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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WRITER'S DIRECT DIAL NUMBER (202) 887-4377

July 8, 1997

BY HAND DELIVERY

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

Re: Television LMA Response
MM Docket Nos. 91-221, 87-8, 94-150, 92-51, and 87-154

Dear Mr. Caton:

Enclosed for filing on behalf of Pegasus Broadcasting of San Juan, L.L.C., licensee of Station WAPA-TV, San Juan, Puerto Rico (the "Brokering Station"), and Southwestern Broadcasting Corporation, licensee of Station WVEO(TV), Aguadilla, Puerto Rico (the "Brokered Station"), are an original and four copies of a response to the Public Notice released June 17, 1997, in which the Commission seeks certain information concerning television local marketing agreements. Questions or correspondence concerning the Brokered Station should be directed to:

Nora E. Garrote, Esq.
Piper & Marbury, L.L.P.
1200 19th Street, N.W. Suite 700
Washington, D.C. 20036
202-861-3900 (T)
202-223- 2085 (F)

Questions or corresponding concerning the Brokering Station should be directed to the undersigned.

Very truly yours,

Margaret L. Tobey, P.C.

Margaret L. Tobey, P.C.

cc: Nora E. Garrote, Esq.

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LMA REPLY FORM

	Call Sign & Channel No.	Network Affiliation	Community of License	Licensee	Degree of Overlap (%) ¹			Nielsen (all day) Audience Share ² (9am-Midnight)				
					City Grade	Grade A	Grade B	Nielsen DMA	Nielsen Market Rank	11/96	2/97	5/97
Brokered Station	WVEO Channel 44	N/A	Aguadilla, PR	Southwestern Broadcasting Corporation	0	0	96	N/A	N/A	N/A	N/A	N/A
Brokering Station	WAPA Channel 4	N/A	San Juan, PR	Pegasus Broadcasting of San Juan, L.L.C.				N/A	N/A	N/A	N/A	

LMA SPECIFICS:

Date of LMA Signing	Length of Initial Term	Initial Term Start Date	Initial Term End Date	Renewal Provisions/Terms	% Time Brokered Per Week
12/14/94	3 years	1/1/95	12/31/97	Two-year extension at broker's option. The agreement is cancellable by either party upon 30 days' written notice.	Substantially all. (Four hours per week reserved for brokered station.)

¹ These overlap percentages were calculated based on the FCC's predicted methodology. Due to Puerto Rico's mountainous terrain, actual coverage is significantly reduced. See Statements of John F.X. Browne, P.E. and Public Interest Benefits attached hereto.

² The Commission has previously noted that Puerto Rico is excluded from Nielsen's DMA rankings and ratings service. See WLDI, Inc., 10 FCC Rcd 12150, 12151 n.5 (1995).

PUBLIC INTEREST BENEFITS:

More than 20 years ago -- long before the recent surge in the use of television LMAs -- the Commission recognized that, due to Puerto Rico's unusual economic circumstances and unique and extreme topography, the commercial television stations operating on the island had developed a system of originating and rebroadcasting stations for distributing most programming in Puerto Rico. See Channel 7, Puerto Rico, 58 F.C.C.2d 1148, 1151 (1975). At that time, the Commission noted that four stations originated the bulk of Puerto Rico's commercial television, three of which were rebroadcast by other stations, and that WAPA-TV -- one of the originating stations -- had for many years had a rebroadcast arrangement with WOLE-TV, Aguadilla. That arrangement expired at the end of 1994, and WAPA-TV entered into rebroadcast agreements with two other stations: WTIN, Ponce, and WVEO, Aguadilla, which remain in effect.

The Commission has frequently described the adverse impact of Puerto Rico's extreme topography on over-the-air broadcasting. For example, in its 1975 decision, the Commission observed that "the terrain in Puerto Rico is quite rugged, with a central mass dividing the island into northern and southern portions except at the ends, and other high areas. This means that useful TV service from any given station is limited, usually not extending beyond the Grade A contour and sometimes not being satisfactory within that contour. This necessitates the rebroadcast arrangements mentioned" Id. More recently, the Commission noted that the area between WTIN and WVEO is mountainous and neither station is likely to be received much beyond its immediate community of license and that while these communities are not underserved or unserved, the economic conditions existing in Puerto Rico "indicate that satellite operations or rebroadcast arrangements are a necessity. . . . [W]ithout the use of satellite operations or rebroadcast arrangements, television operations and programming choices beyond San Juan would be limited." See Hector Nicolau, 5 FCC Rcd 6370(1990); accord Canal 48, Inc., 8 FCC Rcd 2193, 2194 (1993).

As envisioned by the FCC, the rebroadcast agreement between WAPA-TV and WVEO enhances the choices available to residents of Puerto Rico living beyond the effective reach of WAPA's signal. Thus, these viewers have available to them more local news and more locally produced educational and informational programming for children, as well as a wide array of entertainment programming, than they would have in the absence of the agreement.

B**COVERAGE CONSIDERATIONS****WAPA-TV San Juan, PR****&****Affiliated Stations****WTIN - Ponce (PR) & WVEO - Aguadilla (PR)****Background**

WAPA-TV, Channel 4, San Juan, serves the Island of Puerto Rico through its main transmitter (located near Cayey, PR) and via retransmission agreements with WTIN, Channel 14, Ponce, and WVEO, Channel 44, Aguadilla.

Use of these latter facilities is necessary because of the mountainous terrain which characterizes the Puerto Rican landscape. A central range of mountains, reaching over 4,000 feet above sea level, essentially divides the northern and southern portions of the island. In addition, there is significant population on the western tip of the island (Aguadilla and Mayaguez being the principal cities) which cannot be served from a transmitter sited on the central portion of the island (e.g., the location of the transmitter intended to serve San Juan). Thus, it is necessary to have two or three facilities (transmitters) in order to reach the dispersed population of the island^{1/}.

This statement addresses some of the coverage issues and sets-forth comparisons of coverage area statistics.

