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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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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 PARTIAL RECONSIDERATION OF
COSMOS BROADCASTING CORPORATION

June 13, 1997

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SUMMARY

Cosmos Broadcasting Corporation ("Cosmos") wholly supports the Commission's movement toward full implementation of digital television and applauds the Commission's efforts to bring this new television service to the American public. Nonetheless, there are several elements of the Commission's DTV rules that require reconsideration if DTV is to become a true success for broadcasters and television viewers.

In particular, Cosmos seeks partial reconsideration of the DTV Table of Allotments adopted in the *Sixth R&O*. The DTV Table is intended to allocate DTV channels in a manner that, to the extent feasible, preserves existing service areas and minimizes interference among channels. However, the Commission has not released sufficient information for interested parties to evaluate whether these goals have been met. Cosmos requests that parties be afforded a further opportunity to comment after *OET Bulletin No. 69* is released.

Cosmos has identified one instance of Commission reliance on outdated parameters. Cosmos requests that the Commission make efforts to update the station data base and consider adjusting the DTV Table to the extent necessary.

Cosmos agrees with the positions taken by MSTV in its petition for reconsideration, especially with regards to those concerning the treatment of interference, as underestimations of interference may have skewed the DTV Table. The Commission should reconsider allotments in discrete situations where meritorious solutions are proposed by petitioners. Cosmos proposes seven such discrete and meritorious solutions, though they should be conditioned upon final evaluation under the terms of *OET Bulletin No. 69*.

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

To: The Commission

PETITION FOR PARTIAL RECONSIDERATION OF COSMOS BROADCASTING CORPORATION

Cosmos Broadcasting Corporation ("Cosmos"), licensee of eight television stations located throughout the eastern United States, by its counsel, hereby petitions the Commission to reconsider several aspects of its *Fifth Report and Order* ("*Fifth R&O*") and *Sixth Report and Order* ("*Sixth R&O*") (collectively "*R&Os*"), in the above-captioned proceeding. Cosmos wholly supports the Commission's movement toward full implementation of digital television and applauds the Commission's efforts to bring this new television service to the American public. Nonetheless, there are several elements of the Commission's DTV rules that require reconsideration if DTV is to become a true success for broadcasters and television viewers.

I. THE COMMISSION SHOULD AFFORD PARTIES A FURTHER OPPORTUNITY TO COMMENT ON THE DTV TABLE AFTER ITS METHODOLOGY IS MADE AVAILABLE.

In order to evaluate whether the DTV Table implements the Commission's objectives in specific instances, interested parties must be able to calculate the interference that is likely to result and determine the service areas of new DTV stations in accordance with the Commission's methodology (Longley-Rice). But the critical piece of information necessary for stations to

evaluate contours—*OET Bulletin No. 69*—has not been timely released though the *R&Os* refer to it on numerous occasions. Without *OET Bulletin No. 69*, it is impossible, for example, for stations to know precisely what operation parameters for the Longley-Rice methodology apply or what amount of interference is considered *de minimis*. In turn, it is impossible for stations to know how to assess the reasonableness of either their own DTV allotment or those of nearby licensees. Moreover, broadcasters are ill equipped to verify whether the DTV Table meets *any* standard of adequacy, much less whether it is *optimized* as the Commission contends.[1/]

Therefore, before the rules and the DTV Table become final -- but *after* the Commission's methodology is made available -- the Commission should give interested parties a further opportunity to comment on the Table and the methodology. A brief additional comment period of 90 days will not significantly delay implementation of the transition to DTV. Indeed, to the extent that there are problems with the DTV Table, the Commission can fix those problems more efficiently and expeditiously if they are identified in a further round of comments while this proceeding remains open than if they are identified in a plethora of separate rule making petitions and notification applications after the DTV Table becomes final.

II. THE COMMISSION SHOULD CORRECT ERRONEOUS AND OUTDATED PARAMETERS IN ITS DATA BASE.

The extent to which the DTV Table achieves the Commission's objectives of minimizing interference among NTSC and DTV stations and preserving existing service areas obviously depends upon the accuracy of the data used to generate the Table. While Cosmos is in no

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1/ As a matter of administrative law, the Commission must, of course, set forth the basis and underlying support for its rules in a manner that is sufficiently detailed to permit judicial review. *See, e.g., National Nutritional Foods Association v. Weinberger*, 512 F.2d 688, 701 (2d. Cir. 1975), *cert. denied*, 423 U.S. 827 (1975).

position to comment on the sufficiency of Commission's entire data base, Cosmos has knowledge of one instance where the Commission has relied upon inaccurate data despite the fact that the Commission has been in possession of the updated information since January 1997, well before the release of the *R&Os*. Specifically, Cosmos filed a tower registration at that time to reflect the change in transmitter coordinates for WSFA(TV). In generating the DTV Table, the Commission used WSFA(TV)'s prior coordinates.

