

**Before the
Federal Communications Commission
Washington, DC 20554**

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

Petition for Reconsideration

The National Translator Association (“NTA”) hereby petitions the Commission to reconsider that portion of its decision set forth in paragraphs 23 through 35 of the Second Report and Order, FCC 11-110, released July 15, 2011, in the above-captioned proceeding ("Order") insofar as it specifies December 31, 2011, as the final date for the operation of an analog out-of-core television translator or low power television station.

NTA is dedicated to the provision of free over-the-air broadcast service to all areas that do not receive adequate coverage from a full complement of primary broadcast stations. Its membership includes, but is not limited to, owners and operators of TV translator stations that rebroadcast the signals of full-service television stations. The unworkable deadlines specified in the Order directly and adversely affect many of the members of our Association.

Paragraphs 23 through 35 of the Order establish transition dates for television translator stations and low power television stations currently operating out of the core, with a final termination date of December 31, 2011. The deadline to file applications to transition from analog to digital and select a channel that is “in core,” as the Commission defines it, is September 1, 2011.

On July 21, 2011, NTA filed a Motion for Stay, suggesting that the filing period and the construction period were much too tight for operators to meet. That Motion was denied on August 11, 2011, with the Commission finding that the requirements for a stay had not been met. NTA understands that the Commission will consider waivers of the September 1, 2011, filing deadline, and NTA, while it would prefer a postponement of that deadline, can accept the waiver policy.

The December 31, 2011, construction deadline, however, is unworkable. The enforcement of this deadline will have a serious adverse impact on the public. Some other parties to the instant proceeding have filed comments suggesting that translator licensees with stations on channels 52 to 69 have had plenty of notice of the need to displace into the core and that they should therefore bear the consequences of their failure to act earlier. Such comments ignore how most rural translators are licensed and managed. The viewing public will be deprived of service if local responsible parties such as County Commissioners or members of volunteer translator committees have failed to take action. The people who failed to take action may be criticized, but it does not make sense to needlessly deprive the public of free over-the-air television service because of the failure of others. This is particularly true because there is already a

mechanism in place to clear a particular out-of-core channel when an auction winner is ready to commence operation. Thus, we are now faced with an imposed solution (and one not in the public interest) to a non-problem, and all for the elimination of a very minor inconvenience on the part of an auction winner.*

Financing the cost of building a translator on a displaced channel is also a problem for some non-local-government-financed translators. The NTIA grant program provides reimbursement for changing most rural translators to digital operation, including any necessary move to a new channel. However it is a reimbursement program and some translator organizations have had trouble meeting the upfront cash requirement. The problem has recently been somewhat mitigated, as two equipment manufacturers have announced programs to supply equipment with little or no down payment and the final payment deferred until NTIA reimbursement money has been received. This has significantly increased the number of small translator organizations that will be able to change to digital operation and, where necessary, move to an in-core channel. With this good news is the bad news that it puts an additional strain on engineering, equipment supply, and construction resources.

Applications must be processed before equipment is ordered. A licensee would be foolhardy to order equipment before its application is granted. Plus, under the Rules, any change in frequency--even a displacement change--must be put on a 30-day grant list.

Work at tower sites in the mountains and on tall towers even in flat land becomes

*The engineering members of NTA's Board of Directors report that finding available channels in some areas has become a complex and very time-consuming process. There is a distinctly limited pool of qualified talent with access to the OET Bul. 69 computer interference calculations, which must be run on a Sun computer, not a PC, to find replacement channels that meet all of the interference requirements.

difficult due to inclement weather after October. The effect will be to drive the translators off the air and deprive viewers of television signals.

Finally, it is noted that a very workable procedure has been in effect for several years. When a wireless operator who has purchased currently-occupied 700 MHz spectrum is ready to construct, all it needs to do is give 120 days' notice to the incumbent.. Either the translator changes channel or it goes off the air. None of the parties submitting comments in this proceeding has said that there has been any impact whatever on the use or planning of the channel use by the spectrum user.

While the 120-day deadline has been workable where the occasional channel change has been involved, it is far too short to be applied to 300 applicants changing from analog to digital and changing channel. The manufacturers, financing providers, consultants, equipment installers, etc. are simply not prepared to handle 300 applicants in the time provided. At the very minimum, the Commission should allow agency staff to waive the December 31 deadline in appropriate circumstances.

Accordingly, for the reasons specified above, it is respectfully requested that the Commission reconsider and modify the Order to extend the deadline to June 30,2013.

Respectfully submitted,

NATIONAL TRANSLATOR ASSOCIATION

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