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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In The Matter Of	)	
	)	MM Docket No. _____
Amendment of Section 73.606 (b)	)	
Table of Allotments	)	RM No. _____
Television Broadcast Stations	)	
(Richland Center, Wisconsin)	)	

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Fant Broadcast Development, L.L.C. ("Fant"), by its attorneys, hereby submits this petition for rule making to amend the TV Table of Allotments to change the allotment of Channel 45+, Richland Center, WI to Channel 59. Thus, Fant proposes to amend Section 73.606(b) of the Commission's rules as follows:

	Channel No.	
City	Present	Proposed
Richland Center	45+	59

I. Background

Fant is filing this petition pursuant to the Commission's Public Notice, 14 FCC Rcd 19559 (1999) ("Window Notice") announcing the opening of a window for the filing of, among other things, petitions for rule making seeking a new channel below channel 60 for those applicants with pending applications for new full-service NTSC television stations on channels 2-59 at locations inside of the "TV freeze areas." On July 22, 1996, Fant filed an application for a construction permit for a NTSC television station on Channel 45, Richland Center, WI. See

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File No. BPCT-19960722KN. Fant's application sought to bring the first local commercial television service to Richland Center. Fant's application noted that Richland Center fell within a freeze zone, but Fant requested a waiver of the freeze order (Advanced Television Systems and Their Impact on the Existing Television Broadcast Service, 52 Fed. Reg. 28346 (1987)) because a grant of the application would bring the first local television service to Richland Center and so that the Commission could foster the creation of new television networks since The WB Television Network has indicated a willingness to enter into an affiliation agreement with Fant.

As the attached Engineering Statement of Pete E. Myrl Warren, III of WES, Inc. explains, operation on channel 45 in Richland Center would cause unacceptable interference to digital television channel 44, Fond Du Lac, WI. As a result, Fant proposes to substitute channel 59 for channel 45 for the television allotment for Richland Center, as is permitted under the Window Notice.

The attached Engineering Statement demonstrates that this allotment proposal complies with the minimum distance separations between NTSC stations in accordance with 47 C.F.R. § 73.610. The proposal also protects DTV stations as required by the Window Notice.[1] The attached Engineering Statement uses Fant's proposed transmitter site as the reference point, pursuant to 47 C.F.R. §73.611(a)(4) because the proposed transmitter site is available. Specifically, Fant has obtained a letter of reasonable assurance for use of the site to build a

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[1]The Window Notice does not require that a petition to change the channel of an existing allotment to another NTSC channel meet the minimum distance separations to DTV stations in Section 73.623 (d). Thus, the proposed allotment's short spacing to one DTV station must be ignored. Operation on the allotment would cause less than .5% interference to two DTV stations. This interference, which is within rounding, also must be ignored. See Establishment of a Class A Television Service, FCC 00-115, 2000 FCC Lexis 1746, *93 (March 28, 2000).

television tower has been obtained from the site owner. Thus, under 47 C.F.R. §73.611(a)(4), the Table of Allotments should be amended to change the channel for Richland Center from 59 to 45 because Fant has shown that a transmitter site is available that would meet the minimum separation requirements of §73.610 and the minimum field strength requirements of §73.685.

II. The Public Interest Compels Grant of This Petition

Fant seeks to change the allotment to Richland Center, Wisconsin consistent with the Window Notice so that a first local commercial television service can be brought there. In 1986, the Commission concluded that the public interest would be served by an allotment of the first local commercial television service to Richland Center on channel 45. Richland Center, 1986 FCC Lexis 3384 (May 23, 1986). Fant filed its application for the allotment almost four years ago, but no action could be taken because of the freeze. Now, in light of the Window Notice, this petition for rule making presents what may be one last opportunity for the allotment of a first local commercial television service to Richland Center. There is no DTV allotment for Richland Center. The residents of Richland Center need a NTSC allotment if they are to receive a first local commercial television service. The public interest compels a grant of this petition under these circumstances.

