

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment of Parts 73 and 74 of the) **MB Docket No. 03-185**
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)

To: The Commission

COMMENTS OF ISLAND BROADCASTING COMPANY

Island Broadcasting Company (“Island”) hereby submits the following Comments in response to the Commission’s Further Notice of Proposed Rulemaking (“FNPRM”) in the above-captioned proceeding, released September 17, 2010.¹

1. Island is the licensee of four low power television (“LPTV”) stations in New York, New York, one of which remains an analog operation.² Island has chosen not to convert its analog station to a digital operation as yet because the station still provides a vital programming service to minority, non-English speaking audiences in New York City. Island

¹ 25 FCC Rcd 13833(2010).

² Island is the licensee of analog WNYZ-LP and digital WXNY-LD, WNYX-LD, and WNX-Y-LD, all of which operate on “in-core” channels, i.e., channels below channel52.

limits these Comments to the FNPRM proposal to adopt a deadline for the conversion of analog LPTV stations to digital operations.³

2. Island urges the Commission to refrain from setting a date certain for the digital conversion of analog LPTV operations until the planned reallocation of television spectrum contemplated by the National Broadband Plan and the Notice of Proposed Rulemaking in ET Docket No. 10-235, FCC 10-196, released November 30, 2010, is completed. In Island's view, the regulatory simplicity that arguably might be gained by setting a conversion deadline as early as 2012, or even 2015, is substantially outweighed by the following considerations:

3. First, there would be a significant public interest benefit, and certainly no harm, in permitting an analog LPTV station, such as Island's, to continue providing its programming service as long as no other potential user of the spectrum is authorized and ready to use it. Since we currently do not know whether or when other potential users will be authorized and ready to use the spectrum currently licensed to Island and other LPTV licensees -- but we do know that it will not be as early as 2012 and probably not as early as 2015 -- Island submits that there is no reason to force analog stations to prematurely convert to digital operations, particularly if they providing a needed service with their analog operations.

4. Second, in connection with the Commission's plans for reallocation of TV spectrum, it is inevitable that secondary LPTV stations, particularly those in congested markets like New York City, will be displaced from their authorized channels by full-service television stations or broadband operations. Furthermore, it is possible, if not probable, that most displaced

³ With respect to other matters raised in the FNPRM, Island has reviewed the Comments filed in this proceeding by the consulting engineering firm of duTreil, Lundin and Rackley, Inc. ("dLR") on December 15, 2010, and concurs with all of dLR's comments of a technical nature, e.g., proposing an increase in the maximum effective radiated power permitted for digital LPTV stations, and LPTV use of full-service DTV emission mask.

LPTV stations in congested markets will have no alternative channels available to them, forcing their licensees to relinquish their licenses and shut down their operations. Thus, it would be extraordinarily unfair to these LPTV licensees if the Commission were to require them to make the substantial investment required for conversion to digital facilities, when such facilities will likely have to be substantially modified due to channel displacement or taken off the air altogether in connection with the implementation of the spectrum repacking scheme.

5. Indeed, the acquisition of digital equipment -- a new transmitter, exciter, modulator and antenna -- could cost as much as \$150,000, or more. And, if a change in the station's transmitter site would be required for digital operation, the cost of the required facilities changes could be substantially more. Thus, until and unless an analog LPTV station licensee has some degree of assurance of spectrum availability for digital operations after the spectrum repacking scheme is implemented, Island submits that the forced conversion to digital operations could prove wasteful and financially devastating to many licensees.

6. Especially in the case of analog stations in urban areas that continue to meet the needs and interests of underserved audiences, as Island believes its station currently does, the public interest militates toward regulatory restraint in connection with digital conversion. Indeed, until the spectrum repacking initiative is finalized and implemented, the Commission can and should continue to rely on market forces to spur digital conversion of LPTV.

Respectfully submitted,

ISLAND BROADCASTING COMPANY

By: /s/Richard D. Bogner
Richard D. Bogner
Managing Partner

4 Hunters Lane
Roslyn, NY 11576
(516) 627-5103

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