receive their broadcast television programming only via over-the-air signals. Moreover, those viewers who receive our signal by over-the-air means are generally in the older demographics (55 or more years old), and include many who live in rural areas, and on limited or fixed incomes. As a result, many of these over-the-air viewers cannot afford to purchase TV signals via cable, satellite, or telcos, and would be disenfranchised by any loss of broadcast spectrum and over-the-air service.

Moreover, even among those who already receive our signal via alternative delivery methods, such as cable, satellite, and telco users, another **60%** receive TV service from providers that pick up our signal by over-the-air means. Notably, 10 of our 15 cable companies receive our over-the-air signal at their headend locations. The cost to deliver our programming to these cable operators by means other than over-the-air service would be monumental. We estimate that cost of laying fiber as needed to serve those 10 cable operators, along with the expenses related to the equipment required on both ends, would total approximately **\$30 to \$50 million**. Recurring costs for maintenance and operation would add up to another **\$50,000 to \$70,000** per year.

Smoky Hills PTV currently covers 52 central and western counties of Kansas with our broadcast signals – about 60% of the state. Our coverage area is largely rural, and includes many older citizens, educators, and other viewers who are extremely reliant on our PBS programming. We already make extremely efficient and productive use of all of our capacity to provide a variety of quality educational and cultural programming for residents of our state. In addition to the importance of our over-the-air signals for direct

receipt by a large portion of our viewing audience, many more require the continued availability of the over-the-air signal to cable operators. Smoky Hills PTV and its local viewers would face far-reaching negative effects due to the loss of broadcast spectrum and over-the-air service, as programming options and availability would disappear, and costs to restore service to cable operators would be immense.

Conclusion

Based on the foregoing reasons, we urge the Commission to find that our use of our television broadcast channels is efficient and productive, and abundantly serves the public interest. Our over-the-air transmission capabilities must be protected in any effort that the Commission might undertake to allocate more spectrum for wireless broadband systems.

Respectfully submitted,

**SMOKY HILLS PUBLIC TELEVISION
CORPORATION**

By: /s/ Lynn W. Meredith
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