

ABC, Inc.



Sam Antar  
Vice President  
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June 13, 1997

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Federal Communications Commission  
Office of Secretary

HAND DELIVER

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

Re: Petition for Reconsideration of the Sixth Report and Order  
MM Docket No. 87-268

Dear Mr. Caton:

On behalf of ABC, Inc., enclosed for filing with the Commission are an original and 11 copies of a Petition for Reconsideration in MM Docket No. 87-268.

If there are any questions concerning the above matter, please communicate directly with the undersigned.

Very truly yours,

Sam Antar

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Enclosures

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JUN 13 1997

Before the  
Federal Communications Commission  
Washington, DC 20554

Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
Advanced Television Systems ) MM Docket No. 87-268  
and Their Impact Upon the )  
Existing Television Broadcast )  
Service )

To: The Commission

Petition for Reconsideration of the  
Sixth Report and Order ("Sixth R&O")

ABC, Inc. is a signatory to the Petition for Clarification and Partial Reconsideration of the Fifth and Sixth Reports and Orders Submitted by The Association for Maximum Service Television, Inc., The Broadcasters Caucus and Other Broadcasters ("MSTV Petition") filed today in this proceeding and, with one exception, fully subscribes to the views expressed therein.<sup>1</sup>

Given the limitations inherent in the Commission's core-band approach, the table of DTV Allotments/Assignments in the Sixth

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<sup>1</sup> We have a somewhat different view from that set forth in the MSTV Petition with respect to the 5 km rule (Sixth R&O, paragraph 102). Our position is set forth in a separate section below.

Report and Order ("DTV Table") succeeds in creating viable DTV assignments in most markets in most regions of the country. However, as more fully explained in the MSTV Petition, in certain cases the DTV Table fails to achieve the Commission's goals of replication of NTSC coverage in the DTV service without causing avoidable new interference to NTSC stations. Providing solutions to these problem cases will not require that the DTV Table be entirely revamped. However, it will require that the FCC make exceptions to some of the priorities and principles that underlie the DTV Table for certain regions and markets.

ABC, Inc. files this individual petition to request changes in a number of DTV channel assignments where we believe that those assignments are not viable because they fail to achieve replication or because they would create significant new interference to NTSC stations. Specifically, as set forth in detail in Attachment A, ABC requests that the FCC make the following changes in the DTV Table:

- \* Change the DTV channels assigned to WPVI-Philadelphia, KABC-TV-Los Angeles, and WTVG-Toledo.
- \* Change the allotment of DTV channel 6 to Washington, D.C. and DTV channel 8 to Newton, N.J.
- \* Amend the DTV Table to correct the interference problem created as a result of the failure to co-locate adjacent DTV channels on Chicago, Ill.
- \* Amend the DTV Table to make Fresno, Calif. an all-UHF DTV market.

The stations for which we request changes in DTV assignments are all located within the three regions identified in the MSTV

Petition as Acute Problem Areas where existing NTSC service and future DTV service are most in jeopardy under the DTV Table.

In requesting reconsideration, we recognize that a change in any individual assignment potentially will impact many other stations, both NTSC and DTV, and must be coordinated with all other affected stations. Since the coordination process has not yet been accomplished, we are not proposing specific alternative assignments at this time. We urge the Commission to grant the request set forth in the MSTV Petition that an additional 90 days be permitted after the release of OET Bulletin No. 69 to allow broadcasters time to craft appropriate solutions for the Acute Problem Areas.<sup>2</sup> We believe that the most expeditious and efficient way to resolve the potentially conflicting interests among the many broadcasters whose stations are within the Acute Problem Areas is for broadcasters to bend their utmost efforts toward achieving a consensus solution which can then be presented to the Commission for its consideration. This consensus - building process will have the benefit of narrowing the issues in dispute and providing the FCC with a comprehensive approach to resolving the myriad interrelated issues presented. We are committed to working with other broadcasters to achieve consensus through the MSTV - coordinated process and to do so on an expedited basis so that we will be in

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<sup>2</sup> We also urge the Commission promptly to establish the use of private-sector industry coordination committees to facilitate this coordination process. ABC, Inc., a member of the Broadcasters Caucus, is a signatory to the Broadcasters Caucus Petition for Further Rulemaking in this docket filed January 10, 1997 proposing a plan for such industry coordinating committees.

the best position to fulfill the construction deadlines that apply to our stations pursuant to the Fifth Report and Order without the necessity for requesting extensions.

This petition also requests that the Commission reconsider the 5 km rule for the reasons set forth below.

