

Comments by FCC Commissioner James H. Quello
Before The National Translator Association
Salt Lake City, Utah
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Good afternoon. I always enjoy traveling out here in the western part of the country. Washington is an exciting, vibrant city and one I have come to enjoy during the three years I have been a member of the Commission. But, there is considerable truth in the oft-stated criticism that government officials too frequently regard the Nation's Capital as somehow typical of other parts of the country. It takes only a very short time out here in the wide open spaces to recognize the fallacy of that assumption, and I appreciate this opportunity to renew my perspective.

Another reason for my visit is sheer curiosity. I was curious to meet the kind of rugged individuals who run their national associations and make their voices heard in Washington with a budget of only 8-thousand dollars a year! My curiosity about this phenomenon was heightened by the fact that you appear to be doing an effective job. It occurs to me that the Federal government might benefit from your counsel on how to get maximum mileage from your tax dollars. I think it's only fair to point out, however, that you have had considerable assistance in your consciousness-raising efforts from other groups--- the NCTA, the NAB and local civic and governmental organizations in areas you serve.

Initially, I want to state for the record that I didn't come here as a champion for translators---or cable---or broadcasting. FCC Commissioners are appointed to be champions of public interest. So I came here to present some views on translators, to learn more about your organization and your concerns so that I can more knowledgeably apply public interest factors in FCC deliberations affecting translators.

Before we talk about some of the problems and potentials of translators, I think it might be well to review some of the history of the service.

Commercial television hit the country like a bombshell shortly after World War II and within the space of only a few years virtually every city of over 100,000 population had at least one operating television station or one under active construction. However, the cost of even the smallest full service television station required substantial markets to support the broadcast venture; obviously the small communities simply couldn't provide enough advertising dollars to support such broadcast investment. As a result, television was hardly

past the pabulum stage before some unsung inventive genius decided to boost a weak TV signal by building a "booster" consisting of a receiver located on a convenient high spot to receive a distant television signal to the valley below. For a few years no one bothered to license these early "boosters"; it wouldn't have done them much good to apply since there was nothing in Commission rules to permit such devices. There were threats of legal action since these devices were in essence unlicensed transmitters in violation of the Communications Act, but such threats were mainly ignored by the rugged individuals who were bound and determined to have their share of the new miracle of television. Also, the boosters provided a much needed service. Eventually, the FCC bowed to the inevitable and in the mid-50's provided the necessary rules to legitimize translators.

During the years of infancy and adolescence of translators another child was growing up in neighboring areas, and his name was Cable Television. Again, the basic purpose of this new industry-to-be was to provide improved television reception to remote areas. And like two kids growing up together, cable and translators grudgingly accepted each other, argued from time to time and pushed and shoved for desirable "turf," and the situation continues today. The FCC is still hoping and searching for some formula for peaceful co-existence among translators, cable and broadcasting---the solution is illusive.

During the past year, I have noted with interest the increasing concerns of the cable industry with a number of rulemaking proposals relative to translators. I have received a number of communications from cable interests pointing out assumed inconsistencies, imbalances and other undesirable features of the rulemaking proposals. The bottom line of the cable industry approach is that the Commission should institute an overall appraisal of the translator situation to establish a comprehensive national policy for translator development with due consideration given to the inter-relationship between translators, broadcast stations, cable television, and other elements of the national telecommunications scheme. It has been claimed that we are engaged in inefficient spectrum management, policy reversals, and that interference problems and other inconsistencies have characterized our decision-making regarding translators. While I have noted with interest some of the points raised in these communications, I have also reacted to a number of half-truths and misguided statements concerning translators.

Let me give you a couple of examples: NCTA has produced a "White Paper" entitled "Translator Regulatory Disparity." In fairness, I must note that the paper is obviously intended to underline the differences in our regulatory approach to cable systems vs. translators. Some of the proposals in the NCTA "White Paper" merit careful consideration. However, it is my opinion that some of the statements give incorrect or misleading implications and it is for this reason that I mention them.

