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May 8, 2013

BY ELECTRONIC AND HAND FILING

FILED/ACCEPTED

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

MAY - 8 2013

Federal Communications Commission
Office of the Secretary

Re: FCC File No. BPRM-20110526AJO and GN Docket No. 12-268

Dear Ms. Dortch:

Bonten Media Group, Inc. (“Bonten”) writes to supplement its above-referenced petition for rulemaking and its comments in the Commission’s rulemaking proceeding to implement the Spectrum Act.

Bonten has asked the Commission to grant Bonten’s long-standing request to give its Bristol, Virginia station, WCYB, a UHF channel. WCYB operates on low VHF Channel 5. Since the digital transition, its viewers have experienced widespread service losses and an inability to receive a reliable signal. After a substantial increase in power failed to fully address these problems, and in order to permit the station to offer mobile DTV, Bonten requested that the Commission allot Channel 29 to WCYB.¹ As Bonten has explained, its petition seeking an alternative to the station’s inferior low VHF channel was filed in advance of the FCC’s freeze on additional channel-change petitions, and Congress specifically amended the Spectrum Act to allow and encourage the Commission to move forward in processing petitions such as Bonten’s.²

¹ See Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Bristol, Virginia), Petition for Rulemaking, File No. BPRM-20110526AJO (May 26, 2011); Supplement to Petition for Rulemaking, File No. BPRM-20110526AJO (Dec. 5, 2011).

² See Comments of Bonten Media, Inc., GN Docket No. 12-268 (Jan. 25, 2013); Reply Comments of Bonten Media Group, Inc., GN Docket No. 12-268 (March 12, 2013).

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Bonten supplements its earlier filings to apprise the Commission of a worrisome development that underscores the urgency of prompt action on WCYB's petition. Specifically, Bonten has learned that two of the leading television transmitter manufacturers, Harris Broadcast ("Harris") and Rohde & Schwarz, have stopped making any new low VHF transmitters. Each of these manufacturers now makes transmitters only for stations operating on Channel 7 or above.³ Moreover, from discussions with other transmitter manufacturers in addition to Harris and Rohde & Schwarz, such as LARCAN Inc. and Comark Communications, Bonten understands that these other transmitter manufacturers also do not have off-the-shelf low VHF transmitters suitable to replace WCYB's existing transmitter.

WCYB's existing transmitter for its Channel 5 facility is already 21 years old. If the transmitter were to fail, the station might not be able to replace it. While the station could approach these manufacturers to see if they could build a custom transmitter, there is no guarantee that they would agree to do so. Even if they did agree to design and build a custom low VHF transmitter, the process would entail a long delay and would be very expensive, because an off-the-shelf product cannot be used. Even obtaining a loaner transmitter for a low VHF station could not be accomplished quickly, nor is there any guarantee that such a transmitter would replicate the station's existing coverage.⁴

The Commission often has accommodated licensees when they have "demonstrated that they faced factors beyond their control, including difficulties in obtaining viable, affordable equipment."⁵ In the case of low VHF transmitters used by stations such as WCYB, the problem is not simply a short supply of essential equipment but a complete lack of its everyday commercial manufacture. Thus, the practical concerns and the real-world hardships for the station and for viewers are amplified, and the need for relief more urgent.

Bonten also has these same concerns with respect to its antenna. WCYB's existing antenna and mask filter were manufactured by Dielectric, and Dielectric has terminated its television business. From discussions with other manufacturers of antennas and mask filters, Bonten understands that it would need to special order custom replacements for these essential pieces of equipment, a process that would take approximately six months and would be very

³ A letter from Harris explaining its decision is attached as Exhibit A hereto, and an e-mail from Rohde & Schwarz is attached as Exhibit B.

⁴ The station does not have a backup transmitter.

⁵ *Review of the Emergency Alert System*, Order, 25 FCC Rcd 16376, para. 9 (2010) (extending CAP compliance deadline, and quoting order granting extension construction deadlines in the LMDS service). Likewise, the Commission routinely extended construction deadlines during the course of the digital transition due to delays that licensees faced in obtaining equipment.

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expensive. Bonten notes that WCYB's backup antenna is approximately 40 years old. Replacement parts for this very old antenna are no longer manufactured.

With a transmitter that already is over two decades old, WCYB may be facing the prospect of going dark, indefinitely, if and when the transmitter fails. Problems with the station's antenna or mask filter also could cause the station to go off the air. The station and its viewers throughout the Tri-Cities market will suffer serious and unwarranted harm if this occurs.

WCYB serves viewers in southwestern Virginia (such as the residents of Bristol) and in northeastern Tennessee (such as those in Kingsport and Johnson City). WCYB's calculations show that the number of viewers in its service area today is well over a million — 1,430,084 — while the FCC predicts an even greater affected population of over two and half million (2,507,966).⁶ Clearly, a huge number of viewers would be affected if the station were to go dark.

Even if the station can obtain custom-built equipment, the process would entail delay and substantial expense. It would be contrary to the public interest to impose these hardships on the viewing public and on WCYB. By granting Bonten's channel reallocation petition promptly, the Commission will enable WCYB to provide a much-improved, free, reliable, digital television signal on a channel for which "viable, affordable" replacement equipment is readily available.

Respectfully submitted,



Eve Pogoriler
*Counsel for Bonten Media
Group, Inc.*

cc: Chairman Genachowski
Commissioner McDowell
Commissioner Clyburn
Commissioner Rosenworcel
Commissioner Pai

⁶ See Supplement to Petition for Rulemaking, File No. BPRM-20110526AJO (Dec. 5, 2011). Bonten has explained that its calculations account for the real-world difficulties that viewers experience in trying to obtain WCYB's low VHF signal — difficulties that would be eliminated if the station could broadcast on a UHF channel.