^{1/} Several years ago, WAPA sought authorization for a booster station (operating on Channel 4) but could not satisfy the Commission or the licensee of adjacent channel 3 that harmful interference to the reception of channel 3 would not be caused by the booster. WAPA also operates some translators in an attempt to serve low-lying communities located in intermountain areas having no line-of-sight to its transmitter.

Analysis Methodology

It is a well known fact that computing coverage based on standard (NTSC) FCC methodology yields erroneous results when applied in areas of mountainous or irregular terrain. This is due primarily to the fact that the terrain on which the "antenna heights above average terrain" calculations are based is limited to the terrain within the range of 2-10 miles (3-16 km) from the transmitter site. The result is, typically, an over-prediction of coverage or distances to the Grade A and Grade B contours. This is certainly the case in Puerto Rico.

Figure 1 depicts the WAPA Grade A and B contours generated by the FCC methodology. It will be noted that the entire island is within the WAPA Grade B contour. Within these "service" contours, there are extensive areas where there is no direct off-air service possible because of the effects of the mountainous terrain. A detailed study of the WAPA service has been made using the Longley-Rice Point-to-Point propagation analysis methodology. The results of this study are depicted in Figure 1A. (Because of the scale of the exhibit, it is not possible to depict all "shadowed" areas, particularly those which are relatively small compared to the area within the Grade B contour.)

Further studies indicated that significant improvements could be achieved within its Grade B service area if WAPA had the ability to retransmit its signals from facilities sited to serve the central/southwest/northwest areas and the western tip of the island.

WAPA's retransmission agreements with WTIN and WVED serve this objective.

Figure 2 depicts the coverage achieved by WTIN^{2/} as computed by FCC methodology and Figure 2a depicts the Longley-Rice coverage. Note that neither facility adequately serves the west coast cities of Mayaguez and Aguadilla.

Figure 3 depicts the combined coverage of WAPA and WTIN.

^{2/} WTIN is in the process of completing the construction of a new transmission facility on Cerro Jayuya, a very high mountain in the central portion of the island. The coverages depicted are based on this facility.

Figure 4 depicts the coverage of WVEO based on FCC methodology, Figure 4a depicts the coverage of WVEO based on the Longley-Rice methodology. Figure 5 depicts the total coverage (composite) achieved by the three stations (FCC F50,50) and Figure 5a depicts the correspondence Longley-Rice (LR50,50) composite coverage. Note that only a small area in the southwest part of the island does not receive service with the combined configuration.

Overlap

It is clear from Figure 6 and Figure 7 that the predicted Grade A, Grade B and City Grade contours of WAPA are overlapped by the respective contours of WTIN; only the Grade B contour of WVEO overlaps the Grade B contour of WAPA^{2/}. The estimated overlap areas are tabulated below [percentage of total area in each (WAPA) contour overlapped by corresponding contour of the other station]:

	<u>Percent Overlap</u>		
	City	A	B
WAPA Overlap by WTIN	<u>31</u>	<u>49</u>	<u>97</u>
WAPA Overlap by WVEO	<u>0</u>	<u>0</u>	<u>96</u>

(The coverage provided by the WAPA translators has not been considered in this analysis.)

These overlaps are based on standard FCC F50,50 prediction methodology. The Longley-Rice approach would yield more precise data and would, no doubt, show considerably less "overlap".

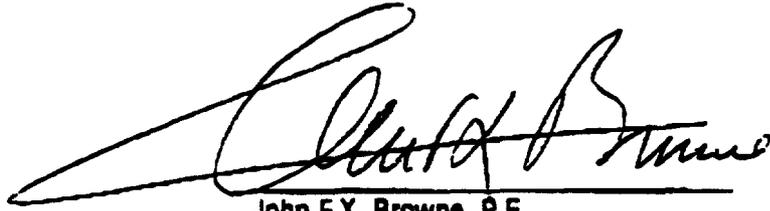
^{2/} A small portion of the WAPA Grade A contour is overlapped by the WVEO Grade B contour. This area is included under Grade B overlap.