This proposal complies with the Window Notice. The proposal would enable the Commission to make a fully-spaced NTSC allotment, and no DTV station would suffer cognizable interference. The proposal is the best available allotment for the new station for which Fant applied.

The Commission has already made a NTSC allotment to Richland Center; only a grant of this petition will make that allotment feasible in light of the allotments for DTV. Accordingly,

WES, INC.
6200 Valeria Ln.
El Paso, TX 79912

505-589-2224

ENGINEERING EXHIBIT
PETITION TO MODIFY THE TABLE OF ALLOTMENTS TO SPECIFY A DISPLACEMENT CHANNEL TO SUBSTITUTE FOR RICHLAND CENTER, WI CHANNEL 45

June 24, 2000

ENGINEERING STATEMENT

Wes, Inc.

DECLARATION

I, Pete E Myrl Warren, III, declare and state that I am a Certified Broadcast Engineer, by the National Association of Radio and Telecommunications Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Fant Broadcasting Development, L.L.C.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.

Pete E Myrl Warren, III

Executed on the 24th day of June, 2000

Narrative Statement

I. GENERAL

This engineering report has been prepared on behalf of Fant Broadcasting Development, Inc. in support of its request for a displacement channel (Channel 59) for its pending application for Channel 45 in Richland Center, WI.

II. ENGINEERING DISCUSSION

The applicant originally applied for a construction permit for channel 45 in Richland Center, Wisconsin. The applicant is precluded from going on channel 45 due to interference to Fond Du Lac, Wisconsin, digital channel 44, as outlined in Exhibit RM-1

The applicant proposes the same site as its original application for C.P.

North Latitude: 43° 23' 40"
West Longitude: 89° 52' 20"

It is proposed to amend Section 73.606(b) of the Commission's rules, NTSC Table of Allotments, to allot Channel 59 (740-746 MHz) for the NTSC television operation of Fant Broadcast Development, L.L.C. As demonstrated below, the proposed Channel 59 NTSC operation at Richland Center, Wisconsin, will not cause any harmful interference to any other analog NTSC or DTV station or allotments exceeding the Commission's guidelines.

The proposed NTSC Channel 59 has site availability and can operate from the proposed antenna site with an Antenna Concepts C-170 oriented at 220 degrees and at 5,000 kilowatts without adversely impacting any other TV operations. An antenna azimuth patter has been included in Exhibit 2. The proposed Channel 59 would serve all of Richland Center, Wisconsin, within its 80 dBu contour.

Analog NTSC TV Allocation Situation

The attached Exhibit RM-2 demonstrates that Channel 59, Richland Center, WI, **is free of all short-spacings to NTSC television stations**.

DTV Allocation Situation

There are two digital stations within the required 429 kilometer study distance that required extensive study to determine whether or not they would cause or receive interference from the proposed channel 59 in Richland Center, Wisconsin, as outlined in exhibit RM-3. The attached exhibits FLR-1 and FLR-2 demonstrate what interference Appleton, WI DTV 59 and Aurora, IL DTV 59 receive at present and with the addition of Richland Center, Wisconsin, Channel 59. The interference accepted by each of these stations is less than 0.5% and is therefore considered negligible and acceptable.

III. Class A

This proposal is clear of interference with Class A LPTV stations.

IV. Summary

The applicant must change channel from Channel 45 in Richland Center, Wisconsin, to channel 59 in order to avoid interference to digital television. On channel 59, Richland Center is clear of all short-spacing to NTSC stations and will not cause any interference to any digital or NTSC stations.

