

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Amendment of Section 73.622(b),)
Table of Allotments,)
Digital Television Broadcast Stations.)
Fort Myers, Florida)

MM Docket No. 00-180
RM-9956

TO: Chief, Video Services Division

COMMENTS OF FORT MYERS BROADCASTING COMPANY

Fort Myers Broadcasting Company ("FMBC"), licensee of Station WINK-TV, NTSC Channel 11, Fort Myers, Florida, supports substitution of DTV Channel 9 for its assigned DTV Channel 53.

FMBC notes that DTV Channel 53 falls outside the core television band and will be unavailable for television broadcasting when the transition of television from analog to digital broadcasting is complete. The proposed allotment of DTV Channel 9 is within the core television band. It is sufficiently close to WINK-TV's analog Channel 11, that equipment purchased for DTV Channel 9 can be used for digital broadcasting on Channel 11 with only minor modifications.

FMBC estimates that the cost of purchasing a Channel 9 DTV transmitter will be approximately \$260,000.00 less than purchasing a comparable Channel 53 DTV transmitter. Further, the cost of power for a Channel 9 DTV transmitter will be roughly one third the power cost for a Channel 53 DTV transmitter. FMBC submits that these cost savings will help it maintain high quality programming for its analog and digital television broadcasts during the costly transition to all digital television broadcasting.

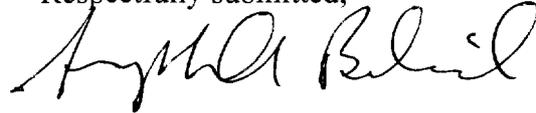
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Attached hereto is the engineering study of DuTreil, Lundin and Rackley, Inc., demonstrating that DTV Channel 9 can be allotted to Fort Myers, Florida in complete conformity with all Commission allocation requirements. Also attached is a DuTreil, Lundin & Rackley study demonstrating that the proposed allotment does not adversely effect Class A television operations. FMBC will apply for DTV Channel 9 when allotted. In fact, FMBC submitted an amendment to its pending DTV application, FCC File No. BPCDT-19991029ADW, proposing operation on DTV Channel 9 at the same time it filed its Petition for Rulemaking in this proceeding.

The proposal of FMBC to change its DTV allotment to a channel in the core band is consistent with rulemaking proposals previously accepted by the Commission. See eg Chattanooga, Tennessee, DA 99-1593, released August 13, 1999. The Commission has recognized that potential cost savings that can help maintain quality programs are also a public interest factor warranting DTV Channel changes. See Corpus Christi, Texas, DA 99-1810, released September 8, 1999; Monroe, Louisiana, DA 99-1525, released August 3, 1999; and Panama City, Florida, DA 99-2303, released November 1, 1999.

In view of the matters stated above, FMBC requests allotment of DTV Channel 9 to Fort Myers, Florida.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph A. Belisle". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Joseph A. Belisle
Counsel for Fort Myers Broadcasting Company

November 13, 2000
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TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
STATION WINK-DT
FORT MYERS, FLORIDA

Technical Statement

This Technical Statement and associated Figures have been prepared on behalf of WINK-DT in support of a *Petition for Rule Making* to modify the DTV allotment of WINK-DT from channel 53 to channel 9.

DTV channel 9 can be substituted and allotted to Fort Myers, Florida in compliance with the principal community coverage requirements of Section 73.625(a) at reference coordinates:

26° 48' 01" West Latitude
81° 45' 47" North Longitude

The proposed DTV reference coordinates are also the geographic coordinates of the WINK-TV NTSC facility.

In addition, operation on DTV channel 9 appears possible with an effective radiated power (ERP) of 20 kW utilizing a non-directional antenna radiation envelope and an antenna height above average terrain (HAAT) of 451 meters and a radiation center of 459 meters above mean sea level. The proposed channel change is acceptable under the 2 percent criterion for *de minimis* impact applicable to DTV allotment modifications under Section 73.623(c)(2).