As licensee of eight stations, the fact that one of the Cosmos station allotments in the DTV Table reflects outdated parameters suggests that there may be a moderate number of other instances where outdated parameters have been incorporated. Accordingly, in order to ensure that the DTV Table optimally achieves the Commission's objectives, the Commission should solicit broadcasters and actively collect up-to-date station information. At a minimum, the Commission should note instances such as this where petitioners inform the Commission of reliance on outdated parameters and verify whether adjustments to the DTV Table must be made. While Cosmos is uncertain whether the Commission's reliance on outdated parameters has produced less than optimal results as it relates to WSFA(TV), Cosmos urges the Commission to use extra care in such instances in determining the merit of requests for modification. The Commission should make adjustments to the DTV Table in response to all instances of reliance on outdated parameters, even if the number of those instances is substantial.

III. COSMOS SUPPORTS THE POSITIONS AND REQUESTS OF THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION.

Cosmos hereby states it support for the positions taken by Maximum Service Television, Inc. ("MSTV") in their Petition for Reconsideration of the *R&Os* and adopts those requests for reconsideration and clarification in its entirety.

In particular, Cosmos wishes to emphasize the importance of the results of MSTV's analysis of the DTV Table and the findings regarding interference. As seen in the results of Cosmos' own analysis of its relevant markets, interference will be worse than predicted. This is because the Commission has misstated the actual service areas for stations subject to the power cap, which has the effect underestimating the amount of total interference. The actual interference, especially that caused to NTSC service, cannot be considered *de minimis*. Cosmos agrees with MSTV that the loss of service to the number of people represented by this underestimated interference is *prima facie* not in the public interest. Accordingly, the Commission should reconsider allotments in discrete situations where meritorious solutions are proposed by petitioners.

IV. ALLOTMENT ADJUSTMENTS

A. WTOL(TV)—Toledo, Ohio

Under the DTV Table of Allotments proposed in the *Sixth R&O*, Cosmos station WTOL(TV), operating on NTSC Channel 11 in Toledo, Ohio, will receive a substantial amount of destructive interference—the majority of which is inside the Toledo DMA—from a co-channel DTV assignment. As demonstrated in the attached technical exhibit ("Attachment A"), interference from WBNS(TV) in Columbus, Ohio, which has been assigned DTV Channel 11, will cause WTOL(TV) to lose approximately 29 percent of its DMA coverage area, corresponding to a loss of 23 percent of its DMA coverage population.

Significant is the *location* of the interference. WTOL(TV) is not losing coverage in its fringe areas, but rather, as the supporting statement of WTOL(TV)'s general manger (Attachment A) indicates, the station is losing viewers in critical areas where, historically,

viewers have demonstrated a preference for WTOL(TV). While Cosmos is uncertain, because of the Commission's delayed release of *OET Bulletin No. 69*, of whether the 6.8% increase of new interference listed in the *R&O* for WTOL(TV)[2/] is somehow *de minimis*, Cosmos is certain that the location of this significant amount of new interference in critical (and not fringe) service areas can in no way be considered *de minimis*. Indeed, the Commission's Table indicates a loss of 1.4% Pop, corresponding to some 59,300 people. A loss of this amount is, as the General Manager's statement indicates, "completely unsatisfactory."

As noted above, the Commission has not yet released its methodology for precisely measuring interference caused by its DTV allocations or for determining whether such interference would be deemed unacceptable. But in light of the Commission's objective of preserving existing coverage areas and coverage populations, it is hard to imagine how interference that causes reductions of anywhere near this magnitude could be deemed acceptable under *any* reasonable methodology. Television stations in Toledo already are economically constrained by their proximity to three larger television markets in Ohio.[3/] Reducing WTOL(TV)'s DMA audience by almost a quarter while other competing broadcasters in the same market maintained their coverage areas intact would result in a serious reduction in revenue -- a result that would be at odds with the Commission's goal of maintaining maximum availability of free, over-the-air television service.[4/]

2/ *Sixth R&O*, Table 1.

3/ Toledo is 117 miles from Cleveland, 144 miles from Columbus, and less than 200 miles from Cincinnati. Under the Commission's spacing rules, co-channel stations in these cities should be at least 170 miles from Toledo.

4/ *Fifth R&O* at ¶5.

Similarly, the fact that citizens in the affected interference area would likely be unable to receive signals from *either* station, and thus be left without CBS coverage,[5/] is also inconsistent with the Commission's goals of free service to all Americans and certainly not in the public interest. In its Petition for Reconsideration, MSTV determined that the DTV Table caused particularly egregious interference in three areas of the country, including the "Detroit/Chicago/Milwaukee" region. Toledo, a mere 65 miles south from Detroit, also is subjected to this egregious interference.

