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To: All Television Clients

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FCC APPROVES USE OF DISTRIBUTED TRANSMISSION SYSTEM TECHNOLOGIES IN THE DIGITAL TELEVISION SERVICE

The FCC recently adopted rules authorizing the use of distributed transmission system ("DTS") technologies in the digital television ("DTV") service. Using DTS, a DTV station employs multiple synchronized transmitters located within the station's service area rather than one transmitter. Each transmitter in a DTS network broadcasts the station's DTV signal on the same channel, and DTV receivers either cancel or combine those multiple, synchronized transmissions into a single signal.

According to the FCC, DTS will allow DTV stations to reach viewers that would not otherwise be served by conventional means. For example, a DTV station can fill in gaps in coverage within its authorized service area caused by terrain blockage or man-made obstructions. In addition, because DTS can distribute more uniform and higher-level signals throughout a station's service area, indoor reception in urban areas will be more reliable and service to viewers in rural and remote areas may be improved.

The FCC presently authorizes DTS operations under an interim policy adopted in 2004. The rules adopted in this Order apply to DTS proposals for operation after the February 17, 2009 DTV transition. Proposals for pre-transition operation will continue to be evaluated under the interim DTS policy.

DTS Service Rules

A summary of the principal rules and requirements applicable to DTS follows.

► The multiple transmitters used in a DTS network will be afforded primary regulatory status.

► A DTS station's service area will be comparable to the station's single transmitter facility, meaning that a DTS station will be allowed to apply to provide service to a geographical area comparable to the hypothetically maximized service area that could be reached by a single-transmitter station.

► The FCC adopted a Table of Distances that defines each full-power DTV station's hypothetically maximized service area. The Table of Distances accounts for instances of terrain blockage and will allow coverage for existing viewers and for the portion of the authorized area that was previously blocked by terrain.

► The FCC adopted a waiver policy to its Table of Distances that will permit a station to use DTS if doing so will enable it to continue to serve its existing analog viewers within its analog Grade B contour who would otherwise lose service as a result of the DTV transition, and will consider proposals to serve lost analog viewers of another station affiliated with the same network, provided the station is geographically close to the affected area and the use of DTS would not cause impermissible interference to another station. Stations must apply under this waiver policy by August 18, 2009. The FCC encouraged stations to apply for such authority as soon as possible under its interim DTS policy rather than waiting until the new DTS rules and modified application forms become effective.

► To the extent that a single-transmitter station may seek an increased coverage area under Section 73.622(f)(5) of the FCC's Rules (the "largest station" alternative), a DTS station is permitted to do so as an alternative to using the Table of Distances to determine the station's hypothetically maximized service area, provided that the DTS service would not result in new interference. Under the "largest station" alternative, stations may apply to serve the same geographic coverage area as the largest station within the station's market.

► Each DTS transmitter must be located within either the DTV station's Table of Distances area or the station's predicted noise-limited service contour ("PNLC").

► In order to prevent a station from using DTS to favor some populations within its service area over others (a practice referred to as "cherry picking"), the FCC will not accept an application proposing the use of DTS if the combined coverage from all of the station's transmitters fails to cover the entire area within the station's authorized service area. In addition, each DTS transmitter's coverage area must be contiguous with at least one other DTS transmitter's coverage.

► Each DTS transmitter's coverage must be contained within either the DTV station's Table of Distances Area or its PNLC, except where an extension of coverage beyond that area is minimal and necessary for the station to provide coverage to its entire authorized service area.

► Stations seeking to serve communities near the edge of their PNLC may apply for a digital on-channel TV translator/LPTV station, which must be separately licensed (on a secondary basis) under Part 74 of the FCC's Rules. Applications for new on-channel TV translator/LPTV stations must be filed in the same manner as other new TV translator/LPTV stations.

► DTS stations will be subject to the DTV ERP, antenna HAAT and emission mask rules applicable to single-transmitter DTV stations.

► DTS transmitters will not be separately licensed, but instead will be part of a linked group that will be covered by one construction permit and license.

► The FCC will evaluate DTS proposals using the same interference standard adopted for DTV stations' post-transition operations.

► The FCC will not require DTS transmitters to comply with a particular synchronization standard as long as the synchronization technology used is effective in minimizing interference within the system and otherwise will provide service to the population within a station's service area.

Class A and Low Power DTS

The FCC approved on an experimental basis the use of DTS by a single digital Class A, digital LPTV or digital TV translator station to provide service within its authorized service area. The FCC also will permit a digital Class A TV licensee to use DTS to operate a group of commonly-owned stations, including digital LPTV and digital TV translator stations, with contiguous predicted DTV noise-limited contours to operate through interconnected single frequency networks that carry common locally-produced programming within the station group's market area. Finally, digital LPTV and TV translator stations will be permitted to interconnect through the use of a single-frequency DTS network.

The new DTS rules will become effective 30 days after their publication in the Federal Register. However, applications for post-transition DTS operations under the new rules cannot be filed until certain FCC form changes and information collection requirements have been approved by OMB. We will notify you when these events occur. As noted above, the FCC will continue to accept DTS proposals under its interim DTS policy.

Should you have any questions concerning the new DTS rules, please contact an attorney in our office.

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