Exhibit RM-1
Richland Center, WI

June 23, 2000

by WES, Inc. Broadcast Consultants

Spacing study to Digital TV on Richland Center's current channel 45

Study Location:
Richland Center, WI Channel 45

NTSC Study Station, Transmitter Coordinates: 43-23-40 N 89-52-20 W

Study distance: 429 km

NTSC TO DTV STUDY RESULTS

City of License	ST	Chan	Bearing	Distance	Req.Dist	Diff.
Dubuque	IA	43	212.12	114.95	80.50	34.45
Iowa City	IA	45	212.99	221.64	217.30	4.34
Chicago	IL	45	132.01	248.24	217.30	30.94
Freeport	IL	41	154.82	134.76	80.50	54.26
Rockford	IL	42	154.73	135.60	80.50	55.10
Kalamazoo	MI	45	104.37	371.64	217.30	154.34
Rochester	MN	46	289.52	216.03	88.50	127.53
Fond Du Lac	WI	44	92.59	79.21	88.50	-9.29
LA Crosse	WI	53	303.26	141.15	80.50	60.65
Mayville	WI	43	87.55	109.12	80.50	28.62
Milwaukee	WI	46	101.27	160.78	88.50	72.28

Station is short-spaced to 1 stations.

Exhibit RM-2
Richland Center, WI

June 23, 2000

by WES, Inc. Broadcast Consultants

Spacing study to NTSC TV on Richland Center's newly proposed channel 59

****** TV CHANNEL SPACING STUDY ******

Job title: Richland Center, WI
Channel: 59
Database file name: tv000117.edx

Latitude: 43 23 40
Longitude: 89 52 20

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
52o	WWRS-T	4964	MAYVILLE	WI	1	L	87.1	109.1	95.7	13.4
52o	WWRS-T	4965	MAYVILLE	WI	1	A	87.1	109.1	95.7	13.4
59+	WAOE	5184	PEORIA	IL	1	C	173.7	298.4	248.6	49.8
45o	NEW	5227	RICHLAND CENTER	WI	1	A	.0	.0	95.7	-95.7

****** End of channel 59 study ******

Exhibit RM-3
Richland Center, WI

June 23, 2000

by WES, Inc. Broadcast Consultants

Spacing study to Digital TV on Richland Center's newly proposed channel 59

Study Location:
Richland Center, WI Channel 59

NTSC Study Station, Transmitter Coordinates: 43-23-40 N 89-52-20 W

Study distance: 429 km

NTSC TO DTV STUDY RESULTS

City of License	ST	Chan	Bearing	Distance	Req.Dist	Diff.
Ames	IA	59	240.17	354.04	217.30	136.74
Aurora	IL	59	132.55	248.96	217.30	31.66
Rock Island	IL	58	193.61	211.15	88.50	122.65
Appleton	WI	59	54.85	186.01	217.30	-31.29

Station is short-spaced to 1 stations.

Exhibit FLR-1
Richland Center, WI 59
June 24, 2000

Fortran Longley-Rice Interference Study
by WES, Inc. Broadcast Consultants

Study without Richland Center Channel 59:

```
Run begins Sat Jun 24 18:15:35 2000, host providence
Analysis of: 59A WI APPLETON
   HAAT  321.0 m, ATV ERP 1000.0 kW
                                  POPULATION   AREA (sq km)
   within Noise Limited Contour      969848      25796.2
   not affected by terrain losses    969515      25768.0
   lost to NTSC IX                      319         24.2
   lost to additional IX by ATV           0          0.0
   lost to ATV IX only                   63          8.1
   lost to all IX                       319         24.2

Finished Sat Jun 24 18:23:46; run time    0:05:35
     16198 calls to Longley-Rice; path distance increment  1.00 km
```

Study with Richland Center included with an ACI C170 oriented
at 220 degrees and 5,000 kW:

```
Run begins Sat Jun 24 21:22:12 2000, host providence
Analysis of: 59A WI APPLETON
   HAAT  321.0 m, ATV ERP 1000.0 kW
                                  POPULATION   AREA (sq km)
   within Noise Limited Contour      969848      25796.2
   not affected by terrain losses    969515      25768.0
   lost to NTSC IX                     2471        133.0
   lost to additional IX by ATV           0          0.0
   lost to ATV IX only                   63          8.1
   lost to all IX                      2471        133.0

Finished Sat Jun 24 21:31:33; run time    0:07:15
     22423 calls to Longley-Rice; path distance increment  1.00 km
```

