



# PUBLIC NOTICE

Federal Communications Commission  
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## COMMENCEMENT OF RURAL, FIRST-COME, FIRST-SERVED DIGITAL LICENSING FOR LOW POWER TELEVISION AND TV TRANSLATORS BEGINNING AUGUST 25, 2009

AND

## COMMENCEMENT OF NATIONWIDE, FIRST-COME, FIRST-SERVED DIGITAL LICENSING FOR LOW POWER TELEVISION AND TV TRANSLATOR SERVICES BEGINNING JANUARY 25, 2010

To ensure continued service for viewers of low power television (LPTV) and TV translator stations in the rural portions of the United States and to assist stations in these areas with their transition to digital, we announce a rural digital filing opportunity for these services. Beginning **August 25, 2009** we will permit the filing of applications for new digital-only LPTV and TV translator stations in rural areas, for major changes to existing analog and digital LPTV and TV translator facilities in those areas, and, in the case of incumbent analog stations, for digital companion channels.<sup>1</sup> **No applications for new analog facilities will be accepted.** As outlined below, this filing opportunity will be subject to a geographic restriction and to first-come, first-served processing.

In addition, to further assist all LPTV and TV translator stations in their transition to digital, we will begin accepting applications on a nationwide, first-come, first-served basis for new digital-only LPTV and TV translators stations, for major modifications to existing analog and digital stations in these services, and, in the case of incumbent analog stations, for digital companion channels without geographic restriction<sup>2</sup> on **January 25, 2010**.<sup>3</sup> **No applications for new analog facilities will be accepted.**

We remind incumbent LPTV, TV translator, and Class A television stations that they may file an application for on-channel digital conversion or flash-cut at any time.<sup>4</sup> So that they may retain processing priority, we encourage those incumbent stations that have not already done so to file their flash-cut applications prior to the commencement of first-come, first-served digital licensing. We are providing

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<sup>1</sup> Unlike the 2006 digital companion channel filing window, there is no deadline for the submission of digital companion channel applications and interested stations must submit a long-form application for their proposed digital companion channel. See "LPTV and TV Translator Digital Companion Channel Applications Filing Window for Auction No. 85," *Public Notice*, 21 FCC Red 4100 (MB/WTB 2006) (*Auction No. 85 Filing Window Public Notice*).

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

<sup>3</sup> Applications for new Class A stations may not be filed.

<sup>4</sup> See 47 C.F.R. § 74.787(a)(1).

notice so that incumbent stations and their technical consultants will have sufficient time to prepare and to file their flash-cut applications prior to the commencements of both the rural and nationwide first-come, first-served digital licensing opportunities.

We also remind applicants that additional adjustments in the facilities and assigned channels of full-power television broadcast stations may be required as the transition of that service to digital mode is optimized. These adjustments, the extent of which is not fully known at this time, could have an adverse impact, including displacement, on applicants filing under the procedures in this Public Notice.

### **Filings Procedures**

**Beginning August 25, 2009**, all interested parties including incumbent LPTV and TV translator stations, may begin filing applications for new digital-only LPTV and TV translator stations, for major changes to existing analog and digital facilities and, in the case of incumbent analog stations, for digital companion channels,<sup>5</sup> where such applications specify transmitting antenna site coordinates (geographic latitude and longitude) located more than 121 kilometers (75 miles) from the reference coordinates of the cities listed in Appendix A. These applications will be filed on a first-come, first-served basis and will be “cut-off” daily.

**Beginning January 25, 2010**, all interested parties, including incumbent LPTV and TV translator stations, may begin filing applications for new digital-only LPTV and TV translator stations, for major changes to existing analog and digital LPTV and TV translator stations, and, in the case of incumbent analog stations, for digital companion channels without geographic restriction.<sup>6</sup> Such applications will be filed on a first-come, first-served basis and will be “cut-off” daily.

All applications for new digital-only LPTV and TV translator stations or for major changes to existing digital or analog LPTV and TV translator stations are subject to a \$705.00 filing fee. There is no application filing fee for the submission of a flash-cut or digital companion channel application, or for applications for replacement digital translator stations as these applications are for minor changes. Applicants must file their applications electronically using FCC Form 346. **Paper-filed applications will not be accepted.** Instructions for use of the electronic filing system are available in the CDBS User’s Guide, which can be accessed from the electronic filing web site at: <http://www.fcc.gov/mb/cdbs.html>. For assistance with electronic filing, call the Media Bureau Help Desk at (202) 418-26MB (418-2662).

**Important Reminders.** All mutually exclusive applications will be resolved by competitive bidding (auctions).

Applications for new digital LPTV and TV translator stations and for replacement digital translators may only be filed for in-core channels 2-51.

