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Cell-A-Vision Adopted

Lee G. Petro
petro@fhhlaw.com
703-812-0453

On November 7, 2008, the Commission adopted rules that may usher in a new age of television. While television broadcasting has historically relied on one antenna mounted on one big stick to get the signal to its viewers, the FCC has adopted new regulations that will allow TV broadcasters to use multiple sticks, with lower height and less power, to serve their current service area.

The technology – “distributed transmission system”, or DTS – permits the television industry to follow the same path as the wireless telephone industry. Back in the 1980’s, the initial cellular systems used one stick with a relatively high-powered signal, but the industry gradually broke the service areas into smaller cells (each served by lower-powered transmitters) which reused the spectrum in a more efficient manner. With the conversion to digital, the wireless mobile telephone industry is very efficient at slicing and dicing its spectrum to provide largely uniform service in urban areas.

You may have heard that the television industry is now transitioning to digital as well. And that transition will allow licensees to use similar cell-like technology. As a result, rather than constructing a 2,000-foot tower and blasting a megawatt or more of power, TV licensees will now be able to rely on multiple transmitter sites within their current service area, each operated at lower levels, in order to provide uniform service throughout their authorized service areas.

This technology will serve two major goals as we move to digital television. First, since over-the-air reception of DTV signals is a go/no-go proposition (depending on the ability of the would-be viewer’s antenna to pick up a usable signal), the use of DTS technology is expected to provide better service at the fringes of a television’s service area. Moreover, the use of DTS technology will permit more uniform service in areas that suffer from various obstacles – both natural (think mountains and valleys) and man-made (think skyscraper canyons, like NYC) – that ordinarily wreak havoc on over-the-air reception.

In adopting the rules, the Commission rejected proposals that would have permitted licensees to extend the service areas of their stations throughout their Designated

Marketing Area. Instead, the Commission adopted a “Table of Distances”, which defines the area in which DTS facilities can operate for a particular station. The distances are based on the reference point of the station, and range from 63 miles to 80 miles depending upon the channel on which the station operates.

The Commission also established a waiver policy for the expansion of a station’s DTS service area if such expansion is necessary to assure continued service to existing analog viewers who would otherwise lose service because of the digital transition. ***Stations in this situation must file for authority to operate a DTS facility prior to August 18, 2009.*** In addition, stations may apply to expand their service areas to match the largest station in the market, and either operate the station with a single transmitter or as a DTS facility.

On the other hand, the Commission made sure that its rules will not permit DTS licensees to “cherry-pick” areas (*i.e.*, the most populated) while ignoring less populated, or less economically desirable, areas. Instead, the Commission will require that the current service area of the station be served by the DTS facility. Also, the Commission will apply the current 0.5% interference factor to DTS proposals and operations, so that new proposals will not cause interference to more than 0.5% of the population of another station, and other station proposals will not be permitted to cause more than 0.5% interference to the service area population of a DTS facility.

On the LPTV and Class A front, licensees of individual stations will be permitted to obtain experimental licenses to use DTS to service their respective coverage areas. In addition, licensees of multiple Class A or digital LPTV stations with contiguous noise-limited contours will be permitted to use a single channel within the group of channels to provide common locally-produced programming. To facilitate such conjoined operations, the Commission will permit, where possible, a Class A station to change its channel to establish a DTS network, with each separate component station being licensed separately.

The rules adopted in this proceeding were largely welcomed by those who filed comments, although some concern was expressed by parties who favor unlicensed devices in the television “white spaces”. With the white spaces rules now adopted (*see* related article on page 1), it is possible that television licensees could protect themselves from unlicensed devices if they utilize DTS technology to bolster their signal in all portions of their service area. Since unlicensed devices will be permitted to operate in areas where they cannot “sense” a television signal, a DTS network of transmitters may successfully keep these devices at bay.

Of course, a uniform digital signal throughout a large service area may give rise to new business opportunities for broadcasters as well. Mobile television has been on the

horizon for a while, and the use of digital transmitters where the distance between wireless device and transmitter site is much shorter may just be the shot in the arm the nascent industry is looking for.

Since the new DTS rules have yet to be published in the Federal Register, and the accompanying forms have yet to be approved by the Office of Management and Budget, the Commission will permit the submission of requests based on the new rules in the form of requests for special temporary authority (as has been the case since DTS was first proposed almost five years ago). Any station which obtains such an STA will still have to refile for permanent authority once the forms have been approved. We will keep you informed of when the rules are adopted and when the race to the future will start.