

KOERNER & OLENDER, P.C.

Attorneys at Law
5809 Nicholson Lane, Suite 124
North Bethesda, Maryland 20852-5706

DUPLICATE FILE COPY ORIGINAL

Tel. (301) 468-3336
Fax (301) 468-3343

Robert L. Olender *
James A. Koerner

of Counsel
Robert Bennett Lubic*

*not admitted in MD

April 27, 2000

APR 27 2000

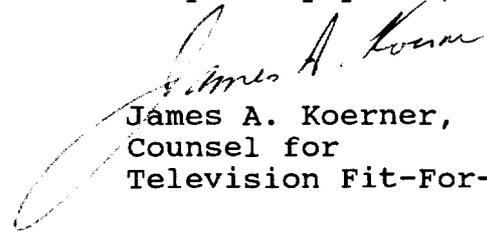
Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554

Dear Ms. Salas:

On behalf of Television Fit-For-Life, Inc., licensee of Television Station WFGX(TV), Fort Walton Beach, Florida, there are transmitted herewith an original and four (4) copies of a Petition for Rule Making, seeking the substitution of Channel 50 for Channel 25 in the DTV Table of Allotments for Fort Walton Beach, Florida.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,



James A. Koerner,
Counsel for
Television Fit-For-Life, Inc.

cc: Kathryn R. Schmeltzer, Esq.
Alexander J. Ombres, Esq.

No. of Copies rec'd 0+4
List ABCDE MNB

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

APR 27 2000
ORIGINAL
OFFICE OF THE CLERK

In the Matter of

Amendment of Section 73.622(b))
Table of Allotments)
Digital Television Broadcast Stations)
(Fort Walton Beach, FL))

MM Docket No. 00-____
RM-____

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Television Fit-For-Life, Inc., licensee of Station WFGX(TV), Fort Walton Beach, FL (“WFGX”), by its attorney and pursuant to Section 1.401 of the Commission’s Rules, hereby requests that the Commission initiate a rule making proceeding to amend Section 73.622(b) of its Rules, the DTV Table of Allotments, by substituting Channel 50 at coordinates 30° 26’ 36” N-Lat and 86° 35’ 56” W-Lon as the DTV allocation for WFGX-DT in lieu of Channel 25 at the same coordinates, as originally allotted. Thus, WFGX requests the following change in the DTV Table of Allotments:

	<u>Current</u>	<u>Proposed</u>
Fort Walton Beach, FL	25, 40, 49	40, 49, 50

WFGX-DT was originally allotted DTV Channel 25 with an effective radiated power (ERP) of 50 kW and a height above average terrain (HAAT) of 60 meters. As set forth in the attached engineering proposal prepared by William J. Getz (“*Engineering Statement*”), Channel 50 may be allotted for DTV operations by Station WFGX with an ERP of 50 kW and a HAAT of

60 meters. As the *Engineering Statement* demonstrates, this channel substitution complies with the requirements of Section 73.623(c) of the Rules. Specifically, as required by Section 73.623(c), the substitution of DTV Channel 50 at Fort Walton Beach, FL will comply with the principal community coverage requirements of Section 73.625(a) and is acceptable under the 2%/10% *de minimis* interference criteria.

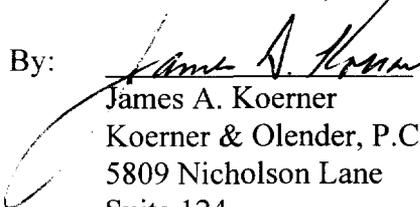
WFGX's proposed substitution of DTV Channel 50 for its allotted DTV Channel 25 would permit Station WFGX to provide 100 percent replication of its NTSC service area during the DTV transition period. Further, the substitution of DTV Channel 50 will afford WFGX the flexibility to upgrade its DTV facilities by eliminating the restrictive protection requirements on its presently allotted DTV Channel 25.

WFGX has filed an application for a DTV construction permit based on its allotted DTV Channel 25. *See* File No.BPCDT-19991229AAM. If the proposal set forth herein is adopted, WFGX will amend its pending application to specify the operation of WFGX-DT on DTV Channel 50 from the coordinates referenced herein. If authorized, WFGX will construct and place WFGX-DT into operation in full compliance with the Commission's buildout schedule.

Conclusion

For the foregoing reasons, WFGX respectfully requests that the Commission initiate the rule making requested herein and substitute DTV Channel 50 for DTV Channel 25 at Fort Walton Beach, Florida, at reference coordinates 30° 26' 36" N-Lat and 86° 35' 56" W-Lon.

Television Fit-For-Life, Inc.