The "White Paper" states that "while translators can import an unlimited number of distant signals anywhere in the country, cable television signal carriage is severely restricted." It is true that our translator rules do not set a limit on the number of signals, distant or otherwise, that may be imported into a service area. I find the word "unlimited" to be misleading since the number of distant signals that might be imported by a translator is restricted on two major bases: First, cost of microwaving signals with no means of recoument of expenses, and second, the limited number of channels which might be utilized, since each translator "occupies" three channels---its output channel and both adjacent channels, and further, the translator must protect a fourth, its input channel. For example, a VHF translator operating on channel 10 practically precludes another translator operating on channels 9, 10 or 11. Moreover, if its input channel was 3, you would preclude any other translator on 2, 3 or 4. In brief, if your input channel is 3 and your output channel is 10, six channels would be required to provide a single translator service. Obviously, it doesn't take many translators to "use up" the VHF spectrum. Only a few more UHF translators will fit into the 15 channels designated for them (channels 55 thru 69). Thus, from a practical standpoint, I question the need for a regulatory provision limiting the number of distant signals that might be imported via translator.

It is stated that cable systems are forced to blackout much of their network or syndicated programming. No such rules are applicable to translators. This is true, but with several major exceptions, the translator rules do presently provide for non-duplication of local signals under certain circumstances--for example, a VHF translator which is licensee owned or supported must provide non-dupe in the Grade A contour of a local TV station. As a matter of policy, the Commission does require that translator operators observe non-duplication requirements in a TV station's city of license. Usually there is no "local" signal to protect because in most cases, translators are installed to provide a service that isn't satisfactorily available by other means.

It is stated that "broadcasters may own or financially support an unlimited number of translators without regard to location and cable operators cannot own translators in their community of license." The first part of this assertion is not quite correct---broadcasters may own or financially support VHF or UHF translators in their own Grade B contours, but outside such Grade B contour only if a VHF translator does not invade the Grade B contour of a station in another market---however, our rules do not preclude licensee owned or funded operation of a UHF translator since this stimulates growth of UHF set conversion and viewing.

There are other statements in the cable position paper to which I take some exception for one reason or another. However, as I mentioned, in fairness I must recognize that the paper is primarily pointing up the disparity in the regulatory approach of the Commission as between the two industries.

There are substantial and defensible reasons for the differences in regulatory approach: For example, translators cannot directly charge customers and are rarely operated for profit. (In fact, how can a translator legally collect-- it must rely on the good faith of the viewer.) I think this should be understood by all concerned. All I can say is that I will do my best to separate the wheat from the chaff in arriving at decisions in these various rule makings as they may come before the Commission.

Getting down to brass tacks, I have a few comments relative to translator proposals and the future of translators. However, I want to emphasize that any comments I make will represent my general views as of this moment only and do not necessarily represent my final position once such matters are before the Commission with all the attendant details.

As for unattended FM translator operation, I can dispose of the matter in a hurry ---unless shown to the contrary, I see no reason why FM translators should not be on a par with television translators insofar as unattended operation is concerned.

With respect to the proposal that translators be permitted to originate emergency announcements I tend to sympathize with the proposal. However, I have an uncomfortable feeling that this apparently innocuous increase in the limits of origination by translator represents a potential toe-in-the-door insofar as additional requests for more origination is concerned. My concern here goes to the express reminder of Congress that translator origination functions authorized by this Commission must be so limited as to maintain the Primary Rebroadcasting Function of translator stations. The proposal to originate emergency messages would, in my opinion, certainly fall within the allowable limits of origination without running afoul of the Congressional reminder. Further, in considering the authorization of translator-originated emergency warning, any such rule should include a clear definition of what constitutes an "emergency warning." We should require logging of emergency warning broadcasts as well as logging of emergency equipment tests if broadcast is involved.

Cable interests argue that if the translators are to be given any further leeway via rulemaking, the Commission should consider a unifying policy for the two services so as to effect some degree of parity in areas of responsibility, such as non-duplication, distant signal importation, public access, etc. To the extent that translators are or may become able to import distant signals for rebroadcast, I think a question is raised immediately as to impact of such distant signal importation on local broadcasters. The question of impact of distant signal importation is one that I feel should be examined carefully. Likewise, assuming translator importation of distant signals, the matter of

non-duplication arises if the translator operates within the service contour of another station. I understand it's not much of a problem today, but it is a potential future problem.

Keep in mind that I am not saying that these things will happen, but change leads to change and the regulatory ball of wax rapidly grows stickier.