B

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Certification

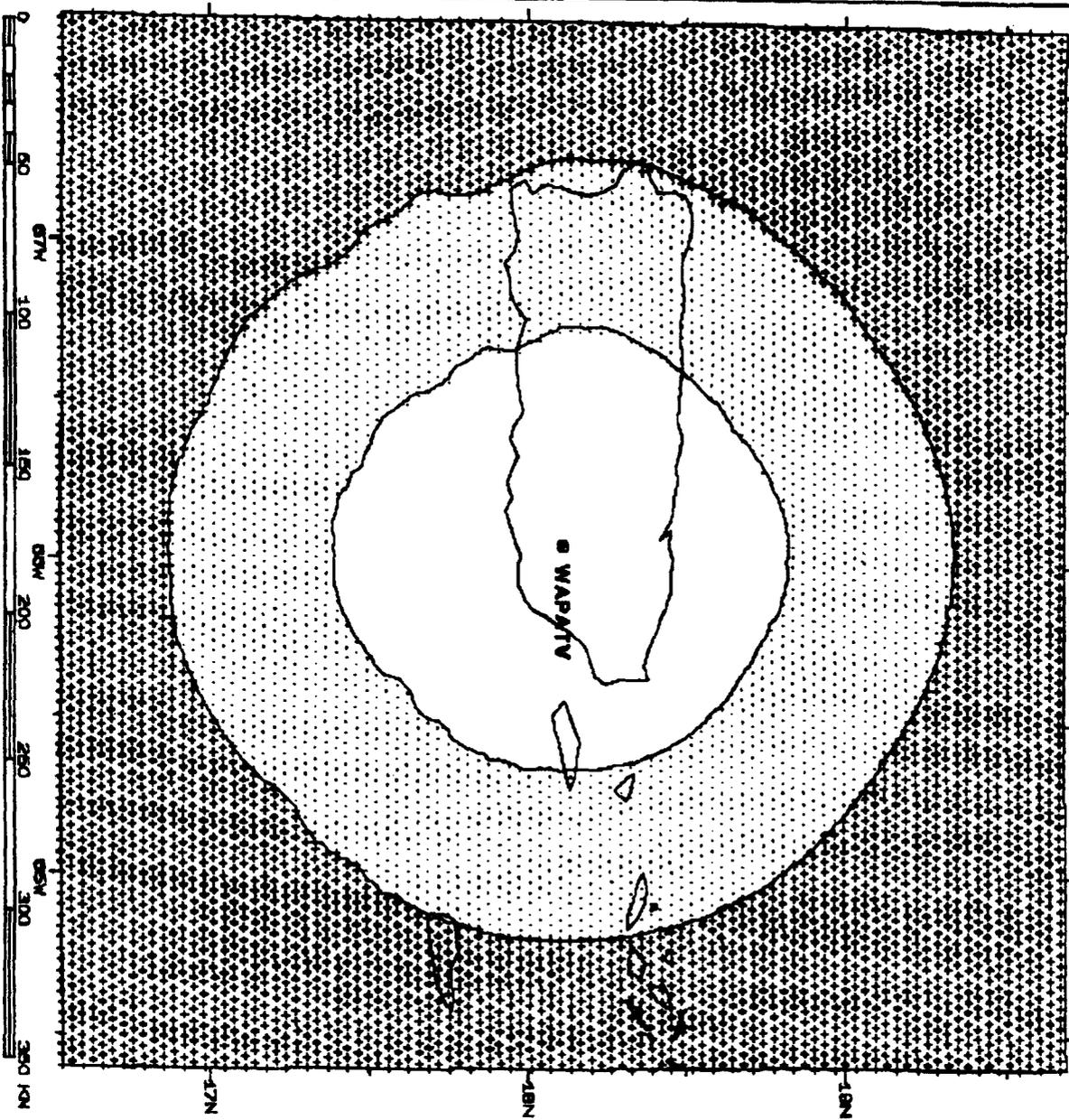
This statement with associated exhibits was prepared by me or under my direction. All assertions contained in the statement are true of my own personal knowledge except where otherwise indicated and these latter assertions are believed to be true.

A handwritten signature in black ink, appearing to read "John F.X. Browne". The signature is written in a cursive style with a large, sweeping initial "J".

John F.X. Browne, P.E.
July 7, 1997

Figure 1

TA Services
 BIII
 FOG 50/50 SAN JUAN
 21-Apr-87 22:41:13
 CS003Mey10972614.dues



- Field Intensity (dBuV/m)
- Greater than 60.00
 Area: 17800 sq km
 Population: 2704000
 Households: 807800
 - 47.00 to 60.00
 Area: 30840 sq km
 Population: 809000
 Households: 244000
 - Less than 47.00
 Area: 67950 sq km
 Population: 6000
 Households: 2000