Exhibit FLR-2
Richland Center, WI 59
June 23, 2000

Fortran Longley-Rice Interference Study
by WES, Inc. Broadcast Consultants

Study without Richland Center Channel 59:

```
Run begins Fri Jun 23 13:37:26 2000, host providence
Analysis of: 59A IL AURORA
   HAAT  512.0 m, ATV ERP  187.8 kW
                                  POPULATION   AREA (sq km)
   within Noise Limited Contour     8318530      25515.6
   not affected by terrain losses   8317644      25499.6
   lost to NTSC IX                      305          4.0
   lost to additional IX by ATV       24447        248.9
   lost to ATV IX only                24752        252.9
   lost to all IX                     24752        252.9

Finished Fri Jun 23 13:48:57; run time    0:09:13
     28103 calls to Longley-Rice; path distance increment  1.00 km
```

Study with Richland Center included with an ACI C170 oriented
At 220 degrees and 5,000 kW:

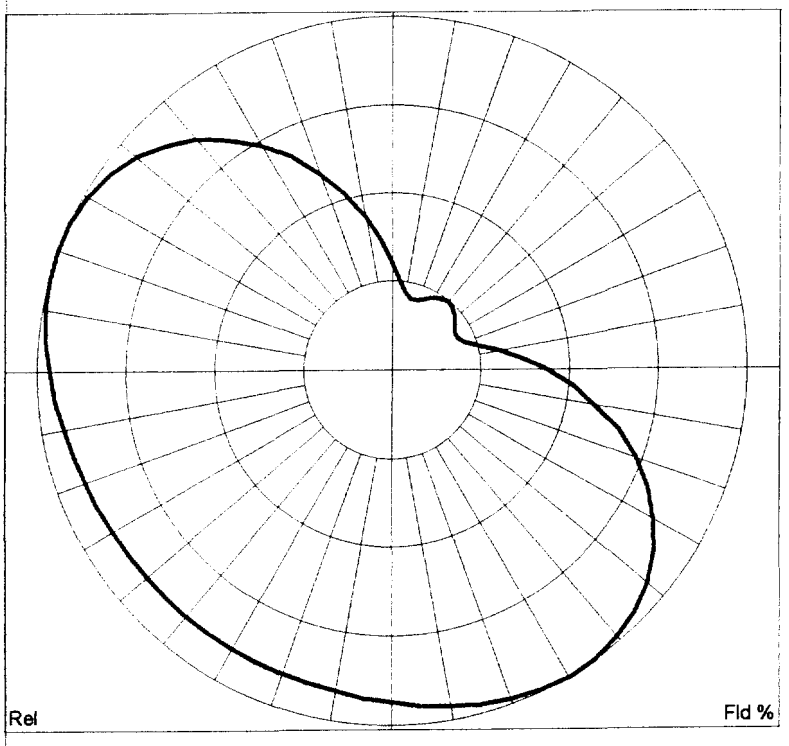
```
Run begins Fri Jun 23 13:14:08 2000, host providence
Analysis of: 59A IL AURORA
   HAAT  512.0 m, ATV ERP  187.8 kW
                                  POPULATION   AREA (sq km)
   within Noise Limited Contour     8318530      25515.6
   not affected by terrain losses   8317644      25499.6
   lost to NTSC IX                     4674        100.3
   lost to additional IX by ATV       21980        228.8
   lost to ATV IX only                24752        252.9
   lost to all IX                     26654        329.1

Finished Fri Jun 23 13:28:12; run time    0:11:11
     33191 calls to Longley-Rice; path distance increment  1.00 km
```

