

Federal Communications Commission

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Third Periodic Review of the) MB Docket No. 07-91
Commission's Rules and Policies)
Affecting the Conversion)
To Digital Television)

SECOND ERRATUM

Released: January 23, 2008

By the Chief, Media Bureau:

1. On December 31, 2007, the Commission released the Report and Order (FCC 07-228) in the above-captioned proceeding. This Erratum revises the eighteenth bullet in the Executive Summary to correct a typographical error and reflect the changes noted in item 4 of this Erratum, below. The bullet will read as follows:

- We revise Section 73.624(g) to require DTV stations that are permittees operating pursuant to an STA or any other FCC instrument authorizing DTV transmissions to file FCC Form 317 and pay fees on any revenue derived from feeable ancillary or supplementary services in the same way required of DTV licensees. [Sections V.H.4., *infra*, Rule 47 C.F.R. § 73.624(g) in Appendix B, and changes to FCC Form 317 in Appendix C.]

2. This Erratum revises footnote 498 in paragraph 169 of the Report and Order to delete the sixth and eighth sentences so that the footnote will read as follows:

498. *See Ex Parte* Comments of Cohen, Dippell and Everist, P.C. (dated Sept. 27, 2007) (“*CDE Ex Parte*”). The commenters cited to 47 C.F.R. § 27.60 as the basis for their comment. This rule states that “transmitters in the 698-794 MHz and 776-794 MHz frequency bands must be operated only in accordance with the rules in this section to reduce the potential for interference to the public reception of the signals of existing TV and DTV broadcast stations transmitting on TV channels 51 through 68.” They point out that the “existing” language implies, or might lead any future WCS auction winner to expect, that a WCS would not have to protect any future channel 51 station that was not “existing” as of the date of the DTV transition. We note that Section 27.60 applies to transitional operations, prior to the completion of the digital transition on February 18, 2009. There will be no such television broadcast stations operational on Channels 52 through 68 after the transition.

3. This Erratum revises footnote 589 in paragraph 198 of the Report and Order to read as follows:

589. *Id.* We revise FCC Form 317, accordingly. See changes to FCC Form 317 in Appendix C, *infra*.

4. This Erratum revises paragraph 205 of the Report and Order to add a sentence and footnote regarding information collection requirements. The sentence adds a fourteenth collection requirement so that the last sentence will read as follows:

***and (14) DTV stations that are permittees must comply with the requirements for feeable ancillary or supplementary services in Section 73.624(g) (using FCC Form 317).⁶¹⁵

5. This Erratum revises paragraph 210 of the Report and Order to change the effective dates of the rules, forms and procedures adopted in this Report and Order, making the Report and Order effective immediately upon publication in the Federal Register. Accordingly, this Erratum revises paragraph 210 to read as follows:

210. IT IS ORDERED that, pursuant to the authority contained in Sections 1, 4(i) and (j), 7, 301, 302, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337 of the Communications Act of 1934, 47 U.S.C §§ 151, 154(i) and (j), 157, 301, 302a, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337, this Report and Order IS ADOPTED and the Commission's rules ARE HEREBY AMENDED as set forth in Appendix B. We find good cause for the rules, forms and procedures adopted in this Report and Order to be effective upon publication of the summary of the Report and Order in the Federal Register to ensure that full power television stations can meet the statutory deadline for transitioning to all digital service,⁶²⁴ except for rule sections 47 C.F.R. §§ 73.682(d), 73.8000(b), and 73.9000(k), provided, however, that the rules, forms and procedures described in paragraph 205, *supra*, contain information collection requirements subject to the PRA and are not effective until approved by the OMB. The Commission will publish a notice in the Federal Register announcing when

⁶¹⁵ See, *supra*, Section V.H.4. See OMB Control No. 3060-0906 (47 C.F.R. § 73.624(g)).

