Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
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	)	MB Docket No. 03-185

COMMENTS OF VENTURE TECHNOLOGIES GROUP, LLC

Venture Technologies Group, LLC (VTG) submits these comments in response to the Commission's Further Notice of Proposed Rulemaking in the above-captioned proceeding.[1] Low Power Television (LPTV) stations in many ways are the wild west of broadcasting and operate in regions or serve niche markets that full power stations do not. In fact, the success of LPTV stations over the past 30 years has depended in large part on identifying and serving unique viewer demographics and retaining the flexibility to fit into spectrum and marketing gaps left by full power broadcasters. VTG is concerned by the Commission's determination to force LPTV and Class A stations into an accelerated digital transition. The recent National Broadband Plan issued by the Commission places into doubt the survival of LPTV stations as currently operated. Without assurances as to the continued viability of this service, the Commission cannot impose on these stations the cost and disruption of building a digital facility by a date certain.

---

[1] *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*, Further Notice of Proposed Rulemaking and Memorandum Opinion and Order, FCC 10-172, MB Docket No. 03-185, released September 17, 2010 (Digital LPTV FNPRM).

About VTG

VTG is the licensee or managing entity of 33 LPTV stations, three Class A stations, and five full power stations. VTG's stations are licensed in both rural and urban markets and broadcast an array of formats – from mainstream commercial programming seen on both over the air and on MVPDs, to foreign-language programming, to religious programming, to PBS programming, to musical programming – that serve specific audiences. VTG has converted two of its LPTV stations to digital operations and continues to operate 31 in analog.

Analog Shutoff Date

VTG strongly encourages the Commission to refrain from setting any analog shutoff date at this time for LPTV stations. Rather, the Commission should wait until after the National Broadband Plan is implemented to evaluate any proposed digital transition deadline. Doing so will enable LPTV licensees to assess whether there is spectrum available for their operations.

The National Broadband Plan proposes to reallocate a certain portion of UHF spectrum for wireless/broadband use. The spectrum to be reallocated is proposed to come from two sources: surrendered spectrum and spectrum reclaimed through repacking existing stations. It is unclear at this time whether any spectrum will be preserved for LPTV use. Until LPTV operators have concrete information sufficient to allow them to assess their continued viability following implementation of the National Broadband Plan, the Commission should not impose a deadline by which an LPTV operator must convert to digital operations.

Moreover, there are valid public interest and business considerations for

continued operation in analog format. The Commission has been vocal in its desire to promote a "more efficient use of spectrum in the broadcast TV bands."[2] In some cases, low power analog operations are the most efficient, market-driven use of TV spectrum. Provided that these analog operations do not cause impermissible interference to licensed adjacent band operations, LPTV broadcasters must retain the discretion to elect to operate in analog rather than digital format.

In the Digital LPTV Order,[3] the Commission acknowledged that "it would be irrational and arbitrary to choose a deadline" for the low power television stations "given the remaining uncertainties relating to the full-service DTV transition."[4] Yet today, the future of LPTV stations is even more uncertain. In preparing for the full power digital transition, the question was *which* channels would be available for low power use. The question now facing LPTV operators is *whether* channels will be available after the Broadband Plan is implemented. Until LPTV licensees and permittees can be assured they will have channels on which to operate after the Broadband Plan is implemented, it is "irrational and arbitrary" to establish a deadline for the digital conversion of LPTV stations.

The Commission's Proposed Transition Date of 2012 is Unattainable and Ill-advised

In the Digital LPTV FNPRM, the Commission suggests a transition date sometime in 2012 – three years from the full-power digital transition. However, the

---

[2] Digital LPTV Order at ¶6 (referencing the National Broadband Plan).

[3] *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, 19FCC Rcd 19331 (Digital LPTV Order).

[4] *Id.* at 19340; see also Digital LPTV FNPRM at n. 13.

suggestion that LPTV stations have had three years to prepare for a transition is misleading. The Digital LPTV FNPRM, released on September 17, 2010 (with reply comments not due until January 17, 2011) is the first time a digital transition date for LPTV stations has been proposed. Even if the Commission moved at lightning speed, it is difficult to conceive that an order will be issued and become effective in this proceeding by the end of first quarter 2011.

Further, this proceeding also seeks to make significant technical modifications to the Commission's rules governing the LPTV service. Until these technical modifications are implemented, many LPTV stations remain unable to move forward with even planning for their digital transitions. Moreover, even after a broadcaster has planned its digital facility, it must still commission a technical study, obtain a construction permit from the FCC (at times involving Mexican or Canadian concurrence or objections from other broadcasters), obtain financing, negotiate a tower lease, purchase equipment and hire a tower crew to build the facility. Many of these steps are outside of a broadcaster's control, making it nearly impossible for most LPTV broadcasters to complete the transition by a date in 2012.