Figure 1a

BROWNE ASSOCIATES
Lou Raymo
WAPA CH 4
18-Oct-98 10:34:47

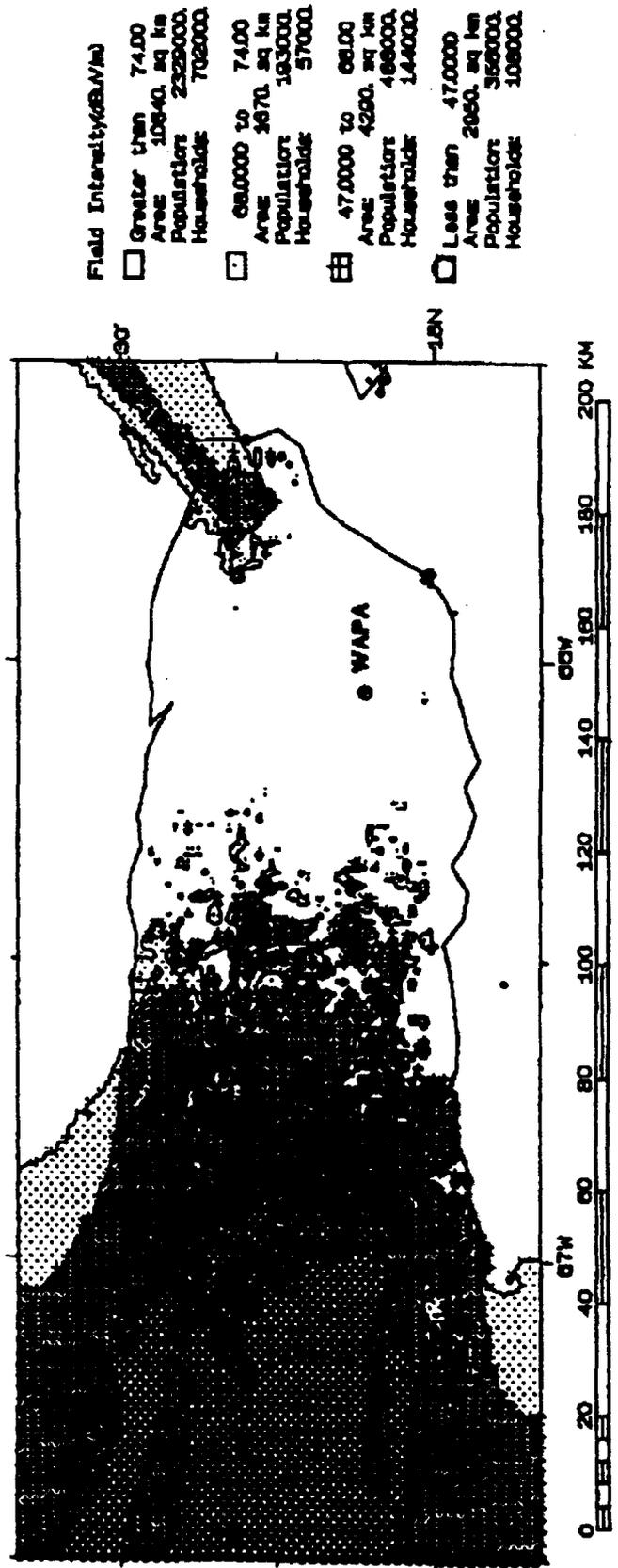


Figure 2

TA Services
 Bill
