

**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 and Television)	
Translator Stations)	
)	

**REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION AND SUMMARY

The National Association of Broadcasters (NAB)¹ hereby replies to comments on the Fifth Notice of Proposed Rulemaking concerning various options for use of TV channel 6 spectrum (82–88 MHz), including the provision of analog FM radio services by channel 6 digital low power television stations (also known as “FM6” stations). NAB again emphasizes that channel 6 television stations provide critical services to the public and that television broadcasting must have unconstrained primacy in that spectrum.² Although NAB supports permanently authorizing the existing 13 FM6 stations, no commenters have provided a sound technical basis for expanding FM6 operations, expanding the FM band into TV channel 6 spectrum (including relaxing the restrictions on the use of channel 200), or eliminating the current channel 6 protection requirements.

¹ NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² Comments of the National Association of Broadcasters at 1, MB Docket No. 03-185 (July 18, 2022) (NAB Comments).

II. FM6 OPERATION SHOULD BE LIMITED TO THE EXISTING 13 STATIONS AND STATIONS WITH A SIGNIFICANT HISTORY OF PROVIDING INTERFERENCE-FREE FM6 SERVICE

As NAB has previously discussed,³ almost 100 channel 6 television stations are presently authorized to serve communities across the United States. A number of those channel 6 stations serve as “lighthouse” stations during the transition to NextGen TV and more such lighthouse stations may be needed as the transition progresses. Channel 6 TV stations may also be needed for “nightlight” facilities as the transition nears completion to help ensure that legacy television viewers receive uninterrupted service. NAB agrees with Public Media that television technology is at an inflection point and that the Commission should not repurpose any TV channel 6 spectrum (82–88 MHz) for radio services.⁴

A number of commenters urge the Commission to grant certain additional FM6 authorizations, allow modification of existing authorizations, or allow all channel 6 LPTV stations authority to add FM6 operations.⁵ While NAB supports permanent authorization for the present facilities of the existing 13 stations, which have developed entrenched audiences, NAB believes it is premature to consider modified or additional FM6 authorizations except under certain exceptional circumstances, including a recent demonstrated history of interference-free operation. Specifically, NAB has no objection to authorizing channel 6 LPTV stations with a significant and recent history of providing FM6 service without any reports of interference, and may have been forced to discontinue FM6 operation temporarily due to their waiting on channel changes by other stations, delays due to international coordination, or for

³ NAB Comments at 2-4

⁴ Comments of America’s Public Television Stations, the Joint Licensee Group, the National Educational Telecommunications Association, and the Public Broadcasting Service at 2, MB Docket 03-185 (July 18, 2022) (Public Media Comments)

⁵ Comments of Juan Carlos Matos Barreto at 3, MB Docket 03-185 (July 13, 2022) (Matos Comments); Comments of Kid’s Television, LLC at 2, MB Docket 03-185 (July 18, 2022); Comments of VCY America, Inc. at Section H, MB Docket 03-185 (July 18, 2022).

other similar reasons beyond a station's control.⁶ NAB further agrees with Metro that having a construction permit application pending at the Commission at the time of the adoption of the NPRM should be a critical factor in support of allowing a station to resume FM6 service.⁷ While NAB is not aware of any reports of interference from the existing 13 FM6 stations, the conditions under which interference will occur have not been determined. NAB believes that correlation is not always causation, and a lack of interference complaints is not necessarily sufficient evidence of no harmful interference under any conditions. NAB agrees with NPR that, before permanently and routinely authorizing an FM6 service, the Commission must first develop rules to avoid interference to reserved band NCE stations and ensure unimpaired reception of the channel 6 LPTV service.⁸ NAB and other commenters have suggested some of the restrictions that may be needed.⁹ In particular, NAB disagrees with PCPC that FM6 operations need not be subject to the rules applicable to FM radio stations because they are already subject to LPTV regulations.¹⁰ The Commission's LPTV regulations do not consider interference between an FM6 signal and FM broadcast,¹¹ FM translator, FM booster, or low power FM stations, however, consideration of such interference is relevant and important. It may be appropriate to apply the contour protection and IF spacing rules for FM stations to FM6 operations,¹² or to apply some other protection requirements. That said, NAB is unable to

⁶ Comments of Metro TV, Inc., MB Docket 03-185 (July 18, 2022) (Metro Comments); Comments of Signal Above, LLC, MB Docket 03-185 (July 18, 2022) (WDCN-LD Comments).

⁷ Metro Comments at 3 and 6.

⁸ Comments of National Public Radio at 5, MB Docket 03-185 (July 18, 2022) (NPR Comments).

⁹ Comments of Preserve Community Programming Coalition at 19, MB Docket 03-185 (July 18, 2022) (PCPC Comments); NAB Comments at 5.

¹⁰ PCPC Comments at 21.

¹¹ 47 CFR §74.701ff (subpart G).