Exhibit 2
Richland Center, WI

June 23, 2000
by WES, Inc. Broadcast Consultants

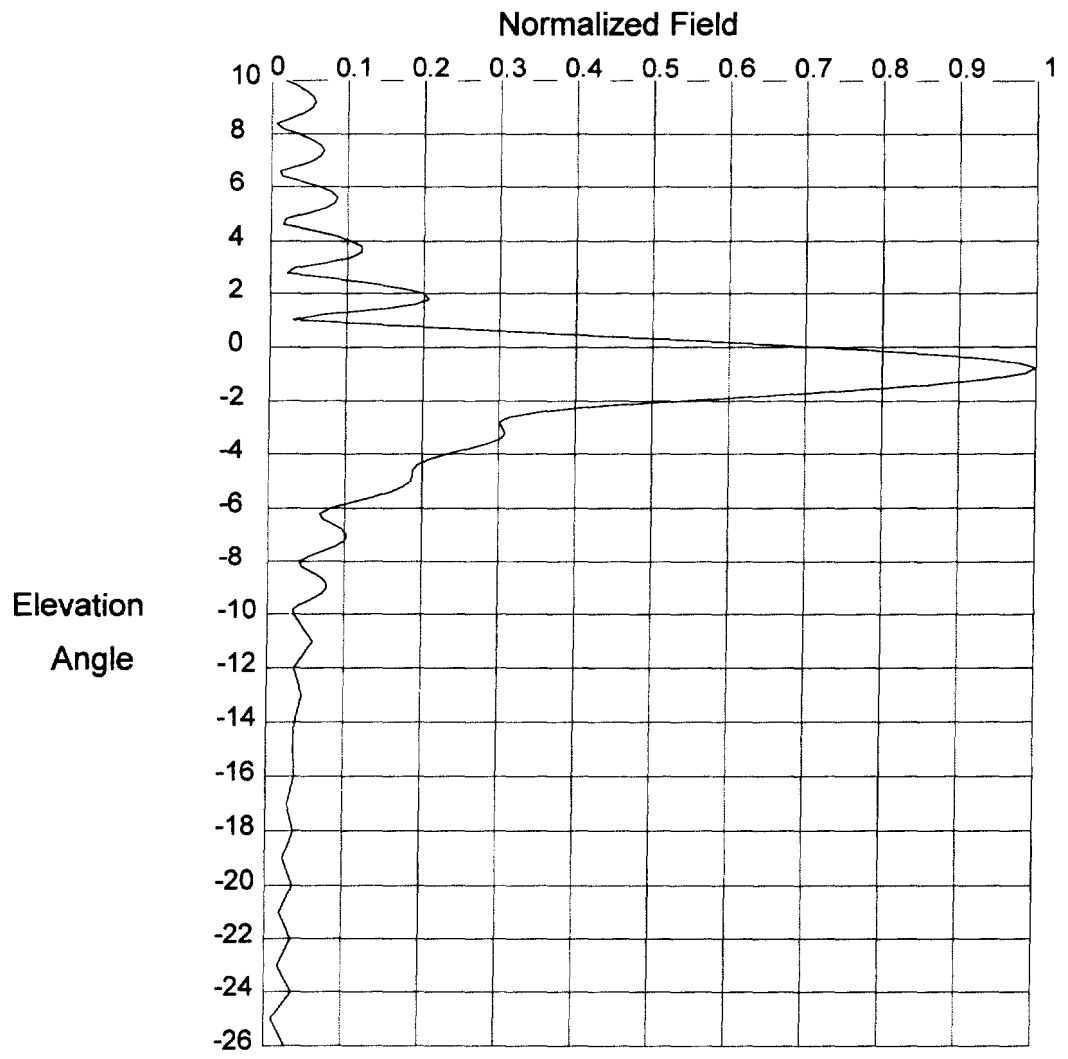
The applicant is in compliance of 47 C.F.R. Sections 73.682(a)(14) and 73.685. The applicant proposes a side mount Antenna Concepts C-170 antenna oriented at 220 degrees.