 FCC 60/50 PONCE
 21-Apr-87 22:41:13
 CS003may16971584.dwg

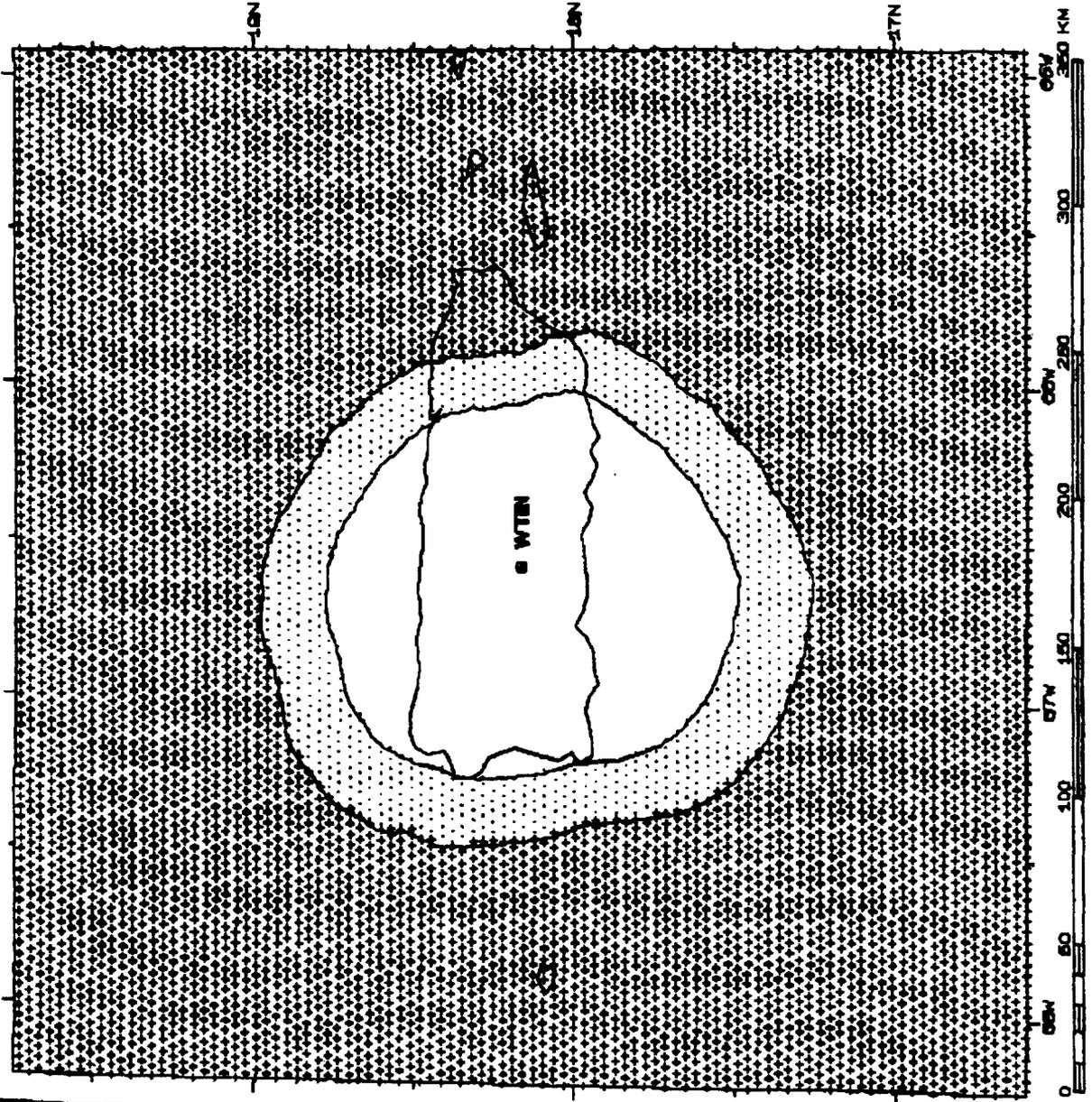
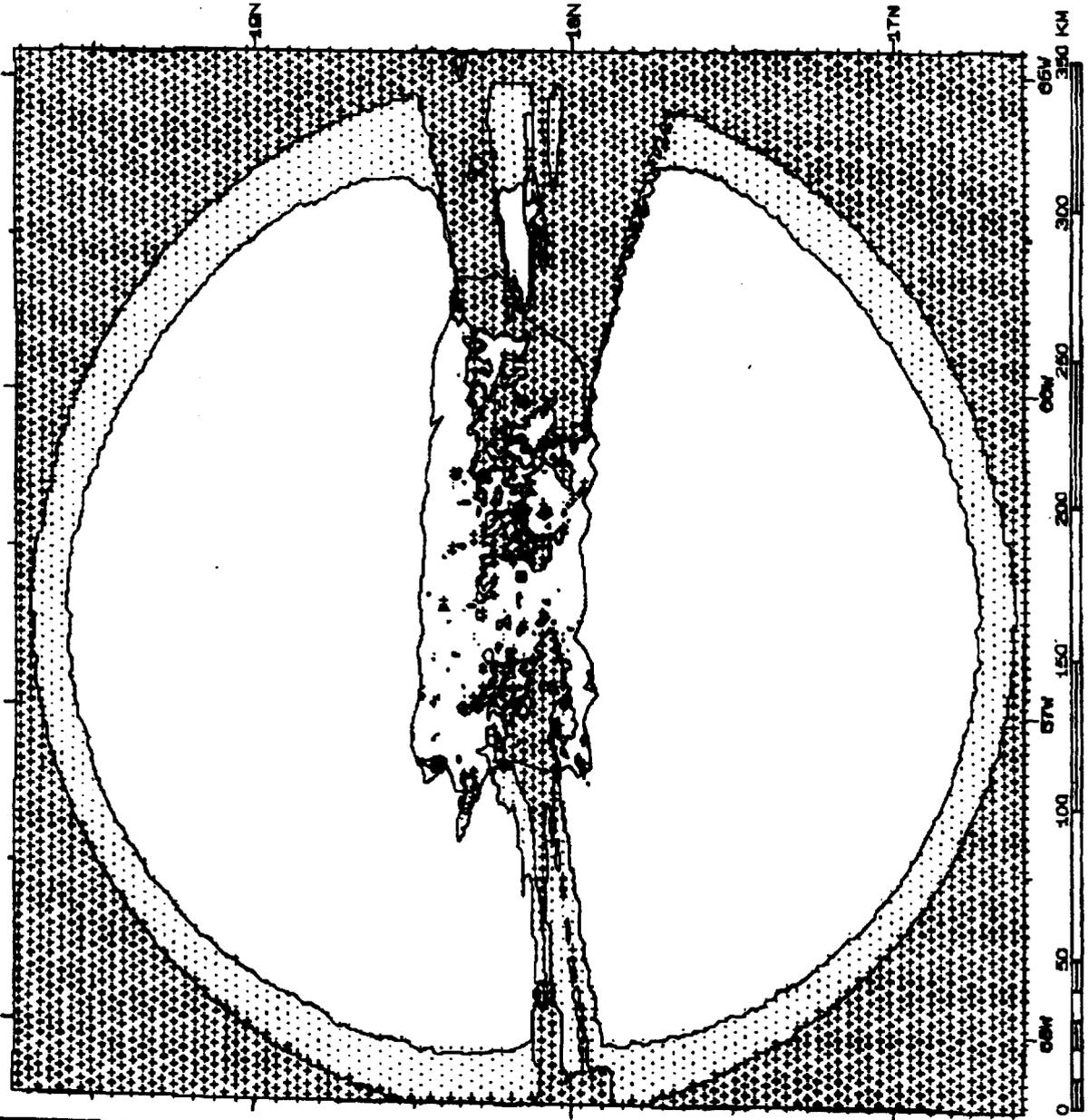