¹² *Id.* at 47 CFR §§73.507, 73.509.

make an informed recommendation because the technical record is not yet sufficient. As one commenter noted, an FM6 station is essentially a class A (3 kW) FM station and NAB believes FM6 operations would be expected to have the same or greater (due to the accompanying channel 6 LPTV signal) interference potential to FM stations operating on nearby channels.¹³ A more fulsome record that directly addresses FM6-to-reserved band FM station (and other) interference is needed to avoid increasing the risk of interference from expanded use. NAB again urges the Commission to restrict FM6 operations to the 13 FM6 stations as presently authorized and other stations with a demonstrated history of interference-free operation until appropriate protection rules are established.

III. RESTRICTIONS ON THE USE OF CHANNEL 200 SHOULD BE MAINTAINED

NPR proposes that the Commission adopt a rule change to enable certain existing NCE FM stations to modify their authorizations to change frequency to channel 200 (87.9 MHz).¹⁴ While NAB recognizes that channel 200 is available for assignment on a secondary non-interference basis in rare circumstances,¹⁵ NAB disagrees with NPR that 87.9 MHz is “part of the FM band.” By definition, 87.9 MHz falls within the spectrum of TV channel 6.¹⁶ The existing television spectrum must be preserved because channel 6 is critical to television service. Authorization of new FM stations at 87.9 MHz could preclude new television stations. Even if some FM stations are allowed to shift operations to 87.9 MHz on a secondary non-interference basis, NAB believes that it would be difficult to force such stations back to their

¹³ Comments of Stephen Woodward, MB Docket 03-185 (July 13, 2022).

¹⁴ NPR comments at 15.

¹⁵ 47 CFR §73.501.

¹⁶ *Id.* at §73.603.

former dial positions and power levels to clear interference to existing or new channel 6 television stations.

IV. FM6 STATIONS MUST COMPLY WITH POLITICAL FILE REQUIREMENTS

As NAB commented,¹⁷ FM6 stations typically operate as separate television and FM stations with different programming and different audiences, and both the TV6 and FM6 operations should comply independently with the Commission's rules concerning the Emergency Alert System (EAS). NAB also believes that FM6 stations must comply with the Commission's rules concerning maintaining a political file.¹⁸ While NAB agrees with certain commenters that LPTV stations are not required to maintain a public inspection file,¹⁹ those stations are nonetheless required to maintain a political file and that requirement should extend to the FM6 operation.

V. NO CHANGE IN THE TV6 PROTECTION RULES IS JUSTIFIED AT THIS TIME

As NAB previously explained, many DTV receivers appear to be more resistant to FM NCE interference than analog TV receivers,²⁰ but the reported improvement is inconsistent and does not justify the complete elimination of the channel 6 protection requirements. NAB agrees with ATBA that changes to the channel 6 interference protections must not result in displacement or other adverse effects on LPTV stations and that the Commission should adopt a cautious approach to avoid creating cross-service interference issues.²¹ NAB also agrees with WPVI Television that there is still insufficient evidence in the record to

¹⁷ NAB Comments at 6.

¹⁸ 47 CFR §73.1943.

¹⁹ Matos Comments at 4.

²⁰ NAB Comments at 9

²¹ Comments of the Advanced Television Broadcasting Alliance at 7, MB Docket 03-185 (July 18, 2022).

demonstrate that full-power channel 6 television stations will be adequately protected in the absence of such rules.²² NAB disagrees with NPR that it should be the responsibility of television broadcasters to demonstrate that removal or relaxation of the requirements in Section 73.525 is necessary or appropriate,²³ nor is it appropriate to burden channel 6 licensees with a new need to monitor and study FM construction permit applications, a task that would become necessary in the absence of the present requirements of Section 73.525.²⁴ NAB agrees with WPVI's consulting engineer that FM stations in the reserved band can and will cause interference to DTV reception based on the Commission's existing protection requirements, and such interference may involve a significant number of channel 6 television viewers.²⁵ NAB also observes that the record of this proceeding includes no interference testing involving NextGen TV receivers and such test data are needed before any changes to the existing TV6 protection requirements can be made. Thus, NAB urges the Commission to retain the existing channel 6 protection requirements at this time.

²² Comments of WPVI Television (Philadelphia), LLC at 1, MB Docket 03-185 (July 18, 2022) (WPVI Comments).

²³ 47 C.F.R. § 73.525(c) and (d) (stating with limited exceptions that "...applicants for NCE-FM stations proposing to operate on Channels 201–220 must submit a showing indicating that the predicted interference area [to a channel 6 television station] resulting from the proposed facility contains no more than 3,000 persons" or that "the applicant has coordinated its antenna with the affected TV station...")

²⁴ NPR Comments at 13.

²⁵ WPVI comments, attached Statement of John E. Hidle, P.E.

VI. CONCLUSION

For the reasons stated above, NAB respectfully requests that Commission modify its policies related to the use of TV channel 6 as discussed above.

Respectfully submitted,

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