These interference problems may not last forever. At some point, when the transition ends, both WTOL(TV) and WBNS(TV) will, under existing rules, be required to relinquish one of their channels. But the substantial damage inflicted on WTOL(TV) in the interim cannot be undone. Moreover, the length of the "interim" remains uncertain and, as the Commission acknowledges, will depend on market penetration, equipment development and other unpredictable factors.[6/] While the Commission has proposed solutions such as where DTV operators might willingly reduce their coverage areas to avoid interfering with NTSC stations,[7/] Attachment A reveals that WBNS(TV) would have to reduce its power to approximately 40 Watts to avoid interference to WTOL(TV), an amount that hardly justifies the expense of facility construction. Instead of rationalizations that the situation is temporary, or proposals that have little practical effect, Cosmos sees no reasonable solution to this problem other than for WBNS(TV) to be allotted an alternate DTV channel.

5/ Both stations are CBS affiliates.

6/ *Fifth R&O* at ¶100.

7/ *Sixth R&O* at ¶42.

As long as a substantial number of viewers continue to rely on NTSC reception, the co-channel interference to WTOL(TV)'s NTSC channel caused by WBNS(TV)'s DTV channel will continue to inflict irreparable and unfair economic injury. The allocation of Channel 11 to WBNS(TV) for DTV use unacceptably interferes with and reduces the coverage area of WTOL(TV)'s NTSC transmissions on the same channel. In this case, the DTV Table has produced an allotment that is wholly at odds with the Commission's objectives and contrary to the public interest. **Some other channel for WBNS(TV)'s DTV use must be found.** Accordingly, the Commission should reassign WBNS(TV)'s DTV channel.

B. WFIE(TV)—Evansville, Indiana

WFIE(TV) operates on NTSC Channel 14 and has been allotted DTV Channel 58. Similar to the situation described above for WTOL(TV), the technical exhibit ("Attachment B") demonstrates that WFIE(TV)'s NTSC operations will receive a substantial amount of destructive interference from a proposed DTV co-channel operation in an adjacent market, resulting in a loss of 10% of its households. Within the Evansville DMA, this accounts for some 25,000 households.[8/] As stated previously, the loss of service to this many viewers is simply contrary to the public interest. Furthermore, the resulting loss of revenue and ratings is contrary to the furtherance of free, over-the-air television service. The Commission should take note, as revealed in Attachment B, that this 10% reduction in households corresponds to $1.3 Million of annual revenue. For stations in smaller markets with limited provisions who face the prospect of

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8/ Engineering analysis reveals that this number far exceeds that listed in the *Sixth R&O*'s Table 1. There, the Commission's data indicates that 0.4% of WFIE(TV)'s viewing audience will receive new interference, corresponding to 23,000 people. The consulting engineer reports that WFIE(TV) will loose 64,700 people to new interference.

an expensive build-out of digital facilities, a $1.3 Million reduction in annual revenue spells financial trouble. Cosmos wishes to emphasize that the Commission must take steps to address these circumstances.

The DTV Table raises a second problem for WFIE(TV). The *Sixth R&O* permits and encourages DTV stations to maximize their coverage areas, subject to interference constraints.[9/] The DTV Table, severely limits the ability of Cosmos's WFIE(TV) to maximize and expand the coverage areas of its DTV *and* NTSC channels by saddling both of its allotments with significant short spacing. Both these channels will face co-channel short spacing from broadcasters in adjacent markets. In addition, WFIE(TV)'s DTV channel is outside the "core spectrum." This means that when the transition period is completed, WFIE(TV) will have to vacate the channel on which it has established its DTV identity and move to a vacant allotment in the core spectrum (or to its similarly short-spaced NTSC channel).

Thus, the DTV Table imposes a double handicap on WFIE(TV)'s ability to compete with other broadcasters whose coverage areas are not constrained by short-spaced allotments and whose DTV channel assignments are permanent and certain. Cosmos does not seek to change the short spaced DTV channel allotments of the stations in adjacent markets. While those stations limit WFIE(TV)'s ability to maximize and expand its coverage area, they are unlikely to cause unacceptable interference within WFIE(TV)'s existing coverage areas. Cosmos has, however, identified alternative DTV allotments for WFIE(TV) that would avoid the short spacing problems created by the current DTV Table without unacceptably interfering with other stations. Attachment B contains a preliminary analysis of other available channels (4, 5, 12, 46),

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9/ *Sixth R&O* at ¶31.

with the determination that Channel 4 is the best suited, dependent upon final engineering evaluation.[10/] Solutions to interference problems will be possible by changing parameters such as power, antenna height and/or directionality and location for either Channel 4 or other available channels.

Like Channel 58, Channel 4 is not within the core spectrum. But while the Commission has firmly excluded channels 51 to 69 from the core spectrum, it has left open the possibility that Channels 2 to 6 may ultimately be acceptable for permanent DTV use. Also, assigning WFIE(TV) to Channel 4 instead of Channel 58 would result in a more efficient use of spectrum and facilitate spectrum recovery. As the Commission is aware, higher numbered channels require increased power costs to maintain an equivalent coverage area. There is little justification for allotting WFIE(TV) a higher channel with the corresponding higher operational costs where lower channels are feasibly available. For all these reasons, the Commission should reconsider its allotment of Channel 58 to WFIE(TV) and should instead assign WFIE(TV) to one of the other available channels.