Figure 2a

TA Services
Bill
LR 60/60 PONCE
21-AR-97 22-41-13
CS003way1997Z561.qes



Field Intensity(dB/M/m)

Greater than 74.00	Area: 69960. sq km
64.00 to 74.00	Area: 16610. sq km
Less than 64.00	Area: 36130. sq km
	Population: 2471000.
	Population: 257000.
	Population: 877000.
	Households: 746000.
	Households: 77000.
	Households: 260000.

Figure 3

TA Serv1099
Bill
WAPANTIN LR50.60 Composite
21-Apr-87 22:41:13
R9274J00697C.qes

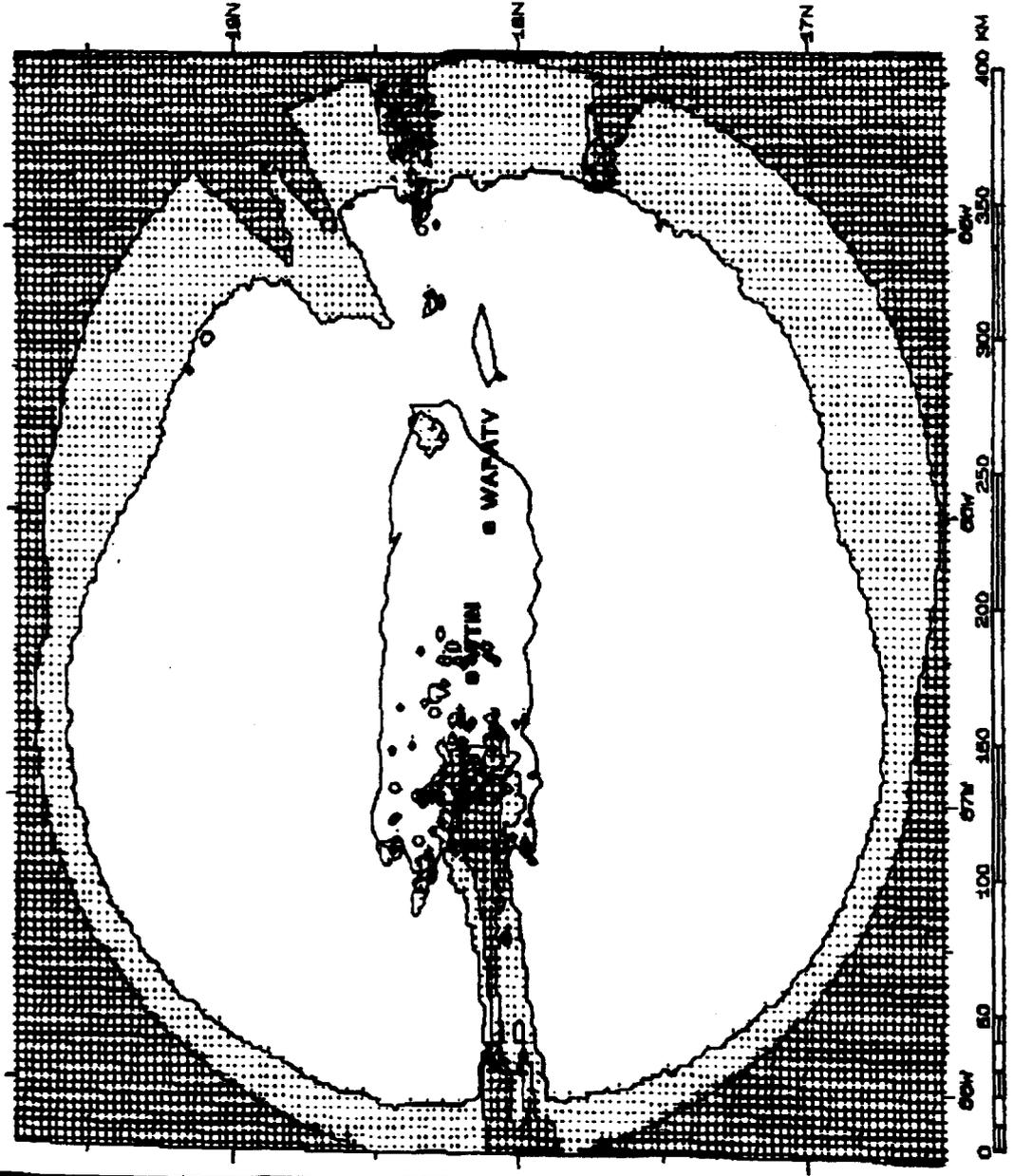
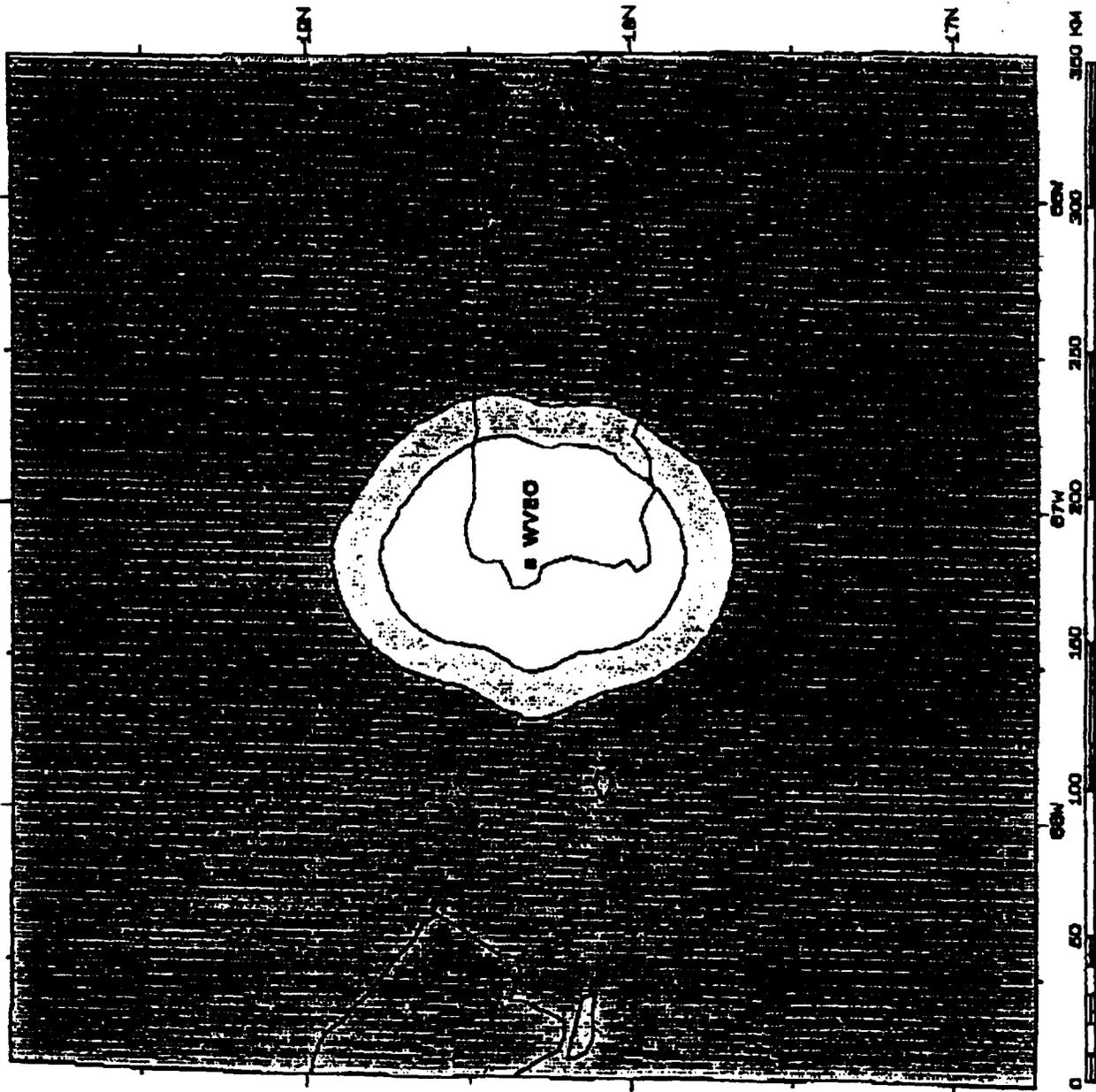


Figure 4

TA Services
TA Services
FCC 60/80 AGUADILLA
21-ADR-97 22-41113
05003May1997Z384.dwg



Signal Intensity (dBm/m)

Figure 4a

TA Services
TA Services
LR 50/50 AGUADILLA
21-Apr-97 22:41:13
CS003May1997Z381.ques



Field Intensity(dBuV/m)

□	Greater than 74.00
	Area: 16820. sq km
	Population: 487000.
	Households: 149000.
▨	84.00 to 74.00
	Area: 8480. sq km
	Population: 75000.
	Households: 22000.
▩	Less than 84.00
	Area: 97290. sq km
	Population: 3007000.
	Households: 900000.