Another matter of concern on both sides is whether translators should be allowed to use FM microwave for bringing in signals of originating stations. Since present translator reception of primary station signal is either off-air or via AM microwave, there is no processing of the video base band. However, the use of FM microwave would involve video and audio signals which would have to be modulated to provide normal RF input to the translator. This obviously requires costlier equipment and heavier restrictions similar to those imposed on other services that employ television modulating equipment. The Commission is presently considering the question of whether or not to allow FM microwave only at attended translator operations.

At this point, I tend to favor authorization of FM microwave for translators, although I must confess I have not yet reviewed all the filings in the proceeding. I recognize that AM modulation as now employed in the translator relay service has the basic disadvantage of degradation of the television signal after several repetitions. FM microwave would overcome this limitation and would produce a consistently higher quality picture even after numerous repetitions. The bottom line to me is that outlying areas of the country could receive a picture of essentially the same quality as in the areas immediately surrounding TV stations, particularly in view of the fact that most TV transmission today is in color and simply cannot stand much degradation.

Some cable operators have claimed that FM microwave would siphon subscribers from cable if translators were allowed to bring in distant signals on FM microwave relay hops. Frankly, the public interest concern is not so much how the television signal gets to the rural areas but rather whether it reaches these areas and the quality of the delivered signals. Despite the cable industry's proclaimed alarm over the expansion of translator service via microwave, I think that as a practical matter there will be not too many systems willing or able to meet the requirements and costs of more expensive FM microwave equipment and the consequent technical restrictions. I know most of you translator operators are more than aware of the difficulty in obtaining financial support and the added costs of microwaving could compound the economic problems. I am sure very few of you will reach an upper income bracket from the profits of translator operation.

The factor of translators using FM microwave does raise, however, other related policy problems. Availability of FM microwave will encourage the importation of distant signals and, as I mentioned earlier, this raises questions as to potential impact on local broadcasters, non-duplication of programs, and in some cases time zone problems. We will have to take a very careful look at all the implications of FM microwave for translators. It may well be that a general inquiry and review of rural telecommunications is in order. I personally believe we should look at all related aspects of the matter rather than taking action piecemeal and ending up with regulatory hash.

Finally, I would like to bring up another area in which I have a definite interest, and that is the continuing effort to provide more and better television service to rural America. I am certainly not the first to refer to the 1974 report by the Denver Research Institute, but I would like to repeat its finding that there are some 1.2 million American households with no television service at all. Approximately six million households now receive less than three channels. On the other side of the coin, approximately 2/3's of all households enjoy five or more channels of service. These findings were based on service receivable by any means. For the most part, the lower levels of service generally corresponded to lower density areas, resulting from the fact that broadcasting revenues are derived by the more concentrated audience in urban areas.

Two technologies offer the promise of improving this imbalance of television service--translators and cable television. I think the Commission might well encourage greater use of both instrumentalities in provision of new or additional service to remote rural areas.

Our present rules prohibit cross-ownership in the same city of cable and a national television translator station. I have some doubts personally as to whether this prohibition with respect to cable and translators is always in the public interest insofar as rural telecommunications is concerned. I believe there are some special conditions where potential benefits may be derived from cross-ownership of cable and translators. This may be true in small communities and surrounding remote areas where extension of cable television is prohibitively expensive. I think the Commission might well re-examine its cross-ownership rules with respect to translators and cable and possibly provide specific technical standards and criteria under which we would consider waiver requests.

I hope I have given you some idea of my present thinking as to the future of translators and problems attendant thereto. I think your industry has done an exceptional job in providing much needed television service to

remote areas that otherwise would have little or no broadcast service. I can well understand your desire to seek additional means whereby your signal quality may be improved. I likewise sympathize with your desire to obtain additional revenue and to provide at least some limited degree of local television service. However, these advances will necessitate additional money and regulatory requirements. In other words, additional opportunities will necessarily bring added responsibilities. I can assure you that as various matters relating to translators come before the Commission, I will give them most thorough consideration and will vote in accordance with what makes the most sense legally, ethically and morally in the overall public interest.

I know that you will be equal to that added responsibility in fulfilling your distinct and important role in serving the nation's communications needs. Your role is important--as is the role of cable television--and the role of broadcasting. I would like to encourage you to work in harmony with the other services so that, together, we can all strive to provide the finest possible service to the American public.