C. WIS(TV)—Columbia, South Carolina

WIS(TV) broadcasts on NTSC Channel 10 and was paired DTV Channel 41. WIS(TV) requests that it be reassigned DTV Channel 11. As the Commission is no doubt aware, it is substantially more expensive to operate a higher channel while maintaining the equivalent coverage area. The attached technical exhibit ("Attachment C") shows that Channel 11 is a feasible alternative. Although short spacing exists, Cosmos believes that it could resolve the associated technical means (by adjusting power, antenna directionality and/or height and

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10/ Evaluations can only be final after the release of *OET Bulletin No.69.*

location). As noted with the previous stations, a complete and thorough analysis will not be possible until some time after *OET Bulletin No. 69* is released. Consequently, Cosmos requests that WIS(TV)'s request for reallocation be subject to pending final engineering studies.

Allowing WIS(TV) to select an adjacent channel is consistent with the flexibility and free market principles promoted in the *R&Os*. WIS(TV) has determined that it prefers tackling the technical problems associated with adjacent channel operation to paying an annual expense in satisfaction of shifting power requirements.

Additionally, it is more difficult to share broadcast equipment where paired allotments are as far apart as Channels 10 and 41. If WIS(TV) were to be reassigned Channel 11, however, build-out expenses could be reduced by sharing equipment where possible. The Commission recognized the advantage in some circumstances of assigning paired adjacent channels.[11/] The Joint Broadcasters noted that interference could be reduced by pairing and co-locating adjacent channel operation.[12/] Allowing paired adjacent channel operation would facilitate the provision of digital service and expedite rapid build-out.

For these reasons, WIS(TV) requests reconsideration of its DTV allotment of Channel 41 and seeks reassignment to Channel 11, pending full engineering evaluation once *OET Bulletin No. 69* is available.

11/ *Sixth R&O* at ¶195. The Commission requires that paired adjacent channels must lock their frequencies to a common reference. *Id.*

12/ *Sixth R&O* at ¶189.

D. WSFA(TV)—Montgomery, Alabama

In the *Sixth R&O*, the Commission proposed to allocate Channel 57 as WSFA(TV)'s paired DTV channel. WSFA(TV) currently broadcasts on NTSC Channel 12. Cosmos has identified alternative DTV allotments for the station that would avoid the short spacing problems created by the current DTV Table without unacceptably interfering with other stations. Attachment D contains a preliminary analysis of other available channels (5 and 11), with the determination that Channel 11 is the best suited, dependent upon final engineering evaluation.[13/] Solutions to interference problems will be possible by changing parameters such as power, antenna height and/or directionality and location for either Channel 11 or other available channels. Channel 11 offers the advantages of less costly operation and the potential for shared costs of adjacent use. Moreover, Channel 57 is located outside of the core spectrum; allowing relocation now would facilitate spectrum recovery.

Attachment D reveals that the proposed reallocation to Channel 11 creates short spacing with three stations, but all remain over 150 miles away. Given the technical solutions available and the Commission's support of free market principles where feasible, WSFA(TV) believes that allowing the station to receive the Channel 11 allotment is meritorious. For these reasons, WSFA(TV) requests reconsideration of its DTV allotment of Channel 57 and seeks reassignment to Channel 11 (or, in the alternative, Channel 5), pending full engineering evaluation once *OET Bulletin No. 69* is available.

13/ Evaluations can only be final after the release of *OET Bulletin No.69.*

E. KAIT(TV)—Jonesboro, Arkansas

In the *Sixth R&O*, the Commission proposed to allocate Channel 58 as KAIT(TV)'s paired DTV channel. KAIT(TV) currently broadcasts on NTSC Channel 8. Cosmos has identified alternative DTV allotments without unacceptably interfering with other stations. Attachment E contains a preliminary analysis of other available channels (2, 4, 7, 9, 12, 22, 23, 27), with the determination that Channel 9 is the best suited, dependent upon final engineering evaluation.[14/] Solutions to interference problems will be possible by changing parameters such as power, antenna height and/or directionality and location for either Channel 9 or other available channels. As described earlier for other Cosmos stations, Channel 9 offers the advantages of less costly operation and the potential for shared costs of adjacent use. Moreover, Channel 58 is located outside of the core spectrum; allowing relocation now would facilitate spectrum recovery.

For these reasons, KAIT(TV) requests reconsideration of its DTV allotment of Channel 58 and seeks reassignment to Channel 9 (or some other available channel), pending full engineering evaluation once *OET Bulletin No. 69* is available.