Figure 5

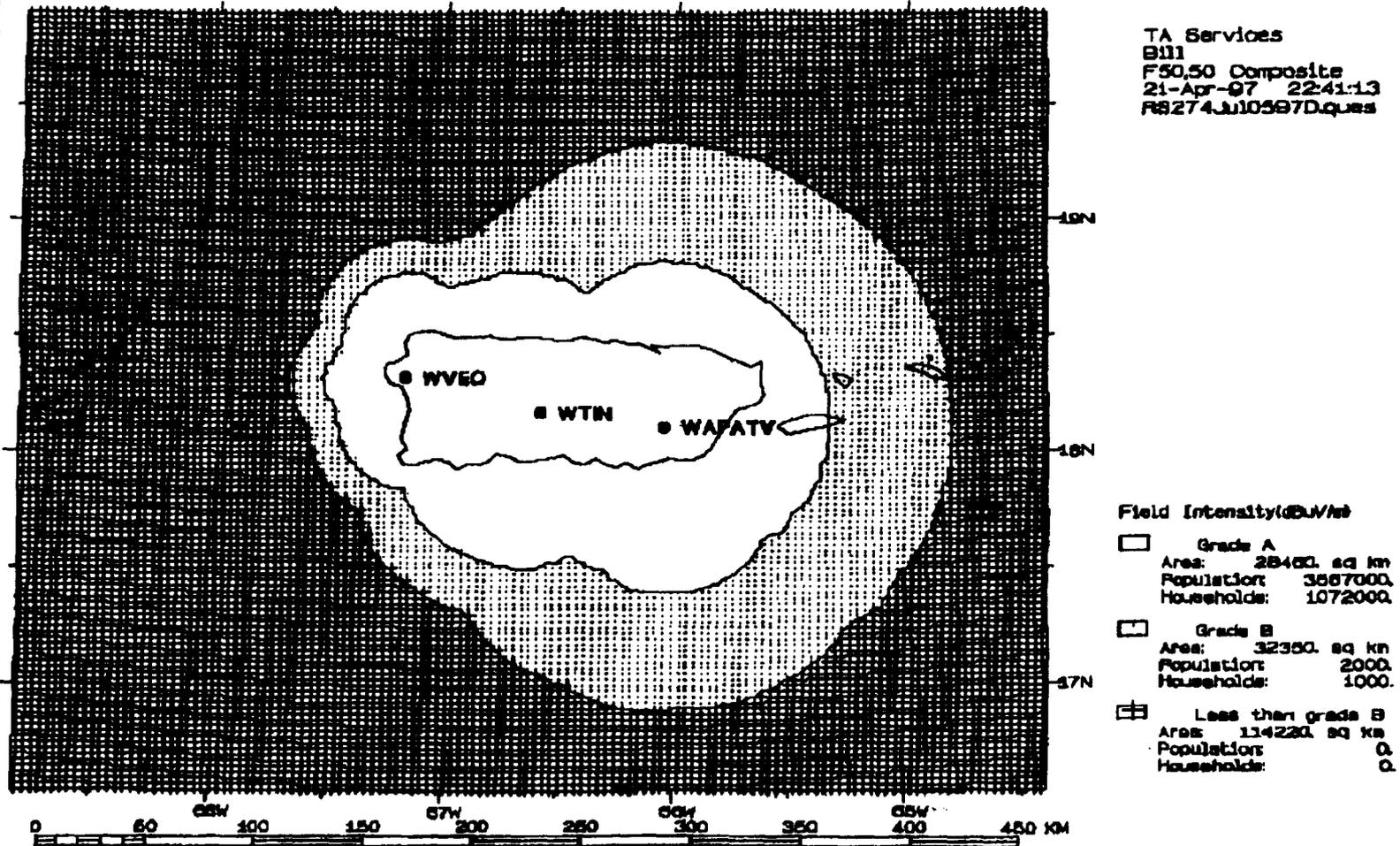


Figure 5a

TA Services
Bill
LR50.50 Composite
21-Apr-97 22:41:13
RSZ74J10587E.QUES

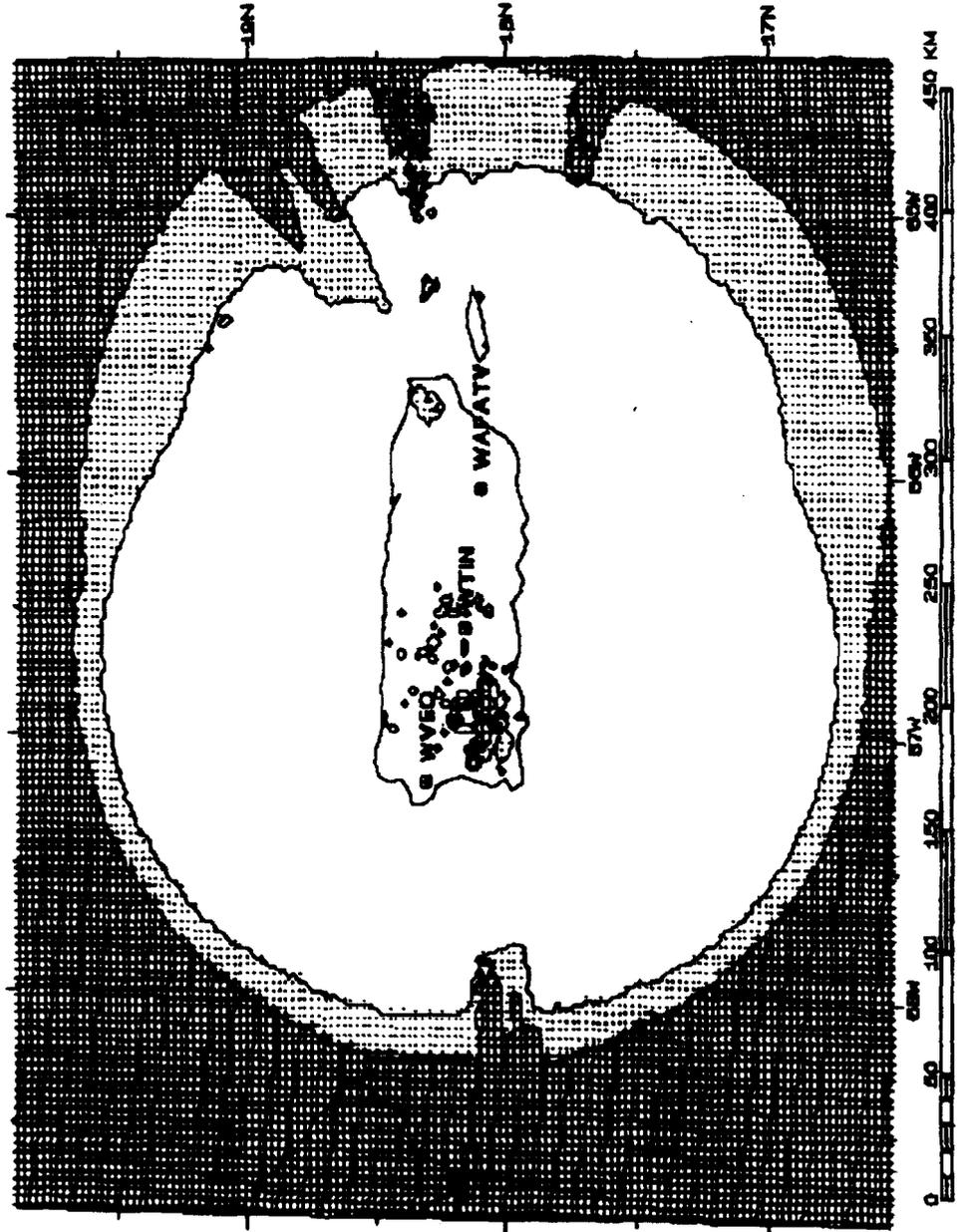


Figure 6

TA Services
 Bill
 FCC 60/50 SAN JUAN
 21-Apr-87 22:41:13
 CS003\m\1.00\72614.qus

Field Intensity(dBµV/m)

□	Greater than 69.00
	Area: 17800 sq km
	Population: 2704000
	Households: 607000
□	47.00 to 69.00
	Area: 38840 sq km
	Population: 609000
	Households: 244000