Exhibit E-2-A
Antenna Pattern
April 8, 2000



Az.	Fld%	ERP	dBk
000	0.302	456.020	26.590
005	0.251	315.005	24.983
010	0.218	237.620	23.759
015	0.204	208.080	23.182
020	0.207	214.245	23.309
025	0.219	239.805	23.799
030	0.232	269.120	24.299
035	0.241	290.405	24.630
040	0.245	300.125	24.773
045	0.241	290.405	24.630
050	0.232	269.120	24.299
055	0.219	239.805	23.799
060	0.207	214.245	23.309
065	0.204	208.080	23.182
070	0.218	237.620	23.759
075	0.251	315.005	24.983
080	0.302	456.020	26.590
085	0.365	666.125	28.236
090	0.437	954.845	29.799
095	0.512	1310.720	31.175
100	0.580	1682.000	32.258
105	0.663	2197.845	33.420
110	0.733	2686.445	34.292
115	0.797	3176.045	35.019
120	0.854	3646.580	35.619
125	0.901	4059.005	36.084
130	0.940	4418.000	36.452
135	0.968	4685.120	36.707
140	0.987	4870.845	36.876
145	0.997	4970.045	36.964
150	1.000	5000.000	36.990
155	0.996	4960.080	36.955
160	0.988	4880.720	36.885
165	0.976	4762.880	36.779
170	0.963	4636.845	36.662
175	0.949	4503.005	36.535

Az	Fld%	ERP	dBk
180	0.936	4380.480	36.415
185	0.926	4287.380	36.322
190	0.917	4204.445	36.237
195	0.910	4140.500	36.171
200	0.905	4095.125	36.123
205	0.902	4068.020	36.094
210	0.900	4050.000	36.075
215	0.900	4050.000	36.075
220	0.900	4050.000	36.075
225	0.900	4050.000	36.075
230	0.900	4050.000	36.075
235	0.902	4068.020	36.094
240	0.905	4095.125	36.123
245	0.910	4140.500	36.171
250	0.917	4204.445	36.237
255	0.926	4287.380	36.322
260	0.936	4380.480	36.415
265	0.949	4503.005	36.535
270	0.963	4636.845	36.662
275	0.976	4762.880	36.779
280	0.988	4880.720	36.885
285	0.996	4960.080	36.955
290	1.000	5000.000	36.990
295	0.997	4970.045	36.964
300	0.987	4870.845	36.876
305	0.968	4685.120	36.707
310	0.940	4418.000	36.452
315	0.901	4059.005	36.084
320	0.854	3646.580	35.619
325	0.797	3176.045	35.019
330	0.733	2686.445	34.292
335	0.663	2197.845	33.420
340	0.588	1728.720	32.377
345	0.512	1310.720	31.175
350	0.437	954.845	29.799
355	0.365	666.125	28.236



Elevation Pattern

Scale: Linear

Units: Absolute

Antenna Concepts Inc.

CLIENT: *Richland Center, WI*

Date: 6/24/00

ANTENNA TYPE: *Exhibit 2-B*

FREQUENCY: *Channel 59*

PATTERN POL.: *Horizontal*

Beam Tilt (Deg.) : *0.75*

Elev. DIRECTIVITY: *32.921/ 15.174dBd*

Null Fill (%) : *20*

Software Design by: Micro-Tek Engineering

Exhibit 3
Richland Center, WI

June 23, 2000
by WES, Inc. Broadcast Consultants

The applicant has filed a rule-making to change channel from channel 45 to channel 59 concurrently with this amendment application. The applicant can not exist on channel 45 due to a short-spacing of 9.3 kilometers to Fond Du Lac digital channel 44. The applicant is clear of all NTSC short-spacings and will not cause any interference above the FCC rules to any digital station. The applicant has included the complete analysis as is included in the Rule-Making to change channel to channel 59.

Exhibit E-RFR
Radiation Statement and Studies
Richland Center, WI
June 23, 2000
By WES, INC.
Broadcast Consultants

The attached study shows RF radiation in compliance with OET Bulletin No. 65. The applicant will be the sole occupant on the newly proposed tower. The applicant will contribute 1.2% of the permissible OET 65 radiation guidelines for uncontrolled radiation exposure. Nonetheless, the tower will be marked with placards warning of radiation hazards, and station personnel will be trained in lowering power or ceasing transmission for tower maintenance.