Applicants proposing digital companion channels on channels 52-59 must certify in their long form application the unavailability of any suitable in-core channel.<sup>7</sup> “Suitable in-core channel” is defined as one that would enable the station to produce a digital service area comparable to its analog service

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<sup>5</sup> See *supra* n. 1.

<sup>6</sup> *Id.*

<sup>7</sup> See 47 C.F.R. § 74.786(d).

area.<sup>8</sup> In addition, Section 74.786(d) of the Commission's rules provides that applicants proposing digital companion channels on channels 52-59 must notify all potentially affected 700 MHz band wireless licensees of the spectrum comprising the proposed TV channel and the spectrum in the first adjacent channels thereto not later than 30 days prior to the submission of their long form application.<sup>9</sup> Specifically, notification is required to wireless licensees within whose licensed geographic boundaries a digital LPTV or TV translator station is proposed to be located.<sup>10</sup> Notification is also required to co-channel and first adjacent channel licensees whose geographic service area boundaries lie within 75 miles and 50 miles, respectively, of the proposed digital LPTV and TV translator station location.<sup>11</sup> The identity and contact information for all wireless entities in the 700 MHz band is available through the Universal Licensing System (ULS) on the Commission web site ([www.fcc.gov](http://www.fcc.gov)). Digital companion channel facilities on channels 52-59 may operate on a secondary basis as long as they do not technically conflict with the operations of a primary service licensee. Digital companion channel authorizations will be explicitly conditioned to that effect.

We remind applicants of the following important rules and policies that apply during this filing opportunity:

- Only existing low power station permittees and licensees are permitted to file for a digital companion channel;<sup>12</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;
- Incumbent stations may continue to file applications to flash-cut their existing analog stations to digital;
- Stations with a construction permit, license or pending application for a digital companion channel may not file for a second digital companion channel;<sup>13</sup>
- Stations seeking digital operation must choose between an on-channel digital conversion of their analog station or operating a digital companion channel station;
- Any station that has a license, construction permit, or pending application for on-channel digital conversion will not be eligible to submit an application for a companion digital channel for the same station, and any such companion digital channel application will be dismissed;
- Stations that receive a digital companion channel will be required at a future date to return either their analog channel or companion channel to the Commission;<sup>14</sup> and
- Class A stations are on notice that all digital companion channels will be licensed as LPTV channels on a secondary, non-interference basis.

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

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

<sup>11</sup> *Id.*

<sup>12</sup> 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, 19383 (2004) (*Digital LPTV Order*).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

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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## APPENDIX A

Applications for new digital low power television and TV translator stations and analog and digital major changes to existing low power television and TV translator stations filed during the limited filing opportunity beginning **August 25, 2009** may not propose new or modified facilities located within 121 kilometers (75 miles) of the reference coordinates listed below for the following cities. Source of cities: January 1, 2008 Nielsen Media Research Estimates. Source of coordinates: Section 76.53 of the Commission's Rules.

<b>DMA RANKING</b>	<b>MARKET</b>	<b>NORTH LATITUDE</b>	<b>WEST LONGITUDE</b>
1	New York City, New York	40-45-06	073-59-39
2	Los Angeles, California	34-03-15	118-14-28
3	Chicago, Illinois	41-52-28	87-38-22
4	Philadelphia, Pennsylvania	39-56-58	75-9-21
5	Dallas/Fort Worth, Texas	32-47-09	096-47-37
6	San Francisco, California	37-46-39	122-24-40
7	Boston, Massachusetts	42-21-24	71-3-25
8	Atlanta, Georgia	33-45-10	84-23-37
9	Washington, District of Columbia	38-53-51	77-0-33
10	Houston, Texas	29-45-26	95-21-37
11	Detroit, Michigan	42-19-48	83-2-57
12	Phoenix, Arizona	33-27-12	112-4-28
13	Tampa, Florida	27-56-58	82-27-26
14	Seattle, Washington	47-36-32	122-20-12
15	Minneapolis, Minnesota	44-58-57	93-15-43
16	Miami, Florida	25-46-37	80-11-32
17	Cleveland, Ohio	41-29-51	81-41-50
18	Denver, Colorado	39-44-58	104-59-22
19	Orlando, Florida	28-32-42	81-22-38
20	Sacramento, California	38-34-57	122-23-34
21	St. Louis, Missouri	38-37-45	90-12-22
22	Pittsburgh, Pennsylvania	40-26-19	80-0-0
23	Portland, Oregon	45-31-6	122-40-35
24	Baltimore, Maryland	39-17-26	76-36-45
25	Charlotte, North Carolina	35-13-44	80-50-45
26	Indianapolis, Indiana	39-46-7	86-9-46
27	San Diego, California	32-42-53	117-9-21
28	Raleigh, North Carolina	35-46-38	78-38-21
29	Hartford, Connecticut	41-46-12	72-40-49
30	Nashville, Tennessee	36-9-33	86-46-55
31	Kansas City, Missouri	39-4-56	94-35-20
32	Columbus, Ohio	39-57-47	83-0-17
33	Cincinnati, Ohio	39-6-7	84-30-35
34	Milwaukee, Wisconsin	43-2-19	87-54-15
35	Salt Lake City, Utah	40-45-23	111-51-26
36	Greenville, South Carolina	34-50-50	82-24-1
37	San Antonio, Texas	29-25-37	98-29-6
38	West Palm Beach, Florida	26-42-36	80-3-5

