

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	MM Docket 00-10
Establishment of a Class A)	MM Docket 99-292
Television Service)	RM-9260

COMMENTS OF GATEWAY COMMUNICATIONS, INC.

These comments are submitted on behalf of Gateway Communications, Inc. (“Gateway”) and are in response to the Commission’s Order and Notice of Proposed Rule Making in the above-referenced proceeding which proposes to establish a Class A television service as directed by Congress in the Community Broadcasters Protection Act of 1999. Gateway respectfully offers these comments as the owner of three VHF full-service stations¹ located in rugged terrain areas of the United States, as follows (the “Gateway Stations”):

WBNG-TV, Binghamton, New York,	Channel 12, 166 kW, 369 meters
WTAJ-TV, Altoona, Pennsylvania,	Channel 10, 229 kW, 335 meters
WOWK-TV, Huntington, West Virginia,	Channel 13, 141 kW, 387 meters

NOTE: All are located in Zone 1

¹Gateway is also the licensee of UHF station WLYH-TV, Lancaster, Pennsylvania.

The Gateway Stations operate with maximum NTSC facilities. Gateway intends to maximize the DTV facilities of the Gateway Stations. Such maximization of Gateway's DTV facilities is critical because much of the service areas of the Gateway Stations include mountainous and rural areas where Gateway provides important "off-the-air" service² to local residents.

In light of its respective service area terrain considerations, Gateway operates each of the Gateway Stations with height parameters that exceed the maximum permitted for these facilities (with power reduced accordingly). These parameters extend its NTSC service areas to the maximum extent permitted by the FCC Rules. Similarly, Gateway timely filed applications in October, 1999 proposing maximization of each of its DTV channels specified in Table B.

For WOWK-TV, Huntington, West Virginia, the critical issue is that WOWK-TV was authorized with a DTV channel outside the core, i.e., DTV Channel 54. Gateway has been sensitive to this channel assignment and has requested appropriate relief at various times in the context of MM Docket No. 87-268. Gateway's submissions to the Commission in this regard are as follows:

"Engineering Statement
on Behalf of
Gateway Communications, Inc.,
Re: Comments in Response to the
Sixth Further Notice of Proposed Rule Making
in MM Docket No. 87-268
November 1996."

²For example, WTAJ-TV and WBNG-TV provide first and second service within their predicted Grade B service area.

"Engineering Statement
in Support of
Petition for Reconsideration
MM Docket 87-268 on Behalf of
Gateway Communications, Inc.
June 1997"

"Engineering Statement
on Behalf of
Gateway Communications, Inc.
Re Response to Ex Parte Filing By
MSTV in MM Docket No. 87-268
December 1997"

Because the Commission has not provided the requested relief for WOWK-TV, Gateway has continued to examine channel alternatives which would permit it to utilize a core channel for WOWK-TV that would provide for DTV service consistent with its current NTSC service.

Having carefully reviewed the Commission's proposals in this proceeding, Gateway respectfully requests that the Commission only assign Class A facilities that will fully protect:

1. The current NTSC service areas of the Gateway Stations.
2. Proposed DTV facilities for which maximization applications were filed prior to November 1, 1999.
3. Future DTV service areas derived when the Gateway Stations return their allotted DTV channels and restore DTV service on their allotted channels.
4. Future DTV maximized service area on Gateway's current NTSC channels since the effective radiated power to operate on these channels has not yet been established.³
5. Proposed DTV service area for WOWK-TV when Gateway is able to specify a

³In this regard, the Commission has stated that replication powers could be reviewed and modified in its Biennial Review.

suitable core DTV channel for WOWK-TV to replace its Table B DTV Channel 54.

The Current NTSC Service Areas of the Gateway Stations

As noted above, the Gateway Stations (WBNG-TV, WTAJ-TV and WOWK-TV) have facilities which are designed to minimize shadowing throughout each service area. An example of the rugged nature of the terrain for each of the Gateway Stations has been determined by computing the ΔH^4 variance along the eight cardinal radials. The FCC propagation curves are based on an ΔH of 50 meters. The higher the number, the greater roughness factor experienced by the TV signal.

