

No Freeze — Yet — on Ch 5, 6 LPTV Apps

by Leslie Stimson, 08.27.2009

Soooo, the Aug. 25 deadline for those wanting an LPTV CP in rural areas has come and gone — without the Federal Communications Commission acting on a request for a freeze on the use of Channels 5 and 6 for digital full-service television, LPTVs and TV translators.

The Broadcast Maximization Committee, made up of mostly engineers, made the [request](#), saying, "It's unfair to NCE stations that this spectrum is being made available for application for new TV services," as full-service TV stations vacate analog Channel 6 in the DTV transition, and yet "NCE stations must continue to protect these former analog Channel 6 stations which no longer exist." BMC a year ago also proposed alternative uses for analog Channels 5 and 6 to extend the low end of the FM band.

NPR supports a freeze and stated in an Aug. 19 filing, "It is imperative that the commission not complicate a future reallocation and transition by inviting scores of new Channel 5 and 6 applications." A freeze, wrote NPR, would "maintain the status quo, prevent speculative applications by those seeking to operate LPTV stations as radio stations," and avoid further disadvantaging non-com FMs in the reserved band.

NCE FMs are between a rock and a hard place in the age of so-called "Franken FMs," which are LPTVs really operating as radio stations at the lower end of the band, because the commission in April put out a notice that basically said NCE FMs have to continue to protect analog Channels 5 and 6 — until the agency says they don't.

"Pulse 87" in New York is perhaps the most well-known of these LPTV stations that are pushing the envelope of their spectrum authorizations and really operating as radio stations. But unless the FCC puts a freeze in place, more applicants will follow. It's apparent that the analog TV spectrum adjacent to the FM band has greater economic value for radio than for television.

The BMC proposal would re-purpose TV analog Channels 5 and 6 for AM, some FM and LPFM allocations. The FCC really needs to impose this freeze and take a hard look at the public interest benefits of BMC's proposal. There's still time. While the LPTV window opened for rural applicants only this week, it opens for everyone in January.