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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.622(b) )  
DTV Table of Television Allotments )  
(Rochester, New York) )

Docket No. \_\_\_\_\_

To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

WXXI Public Broadcasting Council ("WXXI"), through its attorneys, hereby petitions for amendment of Section 73.622(B), the DTV Table of Television Allotments, to allot DTV Channel \*41 for noncommercial educational use in lieu of the existing allotment of NTSC Channel \*61 at Rochester, New York, pursuant to Section 73.622(a) of the FCC's rules, FCC Public Notice DA99-2605, "Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations," released November 22, 1999, and FCC Public Notice DA00-536, "Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations Extended to July 15, 2000," released March 9, 2000.<sup>1</sup> In support thereof, the following is respectfully shown:

1. WXXI is an applicant for a new public television station on NTSC Channel \*61 at Rochester, New York (FCC File No. BPET-960228KF). Inasmuch as this application

<sup>1</sup>July 15, 2000 fell on a Saturday; therefore this Petition is timely filed.

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was filed after the Commission's "freeze" on certain new NTSC applications, no corresponding DTV channel was paired with Channel \*61, Rochester, in the Commission's Sixth Report and Order. Further, Channel \*61 is out-of-core and is no longer usable for new NTSC facilities. WXXI nonetheless is committed to activating additional facilities, including DTV facilities, to serve the Rochester area. The instant proposal follows extensive review by WXXI of NTSC and DTV potentialities in connection with its pending Channel \*61 application. Attached hereto is an Engineering Statement which confirms that WXXI's proposed station can operate on DTV Channel \*41 from the specified reference coordinates using a directional antenna with a power of 25.0 kW at 150 meters AAT without causing above de minimis interference to any of the applicable surrounding stations.

2. For the foregoing reasons, and for all of the reasons set forth in the attached Engineering Statement, WXXI submits that the public interest, convenience and necessity will be amply served by favorable consideration of this petition for rule making. Such action by the FCC will allow WXXI to construct and operate DTV facilities to serve Rochester, New York and its environs. As shown in the attached Engineering Statement, this DTV reserved allocation can be implemented in a manner that is fair, efficient and without adverse impact upon area NTSC and DTV authorizations and allotments.

3. Accordingly, WXXI respectfully urges the FCC to issue a Notice of Proposed Rule Making to allot DTV Channel \*41 at Rochester, New York.

Respectfully submitted,

WXXI PUBLIC BROADCASTING COUNCIL

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July 17, 2000



## **ENGINEERING STATEMENT**

**in support of**

**Petition for Rule Making**

**to Allot**

**Channel \*41**

**to**

**Rochester, NY**

### **Background**

WXXI Public Broadcasting Council (WXXI) timely filed an application for a new non-commercial television broadcast station on Channel 61, a reserved non-commercial channel at Rochester, NY (File No. BPET-96228KF). Processing of this application has been deferred as a result of the Commission's DTV proceeding. The Commission in its notice of December 1999 (DA 99-2605) has afforded applicants the opportunity to amend pending NTSC applications so as to comport with the subsequently adopted DTV rules and policies.

The channel specified by WXXI is out-of-core and is no longer usable for new NTSC facilities. WXXI is submitting this petition for rule making to specify a new channel reserved for non-commercial DTV use in place of Channel 61.



### **Proposed Channel**

An exhaustive study was made and no channel meeting NTSC allotment criteria could be identified. However, a channel was identified that could be specified for DTV operation with reference facilities which comply with the Commission's requirements regarding interference to existing TV broadcast stations, DTV facilities (including allotments, applications and authorizations) and Class A TV facilities.

DTV Channel \*41 is being proposed as a substitute for NTSC Channel \*61.

Attached hereto are the results of interference studies conducted using Probe II™ and other proprietary software in accordance with OET-69. Some new interference is shown to low power TV station WBGT-L; this station appears on the Commission's list of LPTV stations eligible for Class A status.

In accordance with the procedure described in the Class A Report and Order (MM Docket 00-10) for alternative means of interference protection using OET-69 procedures, it is predicted that 147 persons would receive interference. When compared to the "service population" (i.e., the population within the 74 dBu contour of WBGT-L) this amounts to 0.03% of the 498,102 population. This is well within the 0.49% limit to be classified as "zero" interference through permissible rounding.

To the extent that a waiver may be required to show protection to WBGT-L by use of OET-69 procedures instead of contour protection, such a waiver is requested in accordance with the provisions of 73.613(j).

Therefore, it is proposed to amend the table of Digital Television Channel Allotments as follows:



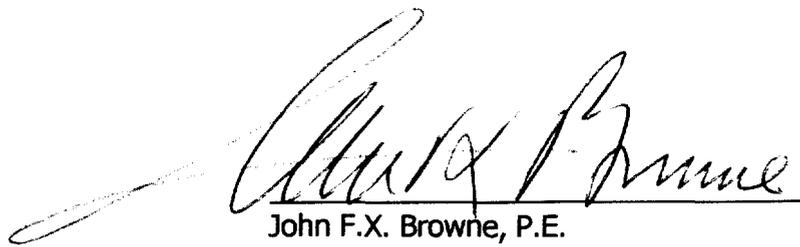
	<u>Present</u>	<u>Proposed</u>
New York		
"		
"		
Rochester	*16, 28, 45, 58, 59	*16, 28, *41, 45, 58, 59

The proposed allotment parameters for Channel \*41 are as follows:

Location Reference	:	43-10-00 N, 077-40-0nnn0 W
Channel	:	41 (DTV)
Power	:	25 kW (max DA)
Antenna	:	Directional (see pattern Table I)
Antenna Height	:	310 m (RC AMSL)
HAAT	:	150 m

**Certification**

This statement with associated exhibits was prepared by me or under my direction. All assertions contained in the statement are true of my own personal knowledge except where otherwise indicated and these latter assertions are based on information from sources known to be reliable and are believed to be true.