□	Less than 47.00
	Area: 67850 sq km
	Population: 6000
	Households: 2000

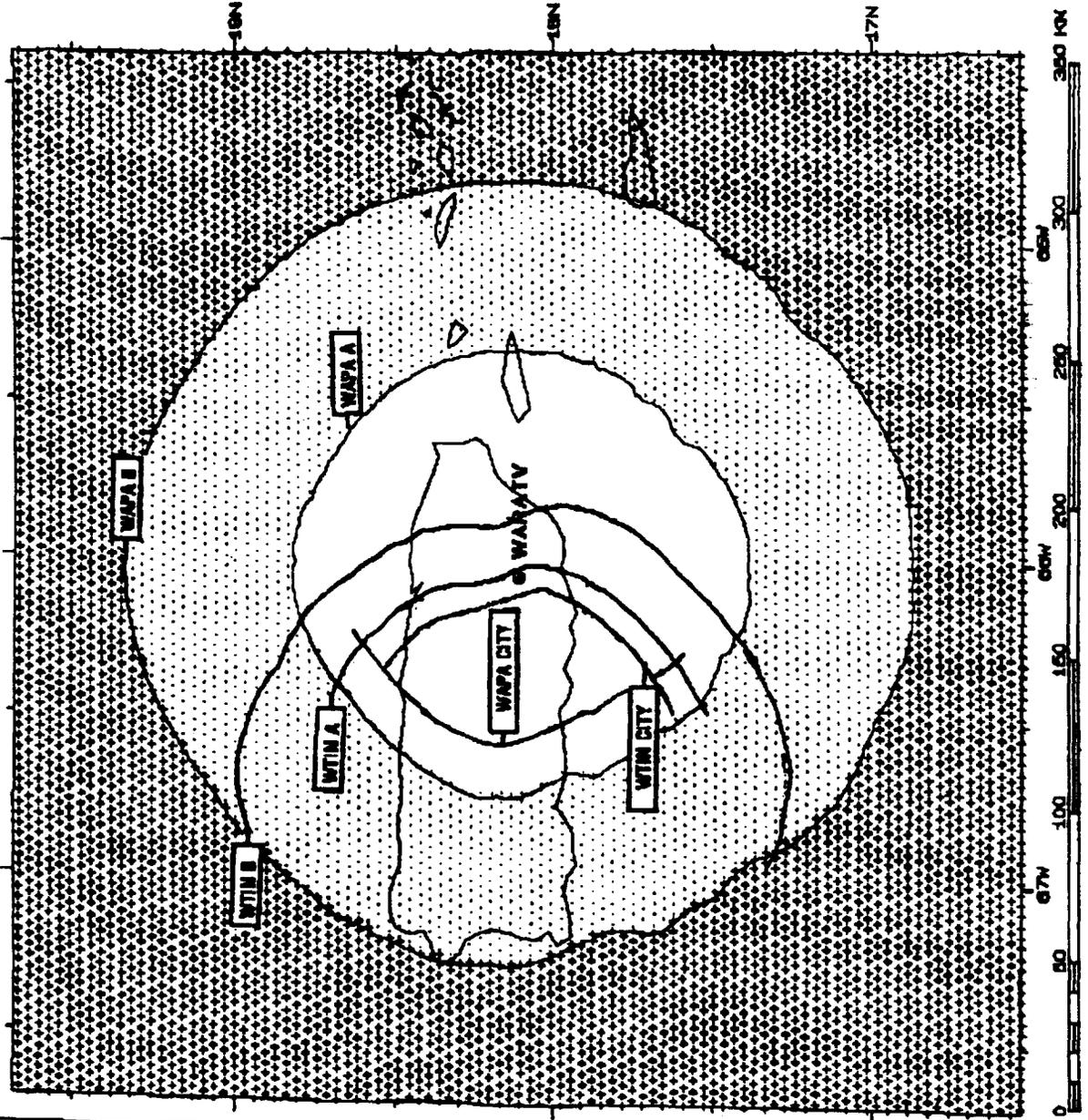


Figure 7

TA Services
 BU11
 FCC 60/50 SAN JUAN
 21-Apr-87 22:41:13
 CS003May1987Z614.qnes

Field Intensity (dBμV/m)

□	Greater than 66.00
	Area: 37600 sq km
	Population: 2704000
	Households: 607000
◻	47.00 to 66.00
	Area: 30640 sq km
	Population: 609000
	Households: 244000
◻	Less than 47.00
	Area: 67960 sq km
	Population: 5000
	Households: 2000