F. KPLC(TV)—Lake Charles, Louisiana

In the *Sixth R&O*, the Commission proposed to allocate Channel 53 as KPLC(TV)'s paired DTV channel. KPLC(TV) currently broadcasts on NTSC Channel 7. Cosmos has identified alternative DTV allotments for the station without unacceptably interfering with other stations. Attachment F contains a preliminary analysis of other available channels (8, 13, 19, 38, 39, 43), with the determination that Channel 8 is the best suited, dependent upon final

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14/ Evaluations can only be final after the release of *OET Bulletin No.69.*

engineering evaluation.[15/] Solutions to interference problems will be possible by changing parameters such as power, antenna height and/or directionality and location for either Channel 8 or other available channels. As described earlier for other Cosmos stations, Channel 8 offers the advantages of less costly operation and the potential for shared costs of adjacent use. Moreover, Channel 53 is likely to be located outside of the core spectrum; allowing relocation now would facilitate spectrum recovery.

For these reasons, KPLC(TV) requests reconsideration of its DTV allotment of Channel 53 and seeks reassignment to Channel 8 (or some other available channel), pending full engineering evaluation once *OET Bulletin No. 69* is available.

G. WLOX(TV)—Biloxi, Mississippi

In the *Sixth R&O*, the Commission proposed to allocate Channel 36 as WLOX(TV)'s paired DTV channel. WLOX(TV) currently broadcasts on NTSC Channel 13. Cosmos has identified alternative DTV allotments for the station without unacceptably interfering with other stations. Attachment G contains a preliminary analysis of other available channels (2, 16, 40, 41), with the determination that Channel 16 is the best suited, dependent upon final engineering evaluation.[16/] Solutions to interference problems will be possible by changing parameters such as power, antenna height and/or directionality and location for either Channel 16 or other available channels. As described earlier for other Cosmos stations, Channel 16 offers the advantages of less costly operation.

15/ Evaluations can only be final after the release of *OET Bulletin No.69.*

16/ Evaluations can only be final after the release of *OET Bulletin No.69.*

For these reasons, WLOX(TV) requests reconsideration of its DTV allotment of Channel 36 and seeks reassignment to Channel 16 (or some other available channel), pending full engineering evaluation once *OET Bulletin No. 69* is available.

CONCLUSION

The success of DTV is not foreordained simply because technology permits digital transmission. Only a transition that treats all parties, including consumers, fairly and with the same limitations can ensure that DTV succeeds. The Commission should not bind itself to a table that perpetuates inequities and simply for the sake of expediency.

Accordingly, the Commission should afford parties a further opportunity to comment after *OET Bulletin No. 69* is released. Attempts should be made to update the Commission's data base. Discrete, meritorious proposals to the DTV Table such as those here should be considered.

For the foregoing reasons, Cosmos requests reconsideration of the *R&Os*.

Respectfully submitted,

COSMOS BROADCASTING CORPORATION

By: _____
Werner Hartenberger
H. Anthony Lehv
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Its Attorneys

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Dated: June 13, 1997

ATTACHMENT A

Technical Report

WTOL(TV)—Toledo, Ohio

TECHNICAL EXHIBIT
COSMOS BROADCASTING CORPORATION
STATION WTOL-TV
TOLEDO, OHIO

Technical Statement

The technical exhibit consisting of this statement and the attached Figure 1 was prepared on behalf of Cosmos Broadcasting Corporation, licensee of television broadcast station WTOL-TV Toledo, Ohio. This Exhibit supports a petition for reconsideration of the Federal Communications Commission action in MM Docket No. 87-268, In the Matter of *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service,* Sixth Report and Order, herein "Sixth Report".

Station WTOL-TV operates on channel 11, employing an effective radiated power of 316 kilowatts with antenna height above average terrain of 305 meters. In the Sixth Report, DTV channel 11 is assigned to station WBNS-TV Columbus, Ohio. WBNS-TV operates on NTSC channel 10. Cosmos believes that DTV operation on channel 11 by WBNS-TV will result is substantial destructive interference to WTOL-TV, with the majority of the interference located within the Toledo DMA.

Figure 1 is a map which shows the Grade B contour for WTOL-TV, the Toledo DMA boundary and the calculated interference from DTV channel 11 proposed to be employed by WBNS-TV. The interference was determined by use of the FCC propagation curves, as the FCC guide for determining interference using the Longley-Rice methodology in OET Bulletin No. 69, is not yet available. Interference within the WTOL-TV 56 dBu Grade B contour was determined at points where the WTOL-TV signal was predicted to be less than 34 dBu above the WBNS-TV DTV channel 11 signal. The WBNS-TV interfering signal was computed on a F(50,10) basis.

According to the 1990 census, the Toledo DMA contains 1,094,352 persons in an area of 15,542 square kilometers. The Grade B contour of WTOL-TV provide service to 93.8 percent of the population and 85.2 percent of the area. Predicted interference to WTOL-TV encloses an area of 3,839 square kilometers in which 234,637 persons reside. This interference represents 22.8 percent of the population and 29 percent of the area within the Grade B contour of WTOL-TV and within the Toledo DMA. This represents a loss of approximately 86,000 television households.

