

Mr. Edward O. Fritts  
President and Chief Executive Officer  
National Association of Broadcaster  
1771 N Street, N.W.  
Washington, D.C. 20036

Dear Mr. Fritts:

The Commission and the broadcast industry have worked together for many years to develop and implement a plan to bring digital technology to the broadcast television service in a manner that will benefit both consumers and broadcasters. While much progress has been made in this transition for which broadcasters are to be commended, I am concerned that the industry's current review of the digital television (DTV) transmission standard may be considering options for uses that are inconsistent with the intent of both Congress and the Commission in providing broadcasters with a free second channel for DTV operations.

Congress and the Commission gave each broadcaster temporary use of an extra six megahertz for the DTV transition and intended that stations use this resource principally for television broadcasting. Section 336(b)(2) of the Communications Act, 47 U.S.C. 336(b)(2), directed the Commission to permit flexible use of the digital licenses but to "limit the broadcasting of ancillary or supplementary services ... so as to avoid derogation of any advanced television services, including high definition television broadcasts...." It is the mandate of Congress and the desire of the American people that the principal service of broadcast television remain the provision of video programming to television viewers. Broadcasters need to plan for the digital transition in accordance with this purpose.

In the DTV rulemaking process, the Commission agreed with the overwhelming consensus of the broadcast industry that the DTV channels should provide for replication of existing analog television service so that broadcasters have the ability to reach the audiences that they now serve with a free, over-the-air video service and that viewers continue to have access to the stations that they can now receive. Another objective of the DTV transition process has been to minimize interference to both the existing analog and new digital television services. The Commission's Advisory Committee on Advanced Television Service, the group selected to represent the interests of broadcasters and others in this matter, chose the 8-VSB system as the modulation method that would best allow achievement of these goals. This choice was made after a long and thorough process of laboratory and field testing and subsequent evaluation that found 8-VSB superior to other modulation technologies, including COFDM.

Given that cable, satellite and other video competitors have already made the transition to digital technologies, broadcast television cannot afford to be left behind. I believe that broadcasters, out of self-preservation and in order to serve the viewing public

for which they have received licenses, must quickly make this transition in order to remain competitive.

It is my understanding that broadcasters are now looking at COFDM technology as a possible alternative to the 8-VSB standard because of its reputed benefits for new service applications, including mobile and data transmission operations. I believe that a mid-course change to introduce a new modulation technology at this late date could lead to lengthy and unacceptable delays in the DTV transition process and could undermine the service replication and interference goals on which the DTV transition is based. Notwithstanding the arguments of the COFDM proponents that allowing optional use of COFDM could be accomplished quickly, any changes to the DTV transmission standard that would necessitate revisions to the DTV Table of Allotments could result in years of delay in the DTV transition process. Such a delay would, at best, be unfortunate for broadcasters and the viewing public, and could lead to uncertainty that might jeopardize the ultimate success of the transition.

While I have urged broadcasters to develop new business models for digital television, in addition to high definition television (HDTV) programming, it is wrong to read into my comments that broadcasters should abandon their core business of television. Quite the contrary, my intent is to encourage broadcasters to recognize the potential of the broadcast digital transmission technology in order to explore the flexibility of that technology to the fullest extent to provide new, enhanced broadcast and ancillary services.

I do not oppose efforts to reconfirm that 8-VSB operates as designed to replicate NTSC. Nor do I oppose efforts to improve the 8-VSB standard to permit reception even where NTSC service is not available today. However, these efforts should be focused on performance attributes that are relevant to digital television broadcasting and are consistent with the goals established by the Commission for DTV. In particular, any efforts by the broadcast industry should ensure that no changes would be required to the DTV Table of Allotments. In addition, they should adhere to our service replication and minimum interference goals to ensure that the American public will not be deprived of free, over-the-air television service.

As you may know, the FCC staff is conducting a field study of DTV receiver performance and is coordinating their work with MSTV's study team. I look forward to results that will help to resolve the questions currently surrounding the DTV technical standard so that the transition can continue forward expeditiously.

Sincerely,

William E. Kennard  
Chairman

CC: Ms. Margita White, MSTV