#### The Commission Should Eliminate the 5 km Rule

The Sixth R&O decided to allow a station to locate its DTV facility at any site within a 5 km radius of its NTSC transmitter. Although we generally favor broadcaster flexibility in locating their DTV operations, we believe that all applications to modify DTV facilities, including those that specify an alternative location for the DTV transmitting antenna within 5 km of the DTV allotment reference coordinates, should be accompanied by an engineering showing that demonstrates that the change will cause no new interference, and that such applications should be subject to the usual notice and comment procedure. The 5 km rule is arbitrary because in particular cases the interference that could result from a transmitter move within 5 km could be as great or greater than a move to a new location beyond 5 km. While we agree with the position in the MSTV Petition that an engineering showing should be required in such cases, we would go further and require that all affected stations have notice and the opportunity to rebut any such showing. The fact that the criteria that the Commission would apply to calculate new interference are not clearly spelled out (at least not to this point) increases the importance of permitting

affected stations access to such engineering showings and an opportunity independently to evaluate them.

Respectfully submitted,

By:  \_\_\_\_\_

Sam Antar  
Vice President, Law & Regulation

ABC, Inc.  
77 West 66 Street  
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Counsel for ABC, Inc.

June 13, 1997

## Attachment A

ABC, Inc. ("ABC") has performed propagation and interference analysis on each of the DTV allotments paired with its 10 Owned NTSC Stations. This analysis was performed with the intent of estimating the degree of replication of the ABC DTV allotments, the amount of interference that other DTV allotments cause to our existing NTSC infrastructure, and the extent to which our DTV allotments will cause interference into other existing NTSC stations. In performing our analysis, ABC utilized both a commercially available version of Longely-Rice, version 1.2.2 for propagation and interference prediction, and propagation and interference analysis performed by MSTV on behalf of the Broadcasters Caucus. In the analysis, we made the best attempts at utilizing the methodology and principles outlined in the Fifth Report and Order and Sixth Report and Order ("Sixth R&O") in this proceeding. However, missing information, such as the directional antenna patterns derived for DTV service contours and the absence of bulletin OET-69 have made the analysis difficult, since some degree of reverse engineering the table of allotments was necessary to test some assumptions.

Based on this analysis, ABC requests that the FCC make the following changes in the DTV

Table:

- \* Change the DTV channels assigned to WPVI-Philadelphia, KABC-TV-Los Angeles, and WTVG-Toledo.
- \* Change the allotment of DTV channel 6 to Washington, D.C. and DTV channel 8 to Newton, N.J.
- \* Amend the DTV Table to connect the interference problem created as a result of the failure to co-locate adjacent DTV channels on Chicago, Ill.
- \* Amend the DTV Table to make Fresno, Calif. an all-UHF DTV market.

### **WPVI-TV, Philadelphia, PA**

WPVI-TV, NTSC channel 6, operates from the Roxboro antenna farm in Philadelphia, PA. WPVI-TV was allotted DTV channel 64, with a capped power level of 1 MW. ABC, Inc. has serious concerns about this allotment because it is only 48 km from an existing NTSC station WHSP, Vineland, NJ which operates on upper adjacent channel 65. The analysis performed by ABC, Inc. indicates that DTV channel 64 will cause interference to NTSC channel 65 in excess of 121, 900 people. It is hard to imagine that harm to NTSC service of this magnitude is an acceptable outcome. The only way to avoid such an outcome would be to require DTV channel 64 to further reduce its power which would lead to the equally unacceptable result of reduced replication and loss of DTV service to the people in Philadelphia. Therefore, ABC requests a change in the DTV channel assigned to WPVI.

ABC also requests that the Commission change the allotment of DTV channel 6 to Washington, DC because of the excessive interference this will cause to WPVI. We estimate that this allotment will introduce new interference to 400,000 people in WPVI's service area.

### **KABC-TV, Los Angeles**

KABC-TV, NTSC channel 7, operates its transmitter from Mt. Wilson in Los Angeles, California. KABC-TV was allotted DTV channel 8 with a maximum ERP of 10.7 kW. KFMB-TV, San Diego, CA operates NTSC channel 8 approximately 172 km from KABC-TV's Mt. Wilson site. ABC's analysis of the DTV channel 8 allotment in Los Angeles indicates that this allotment will cause interference to a minimum of 121,917 people in KFMB's NTSC channel 8 service area. The DTV assignment of channel 8 to KABC-TV which results in interference of this magnitude to NTSC service gives rise to the same Hobson's choice we discussed above in relation to Philadelphia and

Vineland, N.J. - either sacrifice NTSC viewers in one community or shortchange DTV viewers in the other.

