

January 29, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Re: Ex Parte Letter
Docket Nos. 09-47, 09-137, and 09-51

Dear Ms. Dortch:

This letter follows up on the *Notice of Ex Parte Communication* that WBOC, Inc., licensee of WBOC-TV ("WBOC"), Salisbury, Maryland, submitted on January 15, 2010. In that letter, I noted that WBOC has been testing equipment that might permit the station to provide two "high-definition" program streams via the use of statistical multiplexing technology. I take this opportunity to clarify the nature of WBOC's experiments, as they relate to the larger issues presented in this proceeding.

First, it is important to note that the equipment being tested makes use of statistical multiplexing, and that the station maintains control of the full 19.39 Mbps channel in order to provide the appropriate picture quality for its viewers on both program streams. It is very important for the station to be able to use its judgment in determining how to allocate the bitrate of each program stream on an ongoing and dynamic basis. To be specific, at any one time, WBOC shifts bits between the two program streams to accommodate the content being carried on each of them. As noted in the earlier letter, the two streams originally consist of a 1080i stream and 720p stream and the bit rate can be shifted between these two streams, but the equipment does not permit two streams to be carried in *full* 1080i and full 720p HDTV quality. In fact, for certain programming such as an NFL game, WBOC would allocate significantly more bits to such programming to ensure that its viewers received a true HD experience.

WBOC is using its entire bandwidth but needs full and constant control over its full channel allocation and bit stream. If the Commission were to allocate half of WBOC's bandwidth to another user, the station would no longer have the ability to make these critical adjustments to our bit stream, and this entire approach would not be possible. The result would be an inefficient use of our channel capacity.

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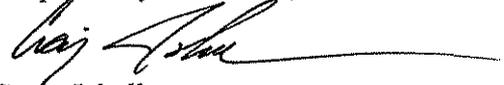
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Second, the record should reflect that there are potential viewer disruptions that would be created by the use of this technology, and that WBOC is still exploring these risks. For example, one drawback to the use of this technology is that the switch from providing two "high-definition" streams to one high-definition stream and one standard-definition stream creates an interruption to the mpeg stream. Set-top boxes take several moments to reconfigure after this switch, causing viewers to lose the ability to access the programming temporarily. Indeed, WBOC believes that several stations that have implemented this technology actually have stopped using it because of the level of viewer disruptions. This is one of several potential problems with the use of the statistical multiplexing equipment with which WBOC is currently experimenting.

Third, our purpose in sharing this information with the FCC's Broadband Task Force was not to support proposals to force sharing of digital channel capacity among two or more stations in the same market but the reverse – to preserve the flexibility of licensees to use their digital capacity to optimize service to the public. In the case of WBOC, we are using our digital capacity to provide two major network services plus other programming that otherwise our market area would not be able to view. In smaller markets quite a few stations are using their digital capacity to provide a second network-affiliate service. We also understand that more than 1,400 multicast services are offered by other stations using their digital capacity. Mobile DTV is another service to the public that would be jeopardized if broadcasters lost control over their digital capacity. In drafting our January 15 *ex parte* submission as a courtesy to us, the FCC staff members may not have understood our perspective with respect to this issue. This supplement to the written record is intended, therefore, to amplify and clarify our earlier submission in this important respect.

In short, WBOC has supplemented its earlier filing to clarify that the fact of its experiments with statistical multiplexing technology certainly should not be used to justify proposals to take half of each station's digital broadcasting capacity. A central feature of this technology is that it provides the station with flexibility in using its *entire* bandwidth. And the potential technical and other drawbacks to the technology are still being explored.

Respectfully submitted,



Craig Jahelka
Vice President and General
Manager