

ORIGINAL

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

DOCKET FILE COPY ORIGINAL

In the Matter of)
)
)

Amendment of Section 73.622(i),)
Post Transition Table of DTV Allotments,)
Television Broadcast Stations)
(Dayton, Ohio))
)
)
)

MB Docket No. 14-159
RM-11735

Accepted/Files

OCT 27 2014

Federal Communications Commission
Office of the Secretary

To: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Attention: The Chief, Video Division, Media Bureau

**COMMENTS OF WISE-TV LICENSE, LLC, AND
GRANITE BROADCASTING CORPORATION**

WISE-TV License, LLC, licensee of WISE-TV, Fort Wayne, Indiana, and its parent corporation, Granite Broadcasting Corporation (collectively "Granite") hereby submit comments in the above-captioned proceeding in opposition to the proposal of WKEF Licensee, L.P. ("WKEF") for the substitution of channel 18 for channel 51 for use by television station WKEF(TV) at Dayton, Ohio, as set forth in the *Notice of Proposed Rulemaking*, MB Docket No. 14-159, DA 14-1344 (released September 18, 2014) (the "Notice"). As demonstrated below and in the Engineering Statement of Stanley Salek, P.E. of Hammet and Edison, Inc., attached hereto

No. of Copies rec'd 0+1
List ABCDE

as Attachment A (“*Engineering Statement*”), the WKEF proposal set forth in the *Notice* fails adequately to protect the licensed television signal of WISE-TV.

The engineering exhibit accompanying the initial WKEF petition included an interference analysis under which the calculated interference to WISE-TV was supposedly 0.4871%, a figure that on its face appeared to meet the Commission’s 0.5% *de minimis* criteria. As the *Engineering Statement* indicates, however, this appearance of compliance is an artifact of mixing parameters measured with varying levels of precision. A determination of calculated interference to WISE-TV’s licensed facilities using the Commission’s OET-69 *tv_process* methodology with the highest available resolution for cell size (0.5 kilometers per side) and also the highest available resolution for terrain extraction (10 points per kilometer) yields a percentage figure for calculated interference of 0.6818%--a level 36.4% greater than the Commission’s rules and policies permit under the Commission’s 0.5% *de minimis* standard. See *Engineering Statement* at 2.

As a matter of consistent practice and common sense, the Commission gives precedent to OET-69 interference studies that, like those in the *Engineering Statement*, use higher-resolution parameters. As the *Engineering Statement* indicates, Hammet & Edison derived the non-complying 0.6818% calculated interference figure for WKEF’s proposal by using the highest available resolution for cell size and terrain extraction. The lower calculated interference figure cited in the WKEF petition resulted from the use of a lower resolution cell site. As the *Engineering Statement* demonstrates, the appearance of compliance in the WKEF petition upon which the Commission apparently relied in issuing the *Notice* is thus the result of WKEF’s decision to employ reduced resolution for its calculations. When the same calculations are performed with more precise parameters, the WKEF proposal fails to comply by a substantial

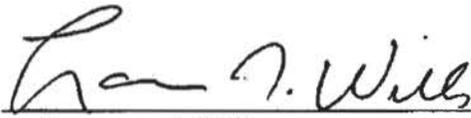
margin, with 36.4% greater level of calculated interference than the Commission's rules and policies permit. The Commission therefore should reject WKEF's proposal as non-compliant and terminate the above-captioned proceeding without further action, unless WKEF can re-engineer its proposal so that it actually complies with the Commission's rules.

Rejection of the current WKEF proposal also would vindicate the Commission's policy against parties' "shopping" for cell sizes in ways that do not contribute to accuracy. As the *Engineering Statement* indicates, WKEF could not achieve a facially compliant 0.4871% interference figure using the default parameters in the Commission's OET-69 *tv_process* software. Rather, to achieve that figure, WKEF needed to pair the highest practical terrain extraction resolution parameter with the software-default cell size of two kilometers, a cell size two steps less precise than the most precise available choice and, at four square kilometers, sixteen times larger than the 0.25 square kilometers cell size used to derive the figures in the attached *Engineering Statement*, which were produced using the most precise parameters practicable.

In sum, as the *Engineering Statement* demonstrates, the WKEF proposal as described in the *Notice* would cause calculated interference to WISE-TV substantially in excess of the Commission's *de minimis* threshold. WKEF achieves its appearance of compliance through the selection and use of less precise parameters for the interference calculation. Because the proposal in the *Notice* exceeds the Commission's *de minimis* criteria, the Bureau should reject the current WKEF proposal and terminate the above-captioned proceeding or require WKEF to submit an amended engineering proposal.