By: 
James A. Koerner
Koerner & Olender, P.C.
5809 Nicholson Lane
Suite 124
North Bethesda, MD 20852-5706

Its Attorney

Dated: April 24, 2000

CARL T. JONES
CORPORATION

**STATEMENT OF WILLIAM J. GETZ
IN SUPPORT OF A PETITION TO AMEND
THE DTV TABLE OF ALLOTMENTS**

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by Television Fit-For-Life, Inc., licensee of full-service UHF television station WFGX(TV), Fort Walton Beach, Florida, to prepare this statement in support of a Petition to Amend the Digital Television (DTV) Table of Allotments, Section 73.622(b) of the FCC Rules. The petitioner requests that Section 73.622(b) of the FCC Rules be modified in the following manner:

	<u>Present</u>	<u>Proposed</u>
Fort Walton Beach, FL	25, 40, 49	40, 49, 50

DTV channel 25 is the channel specified in the initial DTV Table of Allotments for analog station WFGX(TV). The petitioner requests herein to substitute DTV Channel 50 for DTV Channel 25. The proposed arrangement of allotments will allow the WFGX DTV

STATEMENT OF WILLIAM J. GETZ
PAGE 2

facility to upgrade its DTV technical facility on the proposed channel by eliminating the restrictive protection requirements on the presently allotted DTV Channel 25.

An engineering study of all pertinent allotments, assignments and applications revealed that DTV Channel 50 can be allotted to Ft. Walton Beach, Florida as the associated DTV allotment for the petitioner's existing NTSC channel 35 allotment.

The allotment reference coordinates for DTV Channel 50 at Ft. Walton Beach, Florida are 30° 26' 36" N.L. and 86° 35' 56" W.L.¹ The Ft. Walton Beach allotment reference site meets the allotment standards and the city-grade coverage requirements of 47 C.F.R. §73.625. In addition, the Ft. Walton Beach allotment reference site meets the minimum distance spacing requirements contained in Section 73.623(d)(2) of the FCC Rules with respect to all DTV allotments, assignments and applications.

The proposed allotment reference site is slightly short-spaced to analog stations WPCT(TV), Panama City, Florida (Channel 46z) and WPAN(TV), Fort Walton Beach, Florida (Channel 53z). As described below, the proposed DTV Channel 50 allotment satisfies the technical criteria specified in Section 73.623(c)(2) with respect to both WPCT(TV) and WPAN(TV).

¹ The Channel 50 DTV allotment reference coordinates are the same as the DTV Channel 25 allotment reference coordinates (as defined in Section 73.622(d) of the FCC Rules) and the same as the petitioner's licensed WFGX(TV), Ft. Walton Beach, Florida, tower site. (See FCC tower registration number 1029957).

NTSC ALLOCATION CONSIDERATIONS

Methodology

A study was performed to determine if any level of new interference would be caused to other stations based upon the proposed substitution of DTV channel 50 for DTV channel 25 in Fort Walton Beach. The program "select" was used to determine which stations should be studied. Select was obtained from the FCC and modified to use the culling distances outlined in the FCC's August 10, 1998, Public Notice entitled Additional Application Processing Guidelines for Digital Television (DTV) ("the Guidelines"). The interference study was then performed on the selected stations using "FLR". The FLR program was developed by the FCC to incorporate Longley-Rice methodology in the determination of interference between stations, as outlined in OET Bulletin No. 69. The FLR software is written in Fortran and operated by Carl T. Jones Corporation (CTJC) in a Sun OS Unix environment. The CTJC hardware includes a Sun Microsystems computer model UltraSparc 5 utilizing a 350 MHz speed central processing unit (CPU).

Baseline data were obtained by running a FLR study without making changes to the database of stations. The station database file, named "stations.dat", represents the data found in Appendix B of *Second Memorandum Opinion and Order on Reconsideration of the Fifth Report and Order* ("the Memorandum"). The results were checked to verify agreement with the Appendix B baseline interference data. The stations.dat database was

STATEMENT OF WILLIAM J. GETZ
PAGE 4

then modified to reflect the proposed facility, and a second FLR study was completed and new interference data were obtained.

The output of each FLR study was saved to a file called "results". Both files were renamed for the purpose of easy identification, and were imported via network into a PC that utilizes the Microsoft Windows 95 operating system. The results files were then compared in a custom Microsoft Excel spreadsheet. The spreadsheet utilized was developed by CTJC to automatically perform the specific mathematical analyses of the FLR results data outlined in section §73.623(c) of the Rules and clarified in the Guidelines.

In the case of moving or maximizing DTV allotments, the ultimate goal of the analysis was to verify compliance with the 2% and 10% de minimis interference criteria. The FLR study assumed operation on the proposed DTV Channel 50 with the identical technical facilities (50 kW power @ 60 m HAAT) allotted to WFGX-DT on its current DTV Channel 25.²

Based on the studies described above, it was determined that the proposed DTV Channel 50 allotment causes no interference (0.0%) to the analog operation of either WPCT(TV) or WPAN(TV).

In light of the above, the instant proposal satisfies the technical allotment criteria of the Federal Communications Commission with respect to all NTSC and DTV allotments, assignments and applications.

² See Appendix B of *Second Memorandum Opinion and Order on Reconsideration of the Fifth Report and Order*.

STATEMENT OF WILLIAM J. GETZ
PAGE 5

This statement was prepared by me or under my direct supervision and is believed to be true and correct.

DATED: April 19, 2000



William J. Getz