

ORIGINAL

WILMER, CUTLER & PICKERING

2445 M STREET, N.W.
WASHINGTON, D.C. 20037-1420

TELEPHONE (202) 663-6000
FACSIMILE (202) 663-6363
HTTP://WWW.WILMER.COM

MARY E. KOSTEL
DIRECT LINE (202) 663-6896
INTERNET MKOSTEL@WILMER.COM

100 LIGHT STREET
BALTIMORE, MD 21202
TELEPHONE (410) 986-2800
FACSIMILE (410) 986-2828

520 MADISON AVENUE
NEW YORK, NY 10022
TELEPHONE (212) 230-8800
FACSIMILE (212) 230-8888

4 CARLTON GARDENS
LONDON SW1Y 5AA
TELEPHONE 011 44 201 7872-1000
FACSIMILE 011 44 201 7839-3537

RUE DE LA LOI 15 WETSTRAAT
B-1040 BRUSSELS
TELEPHONE 011 (32) 285-4900
FACSIMILE 011 (32) 285-4949

FRIEDRICHSTRASSE 95
D-10117 BERLIN
TELEPHONE 011 (4930) 2022-6400
FACSIMILE 011 (4930) 2022-6500

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July 13, 2000

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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JUL 13 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: MM Docket No. 99-238, RM-9669

Dear Ms. Salas:

On behalf of Mt. Mansfield Television, Inc. ("Mt. Mansfield"), please find attached two pages that were inadvertently omitted from Mt. Mansfield's Supplement to Comments filed on June 15, 2000 in the above-referenced proceeding.

A Petition to Deny regarding File No. BPCDT-1991020ACA, filed June 7, 2000, by Mt. Mansfield was included as an attachment to the Supplement to Comments. The first two pages of the Petition to Deny were inadvertently omitted from the attachment. The first two pages of the Petition are attached hereto, and Mt. Mansfield requests that the Commission include these pages as part of the attachment to the Supplement to Comments.

Should you have any questions, please contact the undersigned. Thank you for your attention to this matter.

Respectfully submitted,

Mary E. Kostel

Attachment
cc: Mark Prak

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List A B C D E

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

JUN 7 2000

In re)
)
Application of)
)
HEARST-ARGYLE STATIONS, INC.)
)
WPTZ-DT, North Pole, NY)
)
for Construction Permit for DTV Facilities)

File No.
BPCDT-19991020ACA

To: The Commission

PETITION TO DENY

Pursuant to Section 73.3584 of the Commission's rules, Mt. Mansfield Television, Inc. ("Mt. Mansfield TV"), the licensee of WCAX-TV, Burlington, VT, respectfully files this petition to deny the above-captioned application, as it has recently been amended.¹

Introduction

WPTZ is licensed to North Pole, New York. In October 1999, Hearst-Argyle Stations, Inc. ("Hearst-Argyle") filed an application for construction permit for WPTZ's digital facilities. That application sought approval to construct DTV facilities based on

¹ Ordinarily, amendments to pending applications made to relocate transmitter sites would not constitute a "major change," and thus would not be subject to petitions to deny. 47 C.F.R. § 73.3572(b). However, good cause exists for treating WPTZ's amended application as a major change, because as noted below the amended application (unlike the original one) raises substantial questions concerning compliance with the Commission's city grade coverage requirements and loss of expected DTV service. Mt. Mansfield clearly has standing as a competitor to file such a petition. If the Commission does not treat the application as a major change, Mt. Mansfield's petition should be treated as an informal objection. 47 C.F.R. § 73.3587.

those prescribed for WPTZ in the Commission's DTV proceeding, which (like WPTZ's analog facilities) are located on Terry Mountain, in upstate New York.²

On May 1, 2000, however, Hearst-Argyle filed an amendment to its pending DTV application, seeking to relocate its DTV facilities to Mt. Mansfield, which is located near Stowe, Vermont, more than 42 miles east of Terry Mountain. As noted below, this proposal is fatally flawed, both because its geographical coordinates and elevation do not correspond to the site that is currently under review (or any other known site), and because its proposed effective radiated power far exceeds that permitted under the rules. Accordingly, the amendment should be dismissed. But even if a properly framed amendment had been filed, it would deprive viewers in the Lake Placid area of their expectation of and entitlement to reliable DTV reception, and it would create a DTV white area in portions of Hamilton County, New York, in which viewers would be deprived of any over-the-air DTV service. Both for these reasons, and because Hearst-Argyle has failed to demonstrate compliance with the pertinent obligations of U.S. border area broadcasters vis-a-vis Canadian television stations and land mobile facilities, *see* Engineering Ex. 3, sheets 1 and 2 nn.**, the amended application should be denied in any event.

1. The Amendment Should Be Dismissed Because It Corresponds to No Known Site.

Hearst-Argyle's amendment seeks authority to construct its DTV facilities on Mt. Mansfield, pursuant to "a cooperative plan for the use of the site." Engineering Statement at 2. Mt. Mansfield TV has been substantially involved in that cooperative

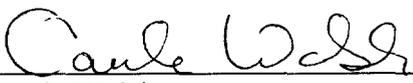
² The Commission allotted WPTZ-DT an ERP of 215.8 kW at 607 meters HAAT. The original application proposed 203 kW at 551 meters HAAT. Engineering Statement at 1-2 (Oct. 13, 1999).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 2000, I caused a true copy of the foregoing errata letter to the "Supplement to Comments of Mt. Mansfield Television, Inc." to be served by hand delivery upon the persons listed on the attached service list marked with an asterisk, and by first-class mail upon all other persons listed.

* John Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Mark J. Prak
Brooks, Pierce, McLendon, Humphrey
& Leonard, L.L.P.
First Union Capitol Center
Suite 1600
P.O. Box 1800
Raleigh, NC 27602



Carole Walsh