Respectfully submitted,

**WISE-TV LICENSE, LLC, and
GRANITE BROADCASTING CORPORATION**

By:  _____

Lawrence I. Wills
Chief Financial Officer
Granite Broadcasting Corporation
767 Third Avenue, New York, NY 10017

(212) 826-2530

October 27, 2014

Station WISE-TV • Channel 18 (V33) • Fort Wayne, Indiana

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by WISE-TV License, LLC, licensee of Station WISE-TV, Channel 18, Fort Wayne, Indiana, and parent Granite Broadcasting Corporation, to prepare an engineering statement supporting opposition to the proposal of WKEF Licensee, L.P., for the substitution of Channel 18 for Channel 51 to be used by TV Station WKEF, Dayton, Ohio, as set forth in the *Notice of Proposed Rulemaking*, MB Docket No. 14-159, DA 14-1344, released on September 18, 2014 (the “*Notice*”).

Background

Station WISE-TV is licensed to serve Fort Wayne, Indiana, on TV Channel 18 (FCC File No. BLCDT-20091103ACK) with 320 kilowatts ERP at a radiation center height of 470 meters above mean sea level (AMSL) using a nondirectional transmitting antenna. TV Station WKEF is licensed to serve Dayton, Ohio, on TV Channel 51 (FCC File No. BLCDT-20100216ADG) with 515 kilowatts ERP at a radiation center height of 616.1 meters AMSL using a nondirectional transmitting antenna.

In its Petition for Rulemaking to change the DTV Table of allotments (FCC File No. BPRM-20140815ADV), upon which the *Notice* is based, WKEF proposes to change its operating channel to 18, to install a new directional transmitting antenna at the same location and height as the licensed antenna, and to operate that antenna at 525 kilowatts ERP. In its Petition, WKEF states that co-channel WISE-TV, with transmitting facilities located 172 kilometers northwest of the WKEF transmitting facilities, would be afforded interference protection in accordance with present FCC rules and policies.

Proposed WKEF Interference Exceeds FCC 0.5% *de minimis* Criteria

The engineering exhibit accompanying the WKEF Petition includes an interference analysis, in which the calculated interference to WISE-TV is 0.4871%, which would meet the FCC 0.5% *de minimis* criteria. However, in conducting its analysis using the FCC OET-69 tv_process computer software, WKEF uses the default cell size of 2 kilometers per side, but instead of using the default terrain extraction resolution of 1 point per kilometer, WKEF uses a finer (10 points per kilometer) resolution.

It is acknowledged that FCC policy has been to give precedence to OET-69 interference studies that utilize higher resolution parameters.* Ten points per kilometer is the highest practical terrain

* See Report and Order to FCC MB Docket 07-91, *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, released December 31, 2007, at Paragraphs 155 and 165. The Commission discusses “more accurate showings of DTV coverage based on smaller cell sizes, while discouraging the practice of ‘shopping’ for cell sizes, which doesn’t contribute to improved accuracy.”



Station WISE-TV • Channel 18 (V33) • Fort Wayne, Indiana

extraction resolution, but there are two higher resolution selections available for cell size, those being 1 kilometer per side and 0.5 kilometers per side.

An engineering analysis performed using tv_process with the parameters specified in the WKEF Petition, using the highest available resolution for cell size (0.5 kilometers per side) and for terrain extraction (10 points per kilometer), yields 0.6818% interference to the licensed WISE-TV from the proposed WKEF operation, which fails to meet FCC *de minimis* interference criteria. This result would take precedence over the results of the lower-resolution WKEF analysis.

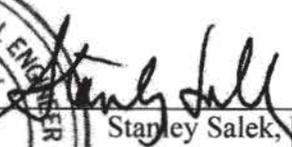
Conclusion

The operation proposed in the WKEF Petition for Rulemaking to change the DTV Table of Allotments fails to protect the licensed co-channel operation of Station WISE-TV, Fort Wayne, Indiana, when the highest available resolution for cell size and terrain extraction are used in an FCC OET-69 interference analysis. Therefore, the Petition is defective and should be either amended to meet FCC interference criteria or rejected.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration No. E-14217, which expires on June 30, 2015. This work has been carried out by him or under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

October 22, 2014

 
Stanley Salek, P.E.

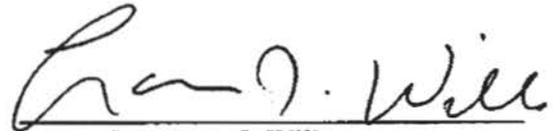
CERTIFICATE OF SERVICE

I, Larry Wills, Chief Financial Officer of Granite Broadcasting Corporation, do hereby certify that I caused a true and correct copy of the foregoing "Comments of Granite Broadcasting Corporation and WISE-TV License, LLC, to be served by first-class U.S. mail, postage-prepaid, unless otherwise indicated below, on the 27th day of October, 2014 on the following:

Clifford M. Harrington, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128

Adrienne Denysyk, Esq.
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

(Service by email at:
Adrienne.Denysyk@FCC.gov)


Lawrence I. Wills