⁶²⁴ See 5 U.S.C. § 553(d)(3) ("The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except...as otherwise provided by the agency for good cause found and published with the rule."). See also 47 C.F.R. §§ 1.103(a), 1.427(b). As described in this Report and Order, full power television stations must complete their transition from analog to digital service by February 17, 2009. For stations that must apply for a construction permit to build their post-transition facilities, it is essential that the rules, forms and procedures adopted in this Report and Order be effective upon publication in the Federal Register, so that the forms are available for filing (subject to OMB approval by that date) to afford stations adequate time for ordering equipment and scheduling construction in time to meet this deadline and also to report on their transition status (via FCC Form 387) one year in advance of the transition date. Because FCC Forms 301, 337, 340, and 387 have previously been submitted to OMB and because any delay can result in harm to television stations, and, in turn, to their viewers, we find that there is good cause to expedite the effective date of the rules, forms and procedures adopted in this Report and Order. For these reasons, we are also requesting emergency PRA approval from OMB for the FCC Forms 301, 337, 340, and 387. See, *supra*, ¶ 207.

OMB approval for these rules and forms has been received. Rule sections 47 C.F.R. §§ 73.682(d), 73.8000(b), and 73.9000(k) shall become effective 120 days after publication in the Federal Register, subject to OMB approval by this date. The Commission will publish a notice in the Federal Register announcing when OMB approval for these rule sections has been received and when these rules will take effect.

6. This Erratum revises item 2 under the heading PART 73: RADIO BROADCAST SERVICES in Appendix B (Rule Changes) of the Report and Order to properly reflect the methodology adopted by paragraph 165 of the Report and Order and used in § 73.616(e)(1), and also to conform to the style of the Office of the Federal Register. Specifically, this Erratum revises § 73.616(e)(1) to read as follows:

2. Add a new § 73.616 to read as follows:

Section 73.616 Post-transition DTV station interference protection.

(1) For evaluating compliance with the requirements of this paragraph, interference to populations served is to be predicted based on the 2000 census population data and otherwise according to the procedure set forth in OET Bulletin No. 69: “Longley-Rice Methodology for Evaluating TV Coverage and Interference” (February 6, 2004) (incorporated by reference, see §73.8000), including population served within service areas determined in accordance with section 73.622(e), consideration of whether F(50,10) undesired signals will exceed the following desired-to-undesired (D/U) signal ratios, assumed use of a directional receiving antenna, and use of the terrain dependent Longley-Rice point-to-point propagation model. Applicants may request the use of a cell size other than the default of 2.0 km per side, but only requests for cell sizes of 1.0 km per side or 0.5 km per side will be considered. The threshold levels at which interference is considered to occur are:

7. This Erratum revises item 6 under the heading PART 73: RADIO BROADCAST SERVICES in Appendix B (Rule Changes) of the Report and Order to conform the rule to the style of the Office of the Federal Register by specifying in § 73.682(d) that ATSC A/65C Amendment 1 is dated May 9, 2006. Accordingly, this Erratum revises § 73.682(d) to read as follows:

* * * * *

(d) Digital broadcast television transmission standard. Effective [INSERT DATE 120 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] transmission of digital broadcast television (DTV) signals shall comply with the standards for such transmissions set forth in ATSC A/52: “ATSC Standard Digital Audio Compression (AC-3)” (incorporated by reference, see § 73.8000), ATSC A/53, Parts 1-6: 2007 “ATSC Digital Television Standard,” (January 3, 2007), except for section 6.1.2 (“Compression Format Constraints”) of A/53 Part 4: 2007 (“MPEG-2 Video Systems Characteristics”) and the phrase “see Table 6.2” in section 6.1.1 Table 6.1 and section 6.1.3 Table 6.3 (incorporated by reference, see § 73.8000), and ATSC A/65C: “ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable (Revision C) With Amendment No. 1 dated May 9, 2006,” (January 2, 2006) (incorporated by reference, see § 73.8000). ***

8. This Erratum amends item 9 under the heading PART 73: RADIO BROADCAST SERVICES in Appendix B (Rule Changes) of the Report and Order to conform the rule to the style of the Office of the Federal Register. Specifically, this Erratum revises § 73.8000 to read as follows:

9. Amend Section 73.8000 to read as follows:

§ 73.8000 Incorporation by reference.

