

CLARENDON FOUNDATION

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Ms. Searcy:

Re: Amendment of Part 74 of the Commission's Rules
Governing Use of Frequencies in the Instructional
Television Fixed Service, MM Docket No. 93-106

Clarendon Foundation hereby submits its comments in response to the FCC's *Notice of Proposed Rulemaking*, FCC 93-183, released April 26, 1993 ("Notice") in the above-referenced proceeding. For the reasons given below, we strongly endorse the Commission's proposal to permit ITFS licensees to utilize one of four authorized channels for the transmission of the required 80 hours of educational programming. However, we believe other features of the Notice require certain modifications.

Clarendon Foundation ("Clarendon") is a non-profit educational foundation engaged, among other activities, in the broadcast and distribution of educational programming related to American government, civics, political philosophy and history. Clarendon is an ITFS licensee or applicant in a number of markets nationwide. Based upon our experience, we can state unequivocally that the "more flexible leasing scheme" contemplated by the Notice will benefit our operations by streamlining the mechanism by which we interact with local wireless cable operators. We urge the Commission to authorize "channel loading" at the earliest possible time.

Clarendon takes issue, however, with the Commission's proposal to impose a sunset schedule on the channel loading approach. Although digital compression technology may indeed be imminent, we are concerned that a rigid sunset date may prejudice more modest wireless cable operations which may not, in the near future, have the financial or technical wherewithal to convert to digital compression as soon as it becomes available. As to these entities, we believe that some flexibility in the sunset date is

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in order. We encourage the FCC to adopt a procedure by which entities with this sort of profile, however it may be more precisely defined, be permitted to continue to channel load until compression technology becomes a viable alternative for them as well.

Finally, it is imperative in our view to recognize that channel loading would not constitute a *de facto* reallocation of the ITFS spectrum. It is simply a less costly means for distribution of the signal. Moreover, the permissive nature of channel loading does not affect an ITFS licensee's ability to control its use of the channels in any fundamental way.

With these refinements, we believe the Commission's proposal will work substantial public benefits and should be adopted.

Very truly yours,



Kemp R. Harshman
President