<u>Station</u>	<u>ΔH Variance Along Eight Radials Meters</u>	<u>Extra Loss Determined by Section 73.685⁵ dB</u>
WBNG-TV	85-232	-1.79 to -9.22
WTAJ-TV	111-329	-2.97 to -13.73
WOWK-TV	68-136	-0.98 to -4.45

The purpose of the above is not an intensive terrain study but to demonstrate in common terms the degree of difficulty the TV signal encounters due to severe terrain limitation.

It is apparent that the Gateway Stations were engineered to utilize transmitter sites and towers which result in height above average terrain (“HAAT”) that exceeds the maximum HAAT for the zone. In accordance with the FCC Rules, an adjustment of effective radiated power was

⁴See Section 73.685(k) and (l) are stayed effective May 19, 1997.

⁵Ibid.

made. The sole purpose of these transmitter site selections was to enhance reception and to satisfy Section 73.685(b) of the FCC Rules to the maximum extent possible. Section 73.685(b) states in part,

(b) Location of the antenna at a point of high elevation is necessary to reduce to a minimum the shadow effect on propagation due to hills and buildings which may reduce materially the strength of the station's signals. In general, the transmitting antenna of a station should be located at the most central point at the highest elevation available. To provide the best degree of service to an area, it is usually preferable to use a high antenna rather than a low antenna with increased transmitter power....”

Each of these facilities have been in place for decades and reception patterns have been established. Therefore, in order to prevent disruption of service to the outlying areas, Gateway requests adequate protection be afforded so that existing viewers will not be disenfranchised.

**Proposed DTV Facilities for Which Maximization Applications
Were Filed Prior to November 1, 1999**

In addition to the multiple filings regarding Gateway's concerns on DTV discussed above, Gateway is in the forefront of maximizing each of its DTV allotments. These were all filed in October 1999, not in response to the November 29, 1999 legislation enacting the provisions for Class A service. The proposals of these facilities are as follows:

<u>Station</u>	<u>Location</u>	<u>Facilities Requested</u>		<u>FCC File No.</u>
WBNG-DT	Binghamton, NY	20.4 kW	739 m	BPCDT-991029FF
WTAJ-DT	Altoona, PA	1000 kW	848 m	BPCDT-991021CA
WOWK-DT	Huntington, WV	920 kW	614 m	BPCDT-991029BZ

Gateway respectfully requests that each of these proposed facilities be accorded the maximum protection from Class A operations.

**Future DTV Service Areas Derived When the
Gateway Stations Return Their Allotted DTV Channels
and Restore DTV Service on Their Allotted Channels**

Gateway intends to move vigorously in returning its DTV facilities back to their NTSC channels, once the return date is finalized. Consistent with Gateway's current facilities, Gateway requests that no Class A station be licensed that will inhibit Gateway from implementing a fully maximized DTV on its current NTSC channels.

**Future DTV Maximized Service Area on
Gateway's Current NTSC Channels
Since the Effective Radiated Power to Operate on These Channels
Has Not Yet Been Established**

As indicated above, Gateway intends to return its DTV facilities to the NTSC channels. At this time, the Commission has not assigned any DTV power for the end of the transition when DTV will continue and NTSC transmissions are terminated. Therefore, Gateway urges the Commission to consider that the initial power assigned may not truly replicate the existing NTSC or DTV service. For example, all Gateway Stations operate their NTSC facilities on the upper VHF band. On two of the Gateway Stations (WTAJ-TV and WOWK-TV), the DTV assignments are on UHF channels. It can be expected that in rough terrain the actual DTV service will not fully replicate the existing NTSC service and therefore adjustments of DTV power for conversion to NTSC channels may be required. Therefore, Gateway requests that the Commission make an appropriate allowance when allocating Class A facilities.

**Proposed DTV Service Area for WOWK-TV
When Gateway Is Able To Specify A Suitable Core
DTV Channel for WOWK-TV To Replace Its Table B DTV Channel 54**

Gateway has made its concerns known to the Commission (MM Docket 87-268) regarding the out of core DTV allotment to WOWK-TV. In fact, Gateway offered an alternate channel, which the Commission elected not to assign. Gateway continues to examine the allocation situation and if it identifies a suitable DTV core channel, it will proceed with an appropriate Petition for Rule Making. Gateway respectfully requests that the Commission take into consideration the possibility of finding a core channel for WOWK-TV when it assigns Class A facilities.

Sincerely,

Donald G. Everist
Consulting Engineer for
Gateway Communications, Inc.

February 10, 2000
Date