

Before the  
Federal Communications Commission  
Washington, D.C. 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

REPLY COMMENTS REGARDING  
PETITION FOR A BLANKET EXTENSION OR WAIVER

Miriam Media, Inc. ("MMI"), permittee of LPTV station K27LV-D at Incline Village, Nevada, by counsel, hereby submits Reply Comments in the above referenced proceeding. MMI applauds the efforts of petitioner, Advanced Television Broadcasting Alliance,<sup>1</sup> and other LPTV licensees and permittees that have stepped forward in support of the proposed blanket extension or waiver. Such proposal would provide until September 1, 2015, for all permittees authorized to construct new digital low power television stations to complete construction of such facilities. Miriam Media supports the adoption of such a blanket extension and offers the following additional comments.

As permittees have grappled with the planning for the construction of their LPTV stations they have also been confronted with the realities of the upcoming incentive auction. No matter how repacking of the TV band unfolds, based on the results of the incentive auction in specific locations as much as 40% of the TV band could be reallocated and many LPTV stations, which are secondary services under the rules, are likely to be displaced or forced off the air entirely.<sup>2</sup> This uncertainty has made it increasingly difficult to obtain the required capital and enter into binding transmitter site leases. While the recent Auction Report and Order in GN docket number 12-268 offered some procedural insight into the process, it is very possible that appeals,

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<sup>1</sup> See ATBA Petition for a Blanket Extension or Waiver, MB Docket No. 03-185 (filed February 20, 2014).

<sup>2</sup> See Comments of CTB Spectrum Services LLC and CTB Spectrum Services Four LLC at pp. 2-3; Comments of National Association of Broadcasters at p. 3.

including one already filed by the NAB, could further delay the incentive auction process. Additionally, many details regarding the auction process have yet to be worked out and there is little guidance on how optimization from the repacking software will work in practice and to what extent it will mitigate the effects of repacking on specific LPTV stations. It is unfair to require construction decisions and large expenditures by LPTV permittees in advance of any ability to make an informed decision regarding the future viability or likely displacement of their authorized, but as yet unbuilt, stations.

Several commenters have already pointed out that all of the factors cited by the Commission in 2011 as justification for an automatic blanket extension to September 1, 2015 for digital conversion by existing analog LPTV licensees are equally applicable, if not more so, as justification warranting a similar blanket extension to Permittees with upcoming digital LPTV construction deadlines.<sup>3</sup> Most notably, in setting the above-referenced extension date for digital conversion, the Commission found significant that licensees would have to make significant transition expenditures and yet might soon find that “such facilities may have to be substantially modified due to channel displacement or taken off the air altogether in connection with the implementation of a spectrum repacking scheme.”<sup>4</sup> The unknown results of the upcoming incentive auction creates equal uncertainty for all entities seeking to construct digital LPTV stations, whether converting from analog or constructing new stations.<sup>5</sup> Thus there is no reason to treat LPTV permittees differently from LPTV licensees that have yet to complete their digital conversions.

As has been pointed out, the proposed September 1, 2015 blanket extension deadline may itself prove insufficient, as clarity regarding the availability for displaced stations will only come following the repacking process which, as noted above, could itself be delayed.<sup>6</sup> If the construction deadline predates or coincides with the repacking LPTV permittees may still lack clarity on where they may relocate or may find themselves competing with repacked stations for scarce available resources. For example, orders from repacked full service and class A stations

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<sup>3</sup> Comments of Cohn and Marks LLP, on behalf of Channel 51 of San Diego, Inc. at pp.1-2, discussing Second Report and Order (26 FCC Red 10732 (201 1)). See also NAB Comments at p. 3

<sup>4</sup> Id at Par. 8.

<sup>5</sup> Cohn and Marks, pp 2-3.

<sup>6</sup> CTBSS Comments at p. 7.

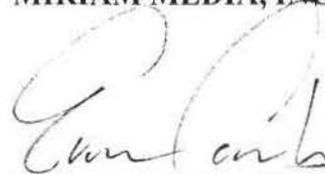
will likely put a strain on the production capabilities of manufacturers of transmitters and antennas leading to a backlog of orders and a further obstacle for LPTV permittees seeking new equipment during the repacking process. Similarly, it is anticipated that all broadcasters seeking to schedule tower crews during the repacking process will encounter delays in the scheduling of installation of any purchased equipment. Accordingly, as mentioned by one commenter, a deadline at least 18 months, if not two years, following the repacking process might be more realistic.<sup>7</sup>

Accordingly, MMI supports the ATBA proposal for a blanket extension for new digital LPTV construction until September 1, 2015, or such later date as the Commission may deem appropriate.

Respectfully submitted,

**MIRIAM MEDIA, INC.**

By:



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Evan D. Carb

Law Offices of Evan D Carb, PLLC  
1200 New Hampshire Avenue, NW  
Suite 600  
Washington, DC 20036  
(202) 293-2555

August 28, 2014

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<sup>7</sup> Id.