  
 \_\_\_\_\_  
 John F.X. Browne, P.E.  
 July 14, 2000

Attachments: Table I  
Interference Study

# Antenna Pattern

Pre-Rotation Antenna Pattern...

Azimuth (deg)	Effective Field
0.0	1.000
10.0	0.980
20.0	0.980
30.0	1.000
40.0	0.990
50.0	0.970
60.0	0.890
70.0	0.820
80.0	0.710
90.0	0.600
100.0	0.400
110.0	0.230
120.0	0.080
130.0	0.030
140.0	0.030
150.0	0.030
160.0	0.030
170.0	0.030
180.0	0.030
190.0	0.030
200.0	0.030
210.0	0.030
220.0	0.030
230.0	0.030
240.0	0.080
250.0	0.230
260.0	0.400
270.0	0.600
280.0	0.710
290.0	0.820
300.0	0.890
310.0	0.970
320.0	0.990
330.0	1.000
340.0	0.980
350.0	0.980

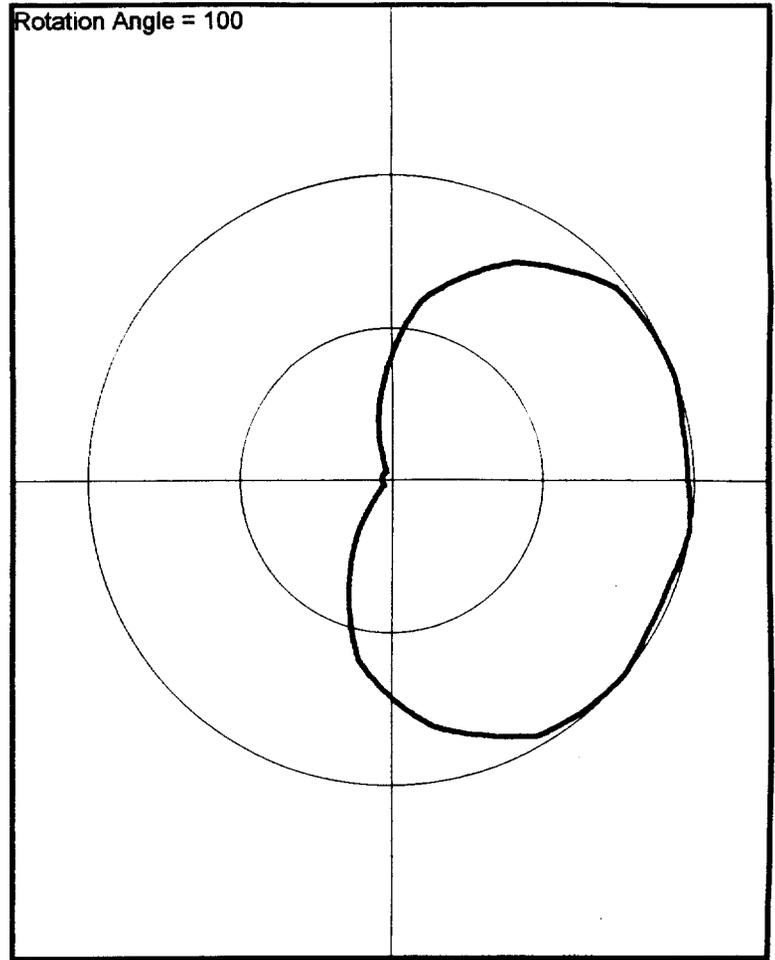


Table I

Channel \*41 DTV  
Rochester, NY

John F.X. Browne & Associates PC

Wxxi41b (41) Rochester, NY  
TV Outgoing Interference Study  
Signal Resolution: 2 km  
Consider NTSC Taboo: Yes  
KWX error points are considered to  
be interference free coverage.  
Masked interference points are being counted  
as interference free.

Study Date: 7/13/00

Stations which receive interference:

Call Letters	H Units	Population	Area (sq. km)
WPBS-D.A	145	261	52.92
WBGT-L	60	147	3.58

Totals for Wxxi41b

Total population to which interference is caused: 408

Total number of housing units to which interference is caused: 205

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	Housing Units	Population
New York		
Lewis County		
WPBS-D.A	11	0
Monroe County		
WBGT-L	60	147
Oneida County		
WPBS-D.A	5	6
Oswego County		
WPBS-D.A	123	242
St. Lawrence County		
WPBS-D.A	6	13

Contour Parameters:

Type: FCC Contour  
F(50-50) Cutoff: 74.00 dBu

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Transmitter Information:

Call Letters: WBGT-L  
File Number: BLTTL19971014JH  
Latitude: 43-10-14 N  
Longitude: 077-40-23 W  
Power: 10.00 kW  
Channel: 40+  
Frequency: 629.5 MHz  
AMSL Height: 300.0 m  
Elevation: 160.0 m  
Horiz. Antenna Pattern: Directional  
Vert. Elevation Pattern: Yes  
Beam Tilt: 0.0  
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Total Population Within Contour: 498,102  
Total Housing Units Within Contour: 207,942  
Total Area Within Contour: 602.79 sq. km

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	Housing Units	Population
New York		
Monroe County		
WBGT-L	207,942	498,102
White:		385,520
Black:		77,565
Hispanic:		23,937
Asian:		9,090
Indian:		1,520
Other:		470