

# Extraordinary Circumstances

We are seeking special temporary relief to operate our Channel 6 as an analog station instead of a digital station at this time until the Spectrum Auction has run its course. It is a tough time for a Low Power TV station to operate due to uncertainty if the service will be there in the future. Analog operation allows us to recoup some of our investment and service folks that cannot receive a digital channel 6 signal.

In addition, FCC MB Docket No. 03-185 discusses future LPTV DTV stations be allowed to operate an analog FM radio-type service on an ancillary or supplementary basis. We hope to be on the forefront of this.

## E. Operation of Analog Radio Services by Digital LPTV Stations as Ancillary or Supplementary Services

47. We (The FCC) seeks comment on whether to allow LPTV stations on digital television channel 6 (82-88 MHz) to operate analog FM radio-type services on an ancillary or supplementary basis pursuant to section 73.624(c) of the rules. Currently, some analog LPTV stations licensed on channel 6 are operating with very limited visual programming and an audio signal that is programmed like a radio station. FM radio listeners are able to receive the audio portion of these LPTV stations at 87.76 MHz, which is adjacent to noncommercial educational (NCE) FM channel 201 (88.1 MHz). When these LPTV stations convert to digital, however, they are unable to continue providing such radio service because the digital audio portion of their signal can no longer be received by standard FM receivers.

48. LPTV stations have been proposing engineering solutions to allow their continued FM radio-type operation following their conversion to digital. For example, a station has proposed using a single transmitter that allows a digital visual and audio stream, as well as a separate analog audio transmission, to simultaneously operate a digital LPTV station on channel 6 and an analog FM radio-type service at 87.76 MHz. Under this proposal, we would treat the analog FM audio transmission as an "ancillary or supplementary" service offering under section 74.790(i) of the Commission's rules, which provides that "a digital LPTV station may offer services of any nature, consistent with the public interest, convenience, and necessity, on an ancillary or supplementary basis in accordance with the provisions of §73.624(c) in turn provides that: The kinds of services that may be provided include, but are not limited to computer software distribution, data transmissions, teletext, interactive materials, aural messages, paging services, audio signals, subscription video, and any other services that do not derogate DTV broadcast stations' obligations under paragraph (b) of this section.

The special temporary relief allows us to test this analog FM radio-type service to see if it is a viable additional revenue stream.

The public is greatly served by not only providing educational and informational programming, it offers another source of Emergency Alert information they may not be able to receive with a digital TV but could with an analog TV or FM radio.

The expected duration will be after the conclusion of the Spectrum Auction and whether the FCC allows digital TV channels 6's to offer a much needed analog FM radio-type service. If the FCC decides to not allow digital TV station to have a FM radio-style service and all LPTV stations are forced to digital, then we will obey FCC rules and convert the Channel 6 analog service to digital.