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September 14, 1999

**BY HAND DELIVERY**

Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington, DC 20554

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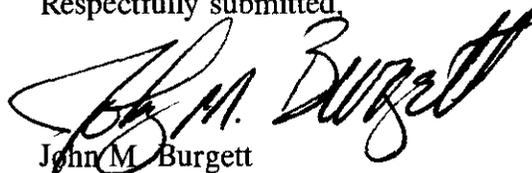
Re: WWL-DT, New Orleans, Louisiana  
Petition for Rulemaking

Dear Ms. Salas:

On behalf of WWL-TV, Inc., the licensee of WWL-TV, New Orleans, Louisiana, enclosed for filing is a Petition for Rulemaking to change the digital television Table of Allotments to specify Channel 36 in lieu of Channel 30 at New Orleans.

Please contact this office if there are any questions.

Respectfully submitted,

  
John M. Burgett

- cc: Gordon Godfrey, FCC
- John Morgan, FCC
- David Bennett, FCC
- Marian Spitzberg
- Bob Turner
- Al Rouff
- Jimmie Phillips (FOR PUBLIC FILE)
- Rick Barber

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

In the Matter of )  
)  
Amendment of Section 73.622(b) of ) MM Docket No.  
the Commission's Rules, DTV ) RM No.  
Table of Allotments )  
(New Orleans, Louisiana) )

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To: Chief, Allocations Branch

**PETITION FOR RULEMAKING AND  
REQUEST FOR EXPEDITED ACTION**

1. WWL-TV, Inc., by its attorneys and pursuant to Section 73.623 of the Commission's rules, 47 C.F.R. §73.623, hereby requests that the Commission institute a rulemaking proceeding for the purpose of amending the Table of Allotments for the digital television service ("DTV Table") to change the initial DTV channel allotment for station WWL-DT, New Orleans, Louisiana, from channel 30 to channel 36. In light of the impending November 1, 1999 deadline for WWL-TV, Inc. to file its DTV construction permit application, WWL-TV, Inc. respectfully requests expedited action on this Petition.

2. WWL-TV, Inc. is the licensee of television station WWL-TV, New Orleans, Louisiana, which currently operates on NTSC channel 4. The station has been allotted DTV channel 30 for its digital operations. As the attached engineering statement indicates, WWL-DT's proposed digital service on channel 30 will cause significant interference to the adjacent channel DTV allotments of WVUE-DT and WLAE-DT in New Orleans (DTV channels 29 and 31, respectively) and to WGBC-TV, NTSC channel 30, in Meridian, Mississippi.

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Specifically, the allotment of digital channel 30 to New Orleans will result in interference to 37,735 viewers.

3. WWL-TV, Inc. thus proposes to amend the DTV Table of Allotments to substitute channel 36 in place of channel 30 at New Orleans, for the use of WWL-DT. As demonstrated in the attached engineering exhibit, the allocation of channel 36 at the WWL-DT reference coordinates would be fully-spaced pursuant to the spacing criteria for new DTV allocations set forth in Section 73.622(d) of the Commission's rules, 47 C.F.R. §73.622(d). Moreover, such a change would result in no additional interference to any other authorized DTV broadcast station, DTV allotment or analog television station. See Section 73.623(c)(2) of the Commission's rules, 47 C.F.R. §73.623(c)(2). The proposed channel change would also eliminate the very real potential for interference among WWL-DT and adjacent channel stations WVUE-DT, WLAE-DT and WGBC-TV.

4. WWL-TV, Inc. acknowledges that two applications have been filed for vacant NTSC channel 36 at New Iberia, Louisiana. See FCC File Nos. BPCT-960612KF and BPCT-960920YI. However, each of these applications has requested a waiver of the Commission's freeze on the acceptance of applications for new NTSC stations imposed in *Advanced Television Systems and Their Impact on the Existing Television Broadcast Service*, RM-5811, 52 Fed. Reg. 28346 (1987). Consequently, neither application has been accepted for filing or been listed on any FCC Public Notice that provides a "cut-off" date for the filing of competing, mutually exclusive applications. Accordingly, pursuant to the *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders* in MM Docket No. 87-268, FCC 98-315 (rel. Dec. 18, 1998), these applications are not "pending" and, therefore, are not entitled to any protection whatsoever. Nevertheless, in view

of the Commission's expressed interest in bringing additional voices and services to television viewers, WWL-TV, Inc. authorized an engineering study to determine if another channel could be allotted to the community of New Iberia. As the attached engineering statement demonstrates, NTSC channel 43 may be allotted to New Iberia in compliance with the Commission's spacing and interference rules.

5. In light of the foregoing, WWL-TV, Inc. respectfully requests that the Commission expeditiously commence a rulemaking proceeding to amend the DTV Table of Allotments to allot and assign DTV channel 36 (in lieu of channel 30) to New Orleans, Louisiana, for use by WWL-DT.

Respectfully submitted,

WWL-TV, INC.

By:   
James R. Bayes  
John M. Burgett

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(202) 719-7000

Its Attorneys

September 14, 1999

SMITH AND FISHER

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of WWL-TV, INC., licensee of WWL-TV, channel 4, New Orleans, Louisiana, in support of its Petition for Rulemaking to change the DTV Table of Allotments, with the purpose of improving the digital allotment for WWL-DT.