Power Levels Must be Increased in the VHF Band to Make it Viable for LPTV Operations

In the months following the full-power digital transition, the reception problems of viewers attempting to tune in stations operating in the VHF band was well-documented. While the VHF band is still viable for LPTV operations, to effectively reach viewers, VTG strongly recommends that the power levels at which LPTV stations are authorized be increased to 6 kW ERP for operation on high band VHF channels and

4 kW ERP for operation on low band VHF channels.

Full Power and Low Power Stations Must Both be Involved in the Campaign to Educate Consumers as to the LPTV Digital Transition

In addition to any outreach and education that the Commission provides to LPTV viewers, VTG strongly recommends that both full power and LPTV stations participate in a public service campaign to encourage viewers to rescan their digital tuners and/or converter boxes in the months leading up to and following any LPTV digital transition deadline. In fact, as even full power stations are regularly adding additional programming streams, consumers should be continually educated on the need to rescan their digital tuners on a regular basis.

Out-of-Core Transition Date

There is no reason to mandate an earlier transition for out-of-core LPTV operations than for in-core LPTV operations. As wireless operators launch services in this band, LPTV stations are required to cease operations if they cause the wireless operator impermissible interference. However, if the LPTV station is not causing any other authorized operator impermissible interference, there is no reason to set an arbitrary deadline for that station to cease operations. There is no purpose in allowing this spectrum to lie fallow if it can be used efficiently and effectively until a wireless licensee begins operations. VTG recommends that any digital transition date be the same for out-of-core and in-core channels.

Surrender of Channels

To make the process of surrendering the analog channel of a paired analog/digital pairing as seamless and efficient as possible, the Commission should allow an LPTV

licensee to surrender an analog channel through a simple notification process.

Class A Transition to Digital

VTG concurs with the proposal to allow a Class A station to transfer its Class A status to its digital facility by filing a flash-cut application. However, in addition to certifying that the Class A station meets all Class A interference protection requirements, the licensee should also be required to certify that the station has been consistently operated in compliance with Class A requirements. Class A stations are provided with the benefit of interference protection in return for satisfying certain criteria. If Class A stations are not consistently satisfying these obligations, they should lose the interference protection that comes with the Class A status and be downgraded to an LPTV station.

Ancillary and Supplemental Services

VTG recognizes that its proposal to continue analog operations on Channel 6 is a unique use of the spectrum. In recognition of this, VTG proposes to classify analog operation post digital transition as an ancillary or supplemental service such that its revenue would be subject to a 5% fee.

Minor Change Definition

VTG objects to any change in the minor change rule. The channel congestion in many markets makes locating a useable allotment difficult for many LPTV operators. Defining a minor change by contour overlap between the proposed and authorized facility is a fair and effective means to allow LPTV operators flexibility to make the minor technical modifications necessary to propose an allotment that efficiently serves its audience. Moreover, when implemented, the Broadband Plan will make it more difficult to locate and use available spectrum. Restricting a minor change to within 30 miles from

the transmitter site will further narrow the options available for LPTV stations to craft a useable facility.

Antenna Vertical Patterns

A more accurate collection of the vertical patterns used by LPTV stations will increase the accuracy of the Commission's prediction of LPTV contours. Many LPTV stations use antennas similar to full service antennas, therefore, VTG proposes that the Commission use the same generic vertical pattern for LPTV stations as would be used by a full power station utilizing the same antenna.

Further, VTG is concerned by the number of LPTV construction permits granted that propose antenna patterns that just do not work under the laws of physics. For example, patterns that propose horizontal patterns that range from full field to less than 10 percent field in less than 10 degrees have been granted by the FCC but cannot really be constructed. In other cases, construction permits have been granted with antenna patterns that propose to lower field strength to 0.001 field 90 degrees off horizontal full field of an antenna pattern. These patterns simple are not possible to build. VTG proposes that the Commission revise its rules to prohibit field strength off of any antenna to be less than 0.01 field and should not allow any signal strength proposal to fall by more than 50 percent within 10 degrees.

Full Mask Filter

Finally, VTG strongly supports the proposal to allow LPTV stations to use a full mask filter. The use of a full mask filter will give greater flexibility to the use of scarce spectrum. VTG further proposes that LPTV stations be required to use a full mask filter and simple or stringent filters be prohibited. This use of a full mask filter will

immediately free up spectrum since it will allow LPTVs to expand their service to reach enough people to justify the expense. In addition, very few manufacturers still manufacture stringent filters. Therefore, VTG requests that the Commission immediately begin to accept and process applications proposing use of a full mask filter - with an appropriate waiver request for use of that filter - and begin to grant those applications. It is clearly in the public interest and will facilitate LPTV digital transition.

VENTURE TECHNOLOGIES GROUP LLC

Paul Koplin
Chief Executive Officer
5670 Wilshire Boulevard
Suite 1300
Los Angeles, CA 90036

Dated: December 16, 2010