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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION

In the Matter of)
)
Reallocation of Television Channels)
60-69, the 746-806 MHz Band)

ET Docket No. 97-157

To: The Commission

COMMENTS

West Central Illinois Educational Telecommunications Corporation (known as "CONVOCOM"), by its counsel, provides these comments on the *Notice of Proposed Rule Making* in the referenced matter, FCC 97-245 (released July 10, 1997) (the "Notice"). In the *Notice*, the Commission proposes to reallocate Channels 60-69 for a variety of uses. As noted below, however, CONVOCOM is concerned that the proposed rule changes could result in the loss of public television service to Springfield, Illinois, the state capital, where CONVOCOM operates a TV translator, and where CONVOCOM has pending an application for a full-power television station, both on reserved Channel *65. These existing and proposed services must somehow be protected.

Background

CONVOCOM is an Illinois not-for-profit corporation, created in response to recommendations adopted by the Illinois Board of Higher Education ("IBHE") in support of educational television services for the State of Illinois. CONVOCOM's Board of Directors is

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currently composed of representatives from the twelve affiliate members of the CONVOCOM consortium, as well as thirty-six citizen leaders who are chosen to represent the many communities of west central Illinois and northeastern Missouri. Members of the CONVOCOM consortium include eight colleges/universities, six public school associate members and eleven businesses/industries.

To fulfill its educational television mandate, CONVOCOM operates a three-station noncommercial educational television network in west central Illinois, the substantial portion of which is otherwise unserved by public television. The CONVOCOM stations are WMEC(TV), Channel *22, Macomb, Illinois; WQEC(TV), Channel *27, Quincy, Illinois; and WSEC(TV), Channel *14, Jacksonville, Illinois. CONVOCOM also operates TV translator station W65BV at Springfield, Illinois,^{1/} which rebroadcasts Station WSEC(TV) and provides Springfield, the state capital, its only over-the-air public television service.

The TV translator station in Springfield operates on an allotted reserved frequency, Channel *65. CONVOCOM has intended to convert the facility to full service use to protect and extend its coverage. However, Channel *65 in Springfield has been subject to the freeze on filing of new full service television applications. Thus, CONVOCOM activated the facility first as a translator.

Facing what was probably its last opportunity to activate a protected public television station in Springfield, CONVOCOM on January 29, 1996 filed an application for a construction

^{1/} CONVOCOM first applied for the Springfield translator in 1988. A construction permit was granted in 1989. Construction was completed and a license to cover granted in 1991.

permit for a full service station on Channel *65. The application was accompanied by a request for waiver of the TV freeze. The application has not yet been accepted for filing.

Affect of the Commission's Proposals

The *Notice* includes proposals that would negatively affect CONVOCOM, and the public in Springfield that it serves, in two ways. The FCC proposal to reallocate Channels 60-69 for other services would likely result in CONVOCOM's translator station on Channel *65 being forced off the air. Moreover, the Commission proposes to dismiss pending full service applications on these channels for which a freeze waiver has been requested. The result of these two decisions would be the termination of all over-the-air public television service in Springfield.

Options for Preservation of Public TV Service

There are options for the Commission in this proceeding that could protect public TV service. These options are well presented in Comments being filed in this proceeding by the Association of America's Public Television Stations and the Public Broadcasting Service, which CONVOCOM fully supports.

First, with respect to CONVOCOM's translator station W65BV, the Commission should not consider existing noncommercial educational translator stations operating on Channels 60-69 as "secondary" to any new non-broadcast entrants resulting from a reallocation of that spectrum. While translators are secondary to other authorized full-service broadcast stations, they cannot

be presumed to be secondary to nonbroadcast facilities without a sufficient public interest showing.

Also, the Commission can take steps to aid noncommercial educational translators' continued operation by providing a preference for such stations over commercial LPTV and TV translator stations in migrating to in-core channels at any time during the transition. At the very least, licensees of such stations should be able to file for replacement channels without being subject to competing applications.

With respect to CONVOCOM's pending full service application for Channel *65 at Springfield, the Commission should allot an alternative reserved channel for construction and operation, at CONVOCOM's choice, either as an NTSC facility or as a DTV facility. If the station is activated initially as an NTSC facility, the Commission should permit it to be converted to digital operation at any time during the transition. In this manner, CONVOCOM could choose the timing of the conversion to maximize service to the community, and it would be assured of the ability to operate its station permanently in the digital environment.

Conclusion

As pointed out by APTS and PBS, maintaining public access to noncommercial educational television programming is a bedrock Congressional and Commission policy. The greatest effort should be made to find alternative channels to satisfy pending NTSC applications for Channels 60-69, and to preserve existing noncommercial educational television translator service.

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Respectfully Submitted,

WEST CENTRAL ILLINOIS EDUCATIONAL
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