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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Advanced Television Systems )  
and Their Impact upon the )  
Existing Television Broadcast )  
Service )  
)

MM Docket No. 87-268

To: The Commission

**OPPOSITION TO PETITION FOR RECONSIDERATION**

Cosmos Broadcasting Corporation ("Cosmos"), licensee of television station WFIE(TV), NTSC Channel 14, Evansville, Indiana, by its attorneys, and pursuant to 47 C.F.R. § 1.429(f), hereby opposes the Petition for Reconsideration ("Petition") of the *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*"), filed June 13, 1997, by Gilmore Broadcasting Corporation ("GBC"). GBC proposes a change to the DTV Table of Allotments with respect to WFIE(TV). Cosmos wholly supports the Commission's movement toward full implementation of digital television ("DTV") and applauds the Commission's efforts to bring this new television service to the American public. The Commission has gone to great lengths to assure that the burden of the transition to DTV would be equitably distributed among all broadcasters. Accordingly, Cosmos asks the Commission to reject GBC's petition to the extent that it is unfair to ask WFIE(TV) to shoulder the burden solely due to the request of another.

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WFIE(TV) was assigned DTV Channel 58 in the *Sixth R&O*.<sup>1/</sup> According to GBC's petition, it is the licensee of WEHT(TV), NTSC Channel 25, Evansville, Indiana, which was allotted DTV Channel 59. GBC requests that WFIE(TV)'s DTV channel be reassigned due to concerns of first-adjacent channel interference. Cosmos does not oppose the efforts of WEHT(TV) to remedy this problem where it seeks an alternate available channel for itself (provided that such new channel meets the Commission's standard of causing "no new interference"). Cosmos does oppose GBC's attempt to resolve the interference problem by forcing WFIE(TV) to modify its own allotment or by demonstrating that the proposed reallocation is unacceptable. This burden-shifting approach is untenable, especially where GBC provides no alternatives, no comparisons and no interference analysis regarding any possible relocation for WFIE(TV). Furthermore, as the Technical Exhibit shows ("Attachment A"), the spacing between the adjacent DTV allotments of WFIE(TV) and WEHT(TV) is in compliance with the Commission's rules, suggesting that there may be no interference problem.

While Cosmos would support efforts to resolve an adjacent-channel interference problem, should it manifest itself, GBC's request to relocate WFIE(TV) is not the proper method for achieving this objective. Should there be an interference concern, if GBC wishes the Commission to remedy this problem, it should propose a feasible alternative for itself before seeking to force another broadcaster to move to another channel (and likely initiating a ripple of new interference across adjacent communities). GBC must provide concrete

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<sup>1/</sup> Cosmos filed a petition for reconsideration of the Sixth R&O seeking to change its allotment to DTV Channel 4.

evidence to show that any proposed modification — whether of its channel assignment or that of another station — would, in fact, result in no new interference. For the foregoing reasons, Cosmos requests that the Commission reject the GBC Petition for the reassignment of Channel 58 as the DTV allotment for WFIE(TV) in Evansville, Indiana.

Respectfully submitted,

COSMOS BROADCASTING CORPORATION

By:   
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Dated: July 18, 1997

**ATTACHMENT A**

**Technical Exhibit**

TECHNICAL STATEMENT  
COSMOS BROADCASTING CORPORATION  
STATION WFIE(TV)  
EVANSVILLE, INDIANA

This statement was prepared on behalf of Cosmos Broadcasting Corporation, licensee of television broadcast station WFIE(TV) on NTSC Channel 14 at Evansville, Indiana and supports a reply comment to a petition for reconsideration for 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"). Specifically, Cosmos is replying to the comments submitted by Gilmore Broadcasting Corporation, licensee of WEHT(TV) on NTSC Channel 25 at Evansville, Indiana.

Within the WEHT(TV) comments, a request was made to substitute a lower DTV channel than the allocated Channel 59. WEHT(TV) is allocated a DTV channel which is adjacent to the Cosmos WFIE(TV) Channel 58 DTV allotment. WEHT(TV) is concerned about the adjacency of the DTV channels in the same market and the potential for interference.

According to the Commission's required separation distances specified in Section 73.623(d) of the Rules, adjacent channel DTV stations are not permitted between a separation distance of 40.2 kilometers and 96.6 kilometers

of each other in Zone I. The actual separation distance between the WFIE(TV) and WEHT(TV) DTV allotment reference geographic coordinates is 4.9 kilometers. Therefore, the two adjacent DTV allotments are in compliance with the Commission's Rules.

Cosmos wants to be abundantly clear that if the Commission wishes to resolve this particular allotment concern, only the WEHT(TV) DTV channel should be reallocated. Cosmos does not believe the WFIE(TV) DTV channel should be reallocated solely by a concern of another party. However, this concern does not hinder WFIE(TV) from exclusively pursuing a reallocation of its DTV channel based on its own comments which are on record at the Commission.



Charles A. Cooper

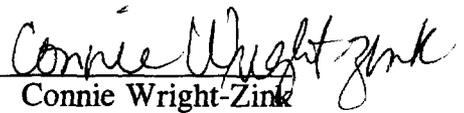
July 17, 1997

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Opposition of Cosmos Broadcasting Corporation was sent by first-class mail, postage prepaid, this 18th day of July, 1997, to each of the following:

Jerry V. Haines, Esq.  
Wiley, Rein & Fielding  
1776 K Street, NW  
Washington, DC 20006

  
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Connie Wright-Zink