ABC is equally concerned that DTV channel 8 will not achieve the predicted degree of replication because of interference from KFMB. ABC's analysis indicates that, using the FCC's methodology, interference caused by KFMB into KABC's DTV channel 8 in Los Angeles will affect at least 178,800 people. Moreover, the FCC's methodology fails to take into account the special propagation conditions in Southern California that are likely to result in interference substantially greater than predicted from KABC DTV into KFMB NTSC and vice versa. Propagation conditions in Southern California are unlike most parts of the country and unusual in that radio frequency ducting and super refraction are common conditions that extend the radio propagation range and therefore the potential for increased interference. The high elevation of KABC's transmitter site also contributes to the potential for interference. The potential interference between these stations is also potentially the most damaging because it is co-channel interference.

For the foregoing reasons, ABC requests a change in the DTV channel assigned to KABC-TV.

#### **WTVG-TV, Toledo, Ohio**

WTVG-TV, NTSC channel 13 operates its transmitter from Oregon, Ohio, approximately 7 miles northeast of Toledo. WTVG-TV was allotted DTV channel 19, with an ERP of 535.1 kW. WOIO, Shaker Heights, Ohio operates NTSC channel 19, just 146.8 km from the WTVG-TV transmitter site. ABC analysis indicates that DTV channel 19 operated in Toledo, Ohio will cause interference into WOIO-TV's NTSC channel 19 service area impacting in excess of 344,000 people. The short spacing to WOIO limits the ability of WTVG to replicate its DTV service area to its

existing NTSC Grade B. By the Commission's own analysis, WTVG only replicates 90.5 % of its NTSC service area. The twin issues of concern here again are unacceptable levels of interference into an existing NTSC station as well as the replication shortfall WTVG will be subject to. Accordingly, ABC requests a change in the DTV channel assigned to WTVG-TV.

#### **WABC-TV, New York, NY**

WABC-TV, NTSC channel 7 operates its transmitter from North Tower of the World Trade Center in New York City.

ABC's primary concern is that DTV channel 8 was allotted to NTSC channel 63 in Newton, NJ, which is 59 km from the World Trade Center. Our analysis indicates that the short-spacing between channel 8 and NTSC channel 7 will result in substantial DTV to NTSC interference in WABC's NTSC service area. The allotment of channel 8 to Newton is also short-spaced to NTSC channel 9 which also operates from the World Trade Center. It can be expected that channel 9 will suffer a similar loss of viewers. ABC requests that the allotment of channel 8 to Newton be changed to avoid unacceptable levels of harm to NTSC service.

#### **WLS-TV, Chicago, IL**

WLS-TV, NTSC channel 7, operates its transmitter from the Sears Tower in downtown Chicago. WLS-TV was allotted DTV channel 52, with an ERP of 147 kW. The problem with this assignment is the allotment of adjacent DTV channel 53 to a station located on the Hancock Building, approximately 2.5 km from the Sears Tower.

ABC believes that non-exact co-location of DTV channels 52 and 53 will cause substantial interference to each other due to varying D/U ratios between the stations caused by the different

antenna elevation and azimuth patterns of the stations and the corresponding D/U ratio variation, the spacing between the stations, which severely aggravate antenna pattern differences, substantially different multipath conditions, and the partial shielding due to buildings or other obstructions that reduce the signal level of one station relative to another.

ABC requests that the Commission amend the DTV Table to correct the interference problem created as a result of the failure to co-locate adjacent DTV channels.

### **KFSN-TV, Fresno, CA**

KFSN-TV, NTSC channel 30 operates its transmitter from Meadow Lakes, California. KFSN-TV was assigned DTV channel 9. While ABC does not take issue with interference or replications issues, the Fresno, California television market is an all UHF NTSC TV market. The Commission has also allotted DTV channel 7 to Fresno. ABC would like to point out that virtually the entire market has receive antennas designed for UHF operation only. ABC believes that UHF allotments for DTV in this market would make more sense in that the installed base of UHF antennas help to reduce or eliminate the need for a viewer to install an antenna just for DTV reception. ABC believes that in this market all UHF DTV allotments makes it easier for the viewer to receive DTV simply based upon the already installed base of antennas. Since the market is all UHF, an all UHF DTV allotment would help minimize the competitive issues among stations while easing the DTV transition requirements on the viewing public. ABC requests that the Commission reconsider the allotments for the Fresno, California market to make Fresno an all-UHF DTV market.