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FCC ESTABLISHES RULES FOR DIGITAL LOW POWER TELEVISION AND TELEVISION TRANSLATOR STATIONS

Washington, DC – The Federal Communications Commission (“FCC”) today established rules to allow for the digital conversion of low power TV (“LPTV”) and TV translator stations. These stations are a valuable part of the nation’s television system, delivering free over-the-air TV service to millions of viewers in rural and discrete urban communities. Today’s action furthers progress in the nationwide DTV transition.

The following types of stations are affected by the Order:

- **LPTV (low power television) stations:** LPTV stations rebroadcast TV signals and originate programming in any amount. Approximately 2,100 LPTV stations serve rural communities and discrete communities in urban areas. Many provide the community’s only local news, weather, and public affairs programming.
- **TV translator stations:** A TV translator station simultaneously rebroadcasts the programs of a full-service TV broadcast station. Translator stations typically serve communities that cannot receive the signals of free, over-the-air TV stations due to large geographic separations or intervening terrain. Most of the 4,700 licensed TV translator stations are in the western mountainous states.
- **Class A TV stations:** Class A TV stations are LPTV stations that qualify under the Community Broadcasters Protection Act for interference protection rights. They must satisfy requirements for minimum operating hours and amounts of locally produced programming, and comply with the service rules for TV broadcast stations.

The Order adopts definitions and permissible use provisions for digital TV translator and LPTV stations to mirror the analog operation of these stations. Digital translators will rebroadcast DTV broadcast signals. Whenever operating, a digital LPTV station must use some of its channel capacity to provide a free video programming service to the public. Upon meeting this requirement, LPTV stations may offer ancillary and supplementary services on the same basis as DTV broadcast licensees.

As to the timing of the digital transition for these stations, LPTV, TV translator, and Class A stations are required to convert to digital operation, but the Commission has

discretion to set the date by which analog operations of these stations must cease. The Order states that the Commission will seek to hasten their transition to digital service and will work toward the goal of achieving an end-date at, or soon after, the end date of the full-power transition. Although the Commission intends to hasten their transition to digital service, certain issues regarding the transition of full service stations must be resolved before a low-power transition deadline can be set. The final transition date of these stations will be considered in the Commission's Third DTV periodic review proceeding.

Existing LPTV and TV translator stations may convert to digital operations ("flash cut") on their current channel. Applications for this purpose will be accepted on a first-come, first serve basis. Mutually exclusive applicants will be resolved by auction. In addition, to facilitate their digital transition, licensees and permittees of LPTV, TV translator, and Class A stations will be allowed to seek a digital companion channel for their analog station operations. A filing window for this purpose will be announced at a later date. The Commission will determine the deadline and process for stations' obtaining a digital companion channel to return of one of their channels. At a later date, the Commission will institute a separate first-come-first-served filing procedure not limited to incumbent low power stations.

Due to limited spectrum availability, the Order makes available VHF channels 2-13, inclusive, and UHF channels 14-51, inclusive (except channel 37) for digital LPTV and TV translator operations. The Order also permits the use of channels 52-69 on a limited basis. Existing LPTV and TV translator stations on channels 52-69 may flash-cut to digital operations. The use of channels 52-59 for digital companion channels is limited to those stations that can certify the unavailability of any in-core channel (channels 2-51). The use of channels 60-69 for companion channels is prohibited. Applicants for operations on channels 52-69 must notify potentially affected commercial wireless and public safety licensees before filing their applications. Additionally, applicants proposing to flash-cut to digital on channels allocated for public safety use (channels 63, 64, 68 and 69) are required to coordinate with regional and state entities representing potentially affected public safety licensees.

All digital LPTV and TV translator stations will operate on a secondary, non-interfering basis with respect to primary services, including the commercial wireless and public safety services. The Order adopts for digital stations in the LPTV service the protected contour values for digital Class A stations. For digital stations in the LPTV and Class A services, the Order replaces the current contour protection methodology with the DTV interference prediction methodology.

The Order declines to establish at this time a digital TV booster station class.

Action by the Commission, September 9, 2004, by Report and Order (FCC-04-xxx).

Docket 04-xx

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