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Zachary Katz

Erin A. McGrath

Dave Grimaldi

Alex Hoehn-Saric

Matthew Berry

William Lake, Media Bureau

Attachments

Exhibit A

Tom Cupp
Vice President of Engineering
Bonten Media Group
101 Lee St.
Bristol, VA 24201

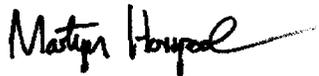
Dear Mr. Cupp,

As you may already be aware, Harris Broadcast has recently discontinued the production of the original Platinum Series® VHF transmitter line. This includes Platinum HT Analog, Platinum HTEL Analog/ATSC and the Platinum-*i* ATSC products. The original Platinum Series has served us and our customers well for over two decades, which is almost unheard of in this industry. The attached discontinuation letter for Platinum-*i* provides more information.

I would like to point out that the replacement products for the discontinued lines are the Platinum VAX (air-cooled) and Platinum VLX (liquid-cooled) transmitters. The new transmitters are broadband across all of VHF High Band. VHF Low Band is not currently supported by our new VAX and VLX products, as this market has declined to a very small size, resulting in insufficient demand to justify new product development. Part of the reason for lower demand for VHF Low Band arises from the fact that for digital operation, Low Band VHF is more sensitive to man-made and natural noise, resulting in inferior coverage compared to VHF High Band and the UHF Band. In fact, most countries have switched to a UHF only digital frequency spectrum plan. In addition, Low Band VHF is generally regarded as less suited for mobile operation due to the inefficiency of a small antenna (used with small portable receiving devices) with longer wavelengths.

Please contact me if you need any further clarification, or if you have any questions.

Sincerely,



Martyn Horspool
Product Manager – TV Transmission
Harris Broadcast
5300 Kings Island Drive
Mason, OH 45040
513-459-3415



HARRIS CORPORATION

November 12, 2012

Broadcast
Communications Division
5300 Kings Island Drive, Suite 101
Mason, OH USA 45040
phone 1-513-459-3400

www.harris.com

Subject: End of Production of Platinum-*i*™ Series Transmitters

Valued Harris Customer,

Harris Broadcast Communications has been providing innovative products and industry leading service to broadcasters since 1922. We continuously work to provide our customers with the best and most reliable products incorporating proven technology, backed by our world class service organization. Over the years as the world's leading transmitter manufacturer, we've introduced and retired products to meet evolving market and customer needs. Today we are announcing the end of production of the Platinum-*i* family of VHF ATSC television transmitters. Platinum-*i* transmitter products and configuration changes are ending production effective immediately. Power upgrades and channel changes to Platinum-*i* transmitters will be available for orders received by March 29, 2013.

As Harris has strived to improve our product performance and capabilities, we have released the Platinum VAX and VLX families of VHF Band III digital and analog transmitters in both air and liquid cooled configurations. The VAX and VLX are now shipping for power levels from 10W to 20kW (pre-filter ATSC power output). When it comes time to replace your Platinum-*i* transmitter, the Platinum VAX and VLX transmitters provide a replacement option for many configurations.

Harris recognizes that comprehensive product support is very important to you, our customer. While the Platinum-*i* series is going out of production, our Service Department will continue to supply repair or replacement of parts for this product. We are committed to providing a full range of service, training, and parts support on all Harris Transmission products. Superior customer service involves proper management of the entire life cycle of the products that we sell and support. We are pleased to be able to make this transition and provide ongoing support for this product line.

For Platinum-*i* parts inquiries, please contact our Harris Service Parts department at servicepartsreq@harris.com or by phone at +1-217-222-8200.

We sincerely appreciate your business. We hope that Harris Customer Service has served your needs well in the past and we welcome the opportunity to serve you in the future. If you have any questions about this product discontinuance, or other Harris products and support, please contact me or your regional Harris Broadcast representative.

Sincerely,

Steve Edie
Product Line Manager
Harris Corporation – Broadcast Communications Division

November 12, 2012

Subject: End of Production of Platinum-*i* Series Transmitters (continued)

Product Model Numbers

PTCD5P1-i	2kW VHF ATSC Transmitter
PTCD10P1-i	4kW VHF ATSC Transmitter
PTCD20P1-i	8kW VHF ATSC Transmitter
PTCD30P1-i	12kW VHF ATSC Transmitter
PTCD40P1-i	16kW VHF ATSC Transmitter

Exhibit B

From: Graziano Casale/RSA
To: "Cupp, Tom" <tcupp@WCYB.com>,
Date: 04/15/2013 01:18 PM
Subject: VHF Low Band Transmitter

Dear Mr. Cupp,

As Account Manager for Broadcasting Transmitter of Rohde & Schwarz, I answer to your request RE: VHF Low band Transmitter (CH 2 - CH 6). Unfortunately Rohde & Schwarz does not have product for that bandwidth range nor at the best of my knowledge there is a plan to have product for the VHF low band.

I apologize for the inconvenience and I look forward to assist you with UHF and VHF High band project in the future

Best regards

Graziano Casale



ROHDE & SCHWARZ

Graziano Casale
Account Manager
Broadcast Transmitters

Rohde & Schwarz USA, Inc.

Mobile: (1) 201-590-5752

E-Mail: graziano.casale@rsa.rohde-schwarz.com

Skype name: graziano.casale

Website: <http://www.rohde-schwarz.us/en/products/broadcasting/>

24/7 Transmitter Support: (1) 800 894 6220

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