Exhibit RFR-A
Richland Center, WI

Radiation statement and studies
by WES, Inc. Broadcast Consultants

Evaluation of Compliance with OET Bulletin 65 Guidelines for Exposure to Radio-frequency Radiation from a Single UHF TV Broadcast Station:

Channel: 59 (740-746 MHz)

Visual Carrier: 741.25 MHz Visual ERP: 5000.00 kW ($ERP_V = 5 \times 10^6$ W)

Aural Carrier: 745.75 MHz Aural ERP: 500.00 kW ($ERP_A = 5 \times 10^5$ W)

Maximum Power Density at Channel 59: **2.995** mW/m^2 $S_{max} = \frac{f}{300} mW/cm^2$ f = 741Mhz

Antenna COR AGL: 169 m

Power Density at 167 m from COR:

(Worst Case): S= **2995** $\mu W/cm^2$ $S = \frac{33.4(F^2)[.4ERP_V + ERP_A]}{R^2}$ where F=1, R=167 m

(0.1 Rel. Field): S=**30.0** $\mu W/cm^2$ $S = \frac{33.4(F^2)[.4ERP_V + ERP_A]}{R^2}$ where F=0.1, R=167m

Minimum Antenna Height:

(Worst Case): MAH = **183.9** m $MAH = \sqrt{\frac{33.4(F^2)[0.4ERP_V + ERP_A]}{S}}$ where F=1

(.1 Rel. Field): MAH = **18.4** m $MAH = \sqrt{\frac{33.4(F^2)[0.4ERP_V + ERP_A]}{S}}$ where F=0.1

Clear by (COR – MAH) (Worst Case): **121.2** m

Clear by (COR – MAH) (0.1 Rel. Field): **1.2** m

For Multiple Sources: Sum Percentages of OET-65 Standards
Summation not to exceed 100%

Percentage of OET-65 Standard at Ground Level (Worst Case): **121.2%** $P = \frac{S}{S\max}$,S(f) where f=1

Percentage of OET-65 Standard at Ground Level (0.1 Rel. Field): **1.2%** $P = \frac{S}{S\max}$,S(f) where f=0.1

CERTIFICATE OF SERVICE

I, Dean R. Brenner, do hereby certify that a true and correct copy of the foregoing "PETITION FOR RULE MAKING" was served by mail this 11th day of July 2000, to:

John Karousos
Federal Communications Commission
Room 2-C207
445 12th Street, S.W.
Washington, D.C. 20554

Roy Stewart
Federal Communications Commission
Room 2-C347
445 12th Street, S.W.
Washington, D.C. 20554

Barbara Kriesman
Federal Communications Commission
Room 2-A665
445 12th Street, S.W.
Washington, D.C. 20554

Keith Larson
Federal Communications Commission
Room 2-C420
445 12th Street, S.W.
Washington, D.C. 20554

Dean R. Brenner

under both Section 307(b) of the Communications Act, which requires that the Commission provide for a fair, efficient, and equitable distribution of television broadcast facilities among states and communities, and the television allotment priorities established by the Sixth Report and Order, 41 FCC 148, 167 (1952), the Commission should grant this petition and allow the initiation of a first local commercial television service in Richland Center.

III. Conclusion

Wherefore, Fant Broadcast Development, L.L.C. respectfully requests that the Commission initiate a rule making proceeding to amend Section 73.606(b) of its rules to substitute channel 59 for channel 45+ in Richland Center, Wisconsin. Consistent with the Window Notice, Fant intends to amend its pending application upon issuance of an allotment Report and Order specifying a period of time for the filing of amendments to reflect the modified channel allotment.

Respectfully submitted,

By: _____

Dean R. Brenner
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Suite 1105
Washington, D.C. 20005
(202) 828-0155