WWL-TV has been allotted DTV Channel 30, with a nominal ERP of 1000 kw at 305 meters. Operation with this allotment would cause interference to WGBC, Channel 30, Meridian, Mississippi, WVUE-DT, Channel 29, New Orleans, and WLAE-DT, Channel 31, New Orleans, with such interference affecting a total of 37,735 persons. WWL-TV believes that such interference need not result from its operation.

[The interference studies discussed herein were based on the software of V-Soft, which is believed to closely mimic the Commission's interference program. Detailed tabulations are attached to this Statement as Figures 1 and 2.]

An interference study reveals if WWL-DT operated on Channel 36 with the allotted 1000 kw at 305 meters, no interference would be caused to any authorized analog facility or assigned digital station, clearly a preferable use of the television spectrum.

It is important to note that Channel 36 is allotted, as an analog channel, to New Iberia, Louisiana, and there are two pending applications for that allotment. A channel search reveals that Channel 43 could be allotted to this community, and that a site could be specified which not only meets the NTSC spacing requirements but also the DTV *de minimis* interference standards. As a result, it is proposed herein that NTSC Channel 36 be deleted

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from New Iberia and allotted to New Orleans to be used by WWL-DT, and that analog Channel 43 be allotted to New Iberia, in place of Channel 36, as follows:

	<u>Delete</u>	<u>Add</u>
New Orleans, LA	Digital 30	Digital 36
New Iberia, LA	Analog 36	Analog 43

The implementation of this change would eliminate digital interference affecting 37,735 persons, while enabling a new analog service to be instituted in New Iberia.

I declare under penalty of perjury that the foregoing statements and the attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

KEVIN T. FISHER

July 28, 1999

FIGURE 1

**DE MINIMIS INTERFERENCE ANALYSIS**  
**WWL-DT AS ALLOTTED**  
**CHANNEL 30 - NEW ORELANS, LOUISIANA**

NTSC FACILITIES

<u>Call Sign</u>	<u>City, State</u>	<u>Ch.</u>	<u>Grade B Population F(50,50)</u>	<u>Without WWL-DT</u>				<u>With WWL-DT</u>				
				<u>NTSC QRM</u>	<u>NTSC &amp; DTV QRM</u>	<u>Unmasked DTV QRM</u>	<u>%<sup>1</sup></u>	<u>NTSC &amp; DTV QRM</u>	<u>Unmasked DTV QRM</u>	<u>%<sup>1</sup></u>	<u>Contribution of WWL-DT</u>	<u>%<sup>2</sup></u>
WGBC	Meridian, MS	30	162,687	11	2,389	2,378	1.5	4,719	4,708	2.9	2,330	1.4

DTV FACILITIES

<u>Call Sign</u>	<u>City, State</u>	<u>Ch.</u>	<u>Longley-Rice Grade B Population<sup>3</sup></u>	<u>Without WWL-DT</u>				<u>With WWL-DT</u>				
				<u>NTSC QRM</u>	<u>NTSC &amp; DTV QRM</u>	<u>Unmasked DTV QRM</u>	<u>%<sup>1</sup></u>	<u>NTSC &amp; DTV QRM</u>	<u>Unmasked DTV QRM</u>	<u>%<sup>1</sup></u>	<u>Contribution of WWL-DT</u>	<u>%<sup>2</sup></u>
WWUE-DT	New Orleans, LA	29	1,674,940	0	0	0	0	6,945	6,945	0.4	6,945	0.4
WLAE-DT	New Orleans, LA	31	1,353,343	0	0	0	0	28,460	28,460	2.1	28,460	2.1

<sup>1</sup> Cannot exceed 10%, under FCC *de minimis* interference standards.

<sup>2</sup> Cannot exceed 2%, under FCC *de minimis* interference standards.

<sup>3</sup> Larger of either NTSC Grade B population (with no DTV losses) or DTV Grade B population with all losses.

FIGURE 2

*DE MINIMIS* INTERFERENCE ANALYSIS  
 PROPOSED WWL-DT  
 CHANNEL 36 - NEW ORELANS, LOUISIANA

NTSC FACILITIES

<u>Call Sign</u>	<u>City, State</u>	<u>Ch.</u>	<u>Grade B Population F(50,50)</u>	<u>Without WWL-DT</u>				<u>With WWL-DT</u>			
				<u>NTSC QRM</u>	<u>NTSC &amp; DTV QRM</u>	<u>Unmasked DTV QRM</u>	<u>%<sup>1</sup></u>	<u>NTSC &amp; DTV QRM</u>	<u>Unmasked DTV QRM</u>	<u>%<sup>1</sup></u>	<u>Contribution of WWL-DT</u>

-- NONE --

DTV FACILITIES

<u>Call Sign</u>	<u>City, State</u>	<u>Ch.</u>	<u>Longley-Rice Grade B Population<sup>3</sup></u>	<u>Without WWL-DT</u>				<u>With WWL-DT</u>			
				<u>NTSC QRM</u>	<u>NTSC &amp; DTV QRM</u>	<u>Unmasked DTV QRM</u>	<u>%<sup>1</sup></u>	<u>NTSC &amp; DTV QRM</u>	<u>Unmasked DTV QRM</u>	<u>%<sup>1</sup></u>	<u>Contribution of WWL-DT</u>

-- NONE --

<sup>1</sup> Cannot exceed 10%, under FCC *de minimis* interference standards.  
<sup>2</sup> Cannot exceed 2%, under FCC *de minimis* interference standards.  
<sup>3</sup> Larger of either NTSC Grade B population (with no DTV losses) or DTV Grade B population with all losses.