The interference to WTOL-TV by WBNS-TV on DTV channel 11 can be eliminated if WBNS-TV's DTV power is limited to approximately 40 watts. This power level is 25.4 dB below the assigned WBNS-TV DTV power of 14

kilowatts, therefore use of a directional antenna with the necessary suppression would not be in accord with FCC rules regarding directional antenna patterns for television use.

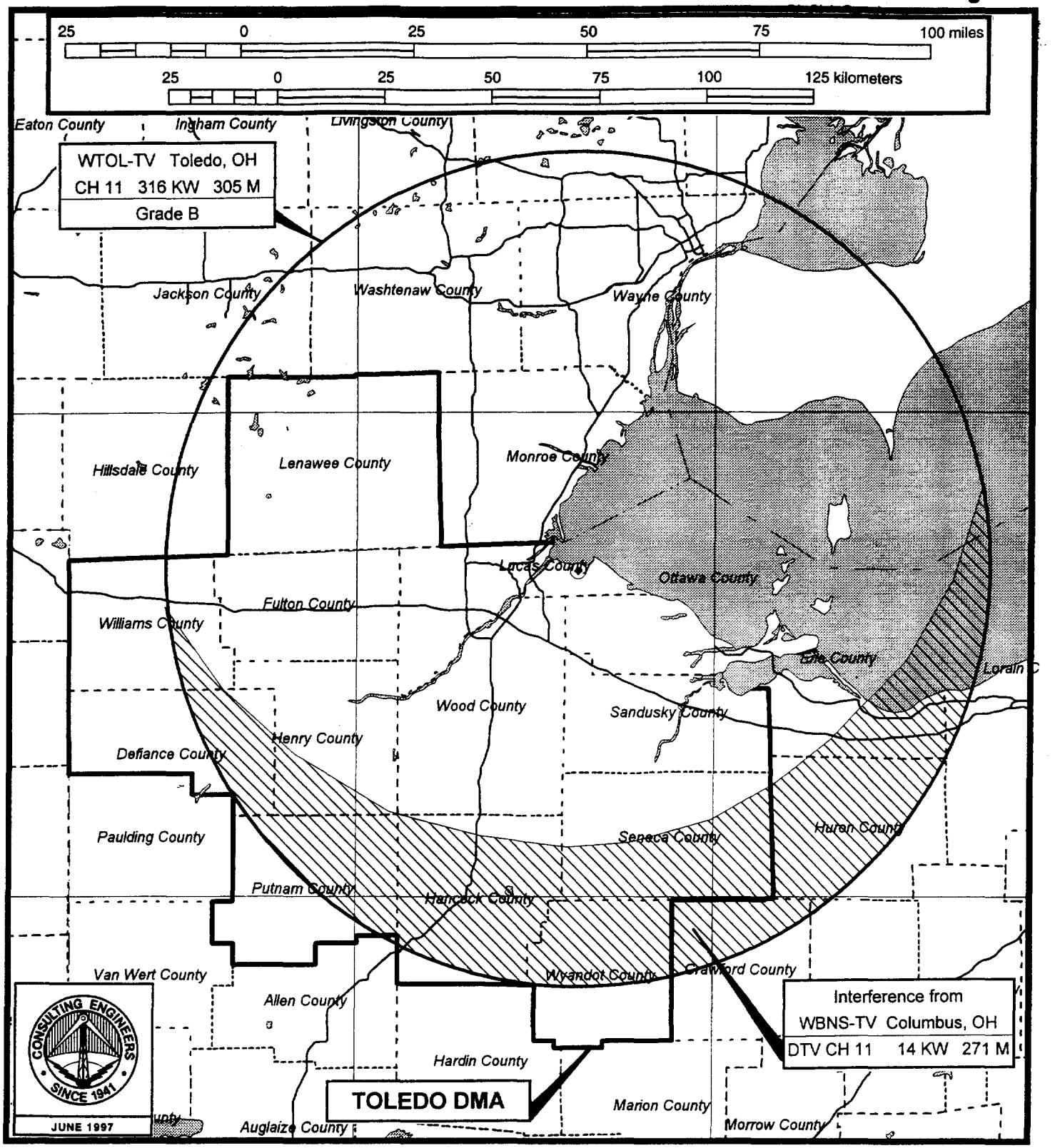
The inescapable conclusion is that WBNS-TV must be assigned a DTV channel that does not severely interfere with the coverage of an existing NTSC station.