(a) The materials listed in this section are incorporated by reference in this part. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. § 552(a) and 1 C.F.R. part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for inspection at the Federal Communications Commission (FCC), 445 12th St., SW., Reference Information Center, Room CY-A257, Washington, DC 20554 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) The following materials are available from Advanced Television Systems Committee (ATSC), 1750 Street, N.W., Suite 1200, Washington, D.C. 20006 at the ATSC website: <http://www.atsc.org/standards.html>.

(1) ATSC A/52: “ATSC Standard Digital Audio Compression (AC-3),” 1995, IBR approved for §73.682.

(2) ATSC A/53 Parts 1-6: 2007 “ATSC Digital Television Standard,” (January 3, 2007) as listed below:

(i) A/53, Part 1:2007, “Digital Television System” (January 3, 2007), IBR approved for § 73.682.

(ii) A/53, Part 2:2007, “RF/Transmission System Characteristics” (January 3, 2007), IBR approved for § 73.682.

(iii) A/53, Part 3:2007, “Service Multiplex and Transport Subsystem Characteristics” (January 3, 2007), IBR approved for § 73.682.

(iv) A/53, Part 4:2007, “MPEG-2 Video System Characteristics” (January 3, 2007), IBR approved for § 73.682, except for § 6.1.2 of A/53 Part 4: 2007, and the phrase “see Table 6.2” in section 6.1.1 Table 6.1 and section 6.1.3 Table 6.3.

(v) A/53, Part 5:2007, “AC-3 Audio System Characteristics” (January 3, 2007), IBR approved for § 73.682.

(vi) A/53, Part 6:2007, “Enhanced AC-3 Audio System Characteristics” (January 3, 2007), IBR approved for § 73.682.

(3) ATSC A/65B: “ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable,” (Revision B) March 18, 2003, and IBR approved for §§ 73.9000 and 73.9001.

(4) ATSC A/65C: “ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable, Revision C With Amendment No. 1 dated May 9, 2006,” (January 2, 2006), IBR approved for §§ 73.682 and 73.9000.

(c) The following materials are available for purchase from American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036 or at <http://www.webstore.ansi.org/ansidocstore/default.asp>.

(1) International Standard ISO/IEC 13818–1:2000(E); “Information Technology “Generic Coding of Moving Pictures and Associated Audio Information: Systems,” 2000, IBR approved for § 73.9000.

(2) [Reserved]

(d) The following materials are available for inspection at the FCC, 445 12th St., SW., Reference Information Center, Room CY-A257, Washington, DC 20554 or at the FCC’s Office of Engineering and Technology (OET) website: <http://www.fcc.gov/oet/info/documents/bulletins/>.

(1) OET Bulletin No. 69: “Longley-Rice Methodology for Evaluating TV Coverage and Interference” (February 6, 2004), IBR approved for § 73.616.

(2) [Reserved]

9. This Erratum adds an item 10 under the heading PART 73: RADIO BROADCAST SERVICES in Appendix B (Rule Changes) of the Report and Order to reflect in § 73.9000(k) the new ATSC standard adopted by the Report and Order. Specifically, this Erratum revises § 73.9000(k) to read as follows:

10. Amend § 73.9000 by revising paragraph (k) to read as follows:

Section 73.9000 Definitions

(k) EIT means Event Information Table as defined in ATSC A/65C: “ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable, Revision C With Amendment No. 1 dated May 9, 2006,” (January 2, 2006), (incorporated by reference, see § 73.8000).

10. This Erratum revises Appendix C (Form Changes) on page 131 to add a new item 15 (other items renumbered accordingly) to explain the changes to FCC Form 317. New item 15 reads as follows:

“The Federal Communications Commission revises FCC Form 317 as set forth below.

15. Form and Instructions are revised to indicate that DTV permittees are required to file the form and report their ancillary and supplementary services.”

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11. This Erratum revises Appendix D (List of Stations Identified as Ready to Commence Post-Transition DTV Operations) of the Report and Order to correct a typographical error in the “Post-Transition Channel” column for station WKBW in Buffalo, NY. Accordingly, the station information reads as follows:

Facility ID	Call Sign	Community	State	Current NTSC Channel	Current DTV Channel	Post-Transition Channel
54176	WKBW	BUFFALO	NY	7	38	38

FEDERAL COMMUNICATIONS COMMISSION

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