39	Grand Rapids, Michigan	42-58-3	85-40-13
40	Birmingham, Alabama	33-31-1	86-48-36
41	Harrisburg, Pennsylvania	40-15-43	76-52-59
42	Norfolk, Virginia	36-51-10	76-17-21
43	Las Vegas, Nevada	36-10-20	115-8-37
44	Albuquerque, New Mexico	35-5-1	106-39-5
45	Oklahoma City, Oklahoma	35-28-26	97-31-4
46	Greensboro, North Carolina	36-4-17	79-47-25
47	Memphis, Tennessee	35-8-46	90-3-13
48	Louisville, Kentucky	38-14-47	85-45-49
49	Jacksonville, Florida	30-19-44	81-39-42
50	Buffalo, New York	42-52-52	78-52-21
51	Austin, Texas	30-16-9	97-44-37
52	Providence, Rhode Island	41-49-32	71-24-41
53	New Orleans, Louisiana	29-56-53	90-4-10
54	Scranton, Pennsylvania	41-24-32	75-39-46
55	Fresno, California	36-44-12	119-47-11
56	Albany, New York	42-39-1	73-45-1
57	Little Rock, Arkansas	34-44-52	92-16-37
58	Knoxville, Tennessee	35-57-39	83-55-7
59	Richmond, Virginia	37-32-15	77-26-9
60	Tulsa, Oklahoma	36-9-12	95-59-34
61	Mobile, Alabama	30-41-36	88-2-33
62	Dayton, Ohio	39-45-32	84-11-43
63	Fort Myers, Florida	26-38-42	81-52-6
64	Lexington, Kentucky	38-2-50	84-29-46
65	Huntington, West Virginia	38-25-12	82-26-33
66	Flint, Michigan	43-0-50	83-41-33
67	Roanoke, Virginia	37-16-13	79-56-44
68	Tucson, Arizona	32-13-15	110-58-8
69	Wichita, Kansas	37-41-30	97-20-16
70	Green Bay, Wisconsin	44-30-48	88-0-50
71	Des Moines, Iowa	41-35-14	93-37-0
72	Toledo, Ohio	41-39-14	83-32-39
73	Honolulu, Hawaii	21-18-36	157-51-48
74	Springfield, Missouri	37-13-3	93-17-32
75	Omaha, Nebraska	41-15-42	95-56-14
76	Portland, Maine	43-39-33	70-15-19
77	Spokane, Washington	47-39-32	117-25-33
78	Rochester, New York	43-9-41	77-36-21
79	Paducah, Kentucky	37-5-13	88-35-56
80	Syracuse, New York	43-3-4	76-9-14
81	Columbia, South Carolina	34-0-2	81-2-0
82	Shreveport, Louisiana	32-30-46	93-44-58
83	Huntsville, Alabama	34-44-18	86-35-19
84	Champaign, Illinois	40-7-5	88-14-48
85	Madison, Wisconsin	43-4-23	89-22-55
86	Chattanooga, Tennessee	35-2-41	85-18-32
87	Cedar Rapids, Iowa	41-58-48	91-39-48
88	Harlingen, Texas	26-11-29	97-41-35

89	South Bend, Indiana	43-40-33	86-15-1
90	Jackson, Mississippi	32-17-56	90-11-6
91	Johnson City, Tennessee	36-19-4	82-20-56
	Burlington, Vermont/		
92	Plattsburgh, New York	44-28-34	73-12-46
93	Colorado Springs, Colorado	38-50-7	104-49-16
94	Baton Rouge, Louisiana	30-26-58	91-11-0
95	Waco, Texas	31-33-12	97-8-0
96	Davenport, Iowa	41-31-24	90-34-21
97	Savannah, Georgia	32-4-42	81-5-37
98	El Paso, Texas	31-45-36	106-29-21
99	Johnstown, Pennsylvania	40-19-35	78-55-3
100	Charleston, South Carolina	32-46-35	79-55-53