Louis R. du Treil, Sr.
du Treil, Lundin & Rackley, Inc.
240 North Washington Boulevard
Suite 700
Sarasota, FL 34236

(941) 366-2611

June 10, 1997

Figure 1



PREDICTED INTERFERENCE TO WTOL-TV

COSMOS BROADCASTING CORPORATION

WTOL-TV TOLEDO, OHIO

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

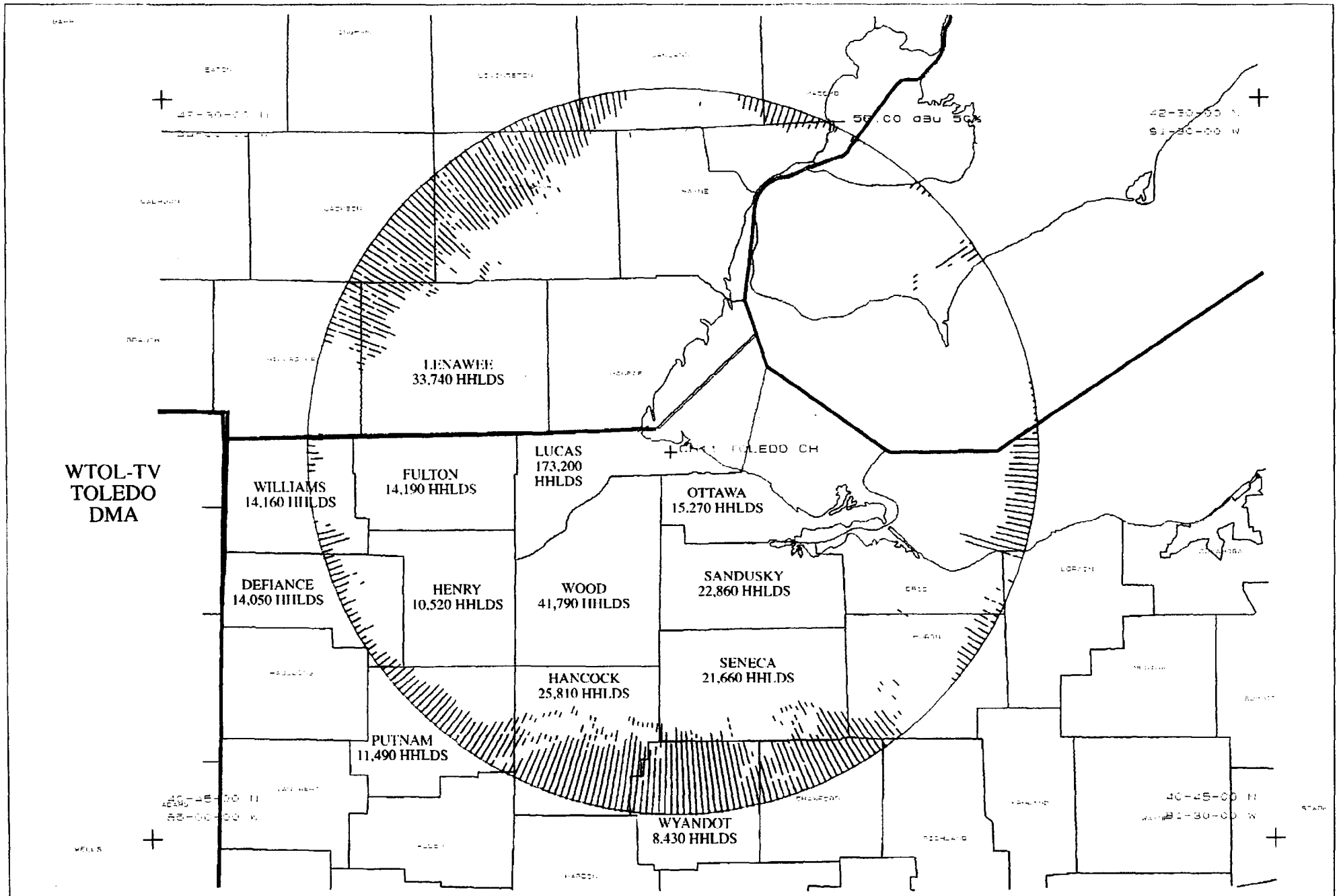
STATEMENT IN REGARD TO DTV CHANNEL 11
(ASSIGNED TO WBNS-TV, COLUMBUS)
INTERFERENCE WITH NTSC CHANNEL 11 ON WTOL-TV
IN SOUTHERN COUNTIES OF TOLEDO DESIGNATED AREA*

The interference shown on the NTSC Service Area Map for WTOL-TV affects five counties in the Toledo Designated Market Area. Defiance, Putnam, Hancock, Wyandot, and Seneca counties collectively represent a total of 81,440 television households in the Toledo market. This total accounts for 20% of the TV households (407,170) in the 12 county DMA according to the May '97 Nielsen Station Index, Viewers in Profile.

The potential for WTOL-TV losing 20% of its total ratings delivery in a competitive marketplace is very real and translates to an equal percentage loss in market share of advertising revenue. If we receive an unacceptable level of interference from WBNS, Columbus, as is apparently the case according to the Service Area map, households in the affected counties will be unable to receive the station thereby denying them any opportunity to be a part of our audience. Since these households have a demonstrated preference for this station historically, this is a completely unsatisfactory situation for WTOL. Television advertising on stations is selected based on the ratings delivery of programs. No matter the technical reasons...reduced ratings mean reduced revenue. The Columbus assignment of DTV channel to WBNS puts us at a terrible competitive disadvantage.

