



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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## ANNOUNCEMENT OF FILING WINDOW FOR LPTV AND TV TRANSLATOR DIGITAL COMPANION CHANNEL APPLICATIONS FROM MAY 1, 2006 THROUGH MAY 12, 2006

## FREEZE ON FILING OF LOW POWER TELEVISION, TV TRANSLATOR AND CLASS A ANALOG AND DIGITAL MINOR CHANGE, ANALOG AND DIGITAL DISPLACEMENT AND DIGITAL ON-CHANNEL CONVERSION APPLICATIONS FROM APRIL 3, 2006 THROUGH MAY 12, 2006

Report No. AUC-06-85-A (Auction No. 85)

### Background

In furtherance of the digital broadcast television (DTV) transition and to enable more viewers to realize the many benefits of DTV, the Commission established rules and policies to facilitate the digital transition for low power television (LPTV), TV translator and Class A TV stations.<sup>1</sup> In its *Report and Order*, the Commission stated that its new rules and policies would “provide flexible and affordable opportunities for digital LPTV and TV translator service, both through the conversion of existing analog service and, where spectrum is available, new digital stations.”<sup>2</sup> The new rules provide that existing permittees and licensees in these services be given the flexibility to choose one (and only one) of two methods to convert their existing analog stations to digital. Existing permittees and licensees in these services may either implement an on-channel digital conversion of their analog channel or they may seek a (second) digital companion channel that may be operated simultaneously with their analog channel. Permittees and licensees in these services are not guaranteed a digital companion channel and must identify a channel that can be operated consistent with the Commission’s interference protection rules.<sup>3</sup>

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<sup>1</sup> See Amendment of Parts 73 and 74 of the 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, *Report and Order*, 19 FCC Rcd 19331 (2004) (*Report and Order*). A copy of that *Report and Order* may be found at: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-04-220A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-220A1.pdf).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*, 19 FCC Rcd at 19383 ¶ 153. An application for digital companion channel will not be accepted if it fails to protect the authorized analog or digital facilities of a TV broadcast station or authorized analog facility of TV translator, LPTV, Class A television stations, or 700 MHz public safety and commercial wireless licensees.

At a date to be determined in the future, the Commission will require that the permittee or licensee terminate analog operation, return one of their two channels to the Commission, and operate their station only in digital mode.<sup>4</sup> **Permittees and licensees in these services may choose only one of these two methods for converting their existing analog stations to digital.**

### **Digital Companion Channel Window**

LPTV, TV translator and Class A TV stations have already been offered the opportunity to file applications for on-channel digital conversion of their analog stations.<sup>5</sup> By this Public Notice, the Media Bureau and the Wireless Telecommunications Bureau (Bureaus) announce the scheduling of a window for the filing of applications for digital companion channels for LPTV, TV translator and Class A TV television permittees and licensees. Commencing May 1, 2006 and continuing to and including May 12, 2006, the Commission will permit the filing of such digital companion channel applications. Applicants will electronically submit a short-form application (FCC Form 175) as well as technical data from FCC Forms 346 or 301-CA to specify their proposed digital companion channel. By subsequent public notice, the Bureaus will announce the specific procedures for the filing of FCC Form 175 and associated technical data.

### **Eligibility and Filing Restrictions**

This is a “national” filing window meaning that applications for digital companion channels may be filed for any location in the United States and its territories without geographic restrictions, subject to the Commission’s technical rules.<sup>6</sup> Applicants for digital companion channels will be required to identify their associated analog station, and must propose to serve the community of license of their associated analog facility. Once again, only existing LPTV, TV translator and Class A TV station permittees and licensees will be permitted to file for digital companion channels during this window.<sup>7</sup>

### **Permittees and licensees seeking digital operation must choose between an on-channel digital conversion of their analog station or operating a companion digital LPTV or TV translator station.<sup>8</sup>**

Any permittee or licensee that has a license, construction permit, or pending application for on-channel digital conversion will not be eligible to submit an application for companion digital channel for the same station, and any such companion digital channel application will be dismissed.

Permittees and licensees filing in this window may seek only a single digital companion channel for each existing analog channel.<sup>9</sup> We remind permittees and licensees that they will be required at some point –

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*See* 47 C.F.R. §§ 74.703, 74.793. An application for digital companion channel must also protect pending applications of TV translator and LPTV and Class A stations. *Id.*

<sup>4</sup> *Report and Order*, 19 FCC Rcd at 19383 ¶ 153.

<sup>5</sup> *See* “FCC Commences Accepting Applications for On-Channel Digital Conversion of Low Power TV and TV Translator Stations and Announces Availability of Revised Application Forms 346 and 301-CA,” *Public Notice*, DA 05-2546 (MB, rel. Oct. 4, 2005) (*On-Channel Conversion Public Notice*).

<sup>6</sup> *See* 47 C.F.R. §§ 74.703, 74.793.

<sup>7</sup> *Report and Order*, 19 FCC Rcd at 19383 ¶ 153.

<sup>8</sup> *See On-Channel Conversion Public Notice, supra.*

<sup>9</sup> *Report and Order*, 19 FCC Rcd at 19383 ¶ 153.

to be determined in a future proceeding – to return one of their two companion channels to the Commission.<sup>10</sup> We also remind Class A permittees and licensees that all digital companion channels will be licensed as LPTV channels on a secondary, non-interference basis.

**Freeze on Filing of Analog and Digital Minor Change Applications, Analog and Digital Displacement Applications and Digital On-Channel Conversion Applications**

In order to stabilize the LPTV database and ensure that interested parties are able to identify available channels for digital use, the Media Bureau hereby announces that there will be a freeze on the filing of LPTV, TV translator and Class A analog and digital minor change, analog and digital displacement, and digital on-channel conversion applications from April 3, 2006 through May 12, 2006. Following the completion of the digital companion channel window on May 12, 2006, such minor change and displacement applications will once again be accepted. As an exception to this freeze, on-air stations demonstrating that they face imminent disruption of service may request special temporary authority where necessary to continue operations.<sup>11</sup>

If you have any questions, please contact Hossein Hashemzadeh (technical) or Shaun Maher (legal) of the Video Division, Media Bureau at 202-418-1600.

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<sup>10</sup> *Id.*

<sup>11</sup> *See* 47 C.F.R. § 73.1635.