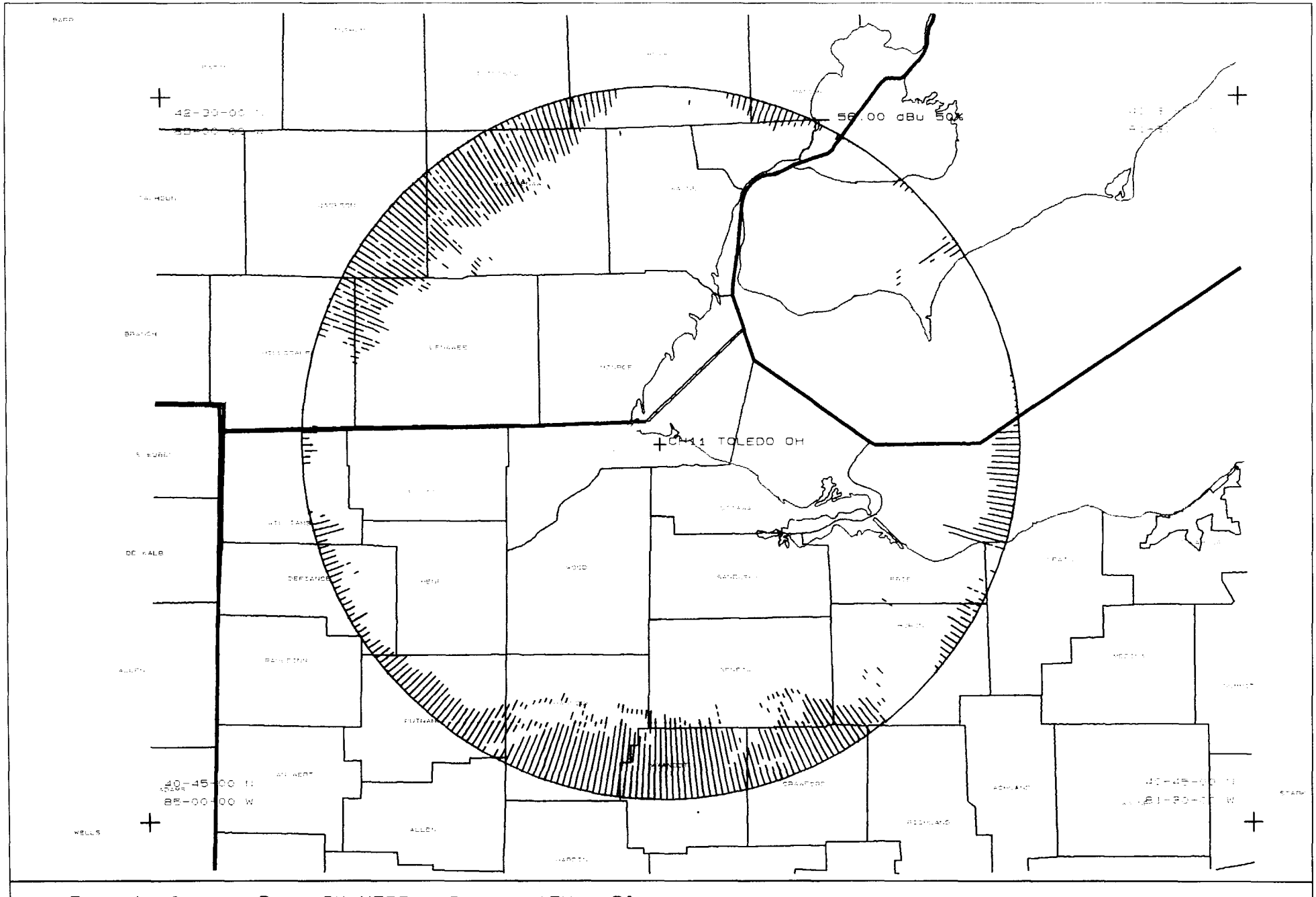
Melbourne A. Stebbins
Vice President & General Manager
WTOL-TV

June 12, 1997



Terrain loss - Red, IX NTSC - Green, ATV - Blue
WTOL-NTSC Ch. 11 ERP 316.0 HAAT 304.6
TOLEDO OH Dir. Ant.
Date: 05 10 97

MAJOR DIVISIONS ARE: 10.0 KM
SCALE IS: 32.81 KM/INCH
20.39 MILES/INCH



Terrain loss - Red, IX NTSC - Green, ATV - Blue
WTOL-NTSC Ch. 11 ERP 316.0 HAAT 304.6
TOLEDO OH Dir. Ant.
Date: 05 10 97 Scale points 41.67 83.35 115.21