Therefore, it is proposed to modify WINK-DT's authorization to specify operation on the alternate DTV channel with the following specifications:

State & City	DTV Channel	DTV ERP (kW)	Antenna Radiation Center	Antenna HAAT (m)
FL, Fort Myers	9	20 kW	459 m AMSL	451 m
Note: Non-Directional Antenna				
Reference Coordinates: 26° 48' 01 N. Latitude/81° 45' 47" W. Longitude				

It is also proposed to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as follows:

<u>City</u>	<u>Present</u>	<u>Channel No.</u>	<u>Proposed</u>
Fort Myers, FL	15, *31c, <u>53</u>		<u>9</u> , 15, *31c

Background

Station WINK-DT is currently allotted channel 53 for its DTV operation with an effective radiated power of 1000 kW and an HAAT of 451 meters.

WINK-DT is requesting to substitute its DTV channel to a VHF channel to permit more favorable propagation characteristics. Additionally, it is proposed to operate with a single antenna for both the NTSC and DTV facilities, thus eliminating the additional tower wind loading which would occur by the addition of a separate DTV antenna.

Proposal

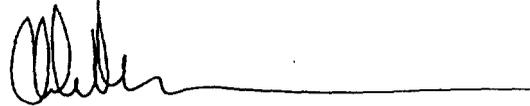
Figure 1 is a coverage map showing the licensed Grade B coverage contour and the herein proposed facility noise-limited coverage contour. Also shown are the city limits of Fort Myers, Florida based on 1990 Census data. As indicated, all of Fort Myers is located within the noise-limited coverage contour. Therefore, the proposed channel 9 DTV allotment will comply with the city coverage requirements contained in Section 73.625(a).

Figure 2 provides a summary of interference and service for the proposed channel 9 allotment. Determination of interference and service was based on the procedures outlined in OET Bulletin No. 69 and criteria contained in Sections 73.622 and 73.623 of the FCC's rules.¹ It is believed that the proposed channel 9 operation is in full compliance with the FCC's 2%/10% interference criteria.

¹ The du Treil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order; subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 2 km was employed. An Alpha based processor computer system was employed. The results have been found to be in very close agreement with the results of the FCC implementation of OET Bulletin No. 69.

Conclusion

Channel 9 can be substituted for the current DTV channel 53 allotment of WINK-DT in compliance with the FCC's rules concerning DTV allotment changes.



Charles Cooper

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 324237
941.329.6000

April 24, 2000

TECHNICAL EXHIBIT
 PREPARED IN SUPPORT OF
 PETITION FOR RULE MAKING TO
 MODIFY THE DTV ALLOTMENT TABLE
 STATION WINK-DT
 FORT MYERS, FLORIDA

Summary of Allocation Analysis

Facility	Channel	NTSC or DTV?	Baseline Service Population (1990)	Permissible IX(%)	Net New IX Caused by Proposed (1990)	Percent of Baseline (%)
WFLA-TV Tampa, FL	8	NTSC	3,514,951	2.0	31,000	0.88
WSVN-DT Miami, FL <i>Allotment</i>	8	DTV	3,947,000	2.0	0	0.00
WSVN-DT Miami, FL <i>Application(160 kW)</i>	8	DTV	4,092,400	2.0	0	0.00
WPLG-DT Miami, FL <i>Allotment</i>	9	DTV	3,954,000	2.0	26,000	0.66
WPLG-DT Miami, FL <i>License</i>	9	DTV	3,928,000	2.0	26,000	0.66
WFTV(TV) Orlando, FL	9	NTSC	2,510,098	2.0	42,000	1.67
WTSP(TV) St. Petersburg, FL	10	NTSC	2,936,671	2.0	0	0.00
WPLG(TV) Miami, FL	10	NTSC	3,953,939	2.0	0	0.00

TECHNICAL SUPPLEMENT
CLASS A INTERFERENCE ANALYSIS
TO SUPPORT THE
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
STATION WINK-DT
FORT MYERS, FLORIDA

Technical Statement

This Technical Supplement was prepared on behalf of WINK-DT in support of the pending *Petition for Rule Making* to modify the DTV allotment of WINK-DT from channel 53 to channel 9.

A FCC staff member has requested this analysis of the impact to Class A television stations from the proposed DTV Channel 9 allotment at Fort Myers. Therefore, this supplement was prepared and submitted.

As discussed below, the proposed Fort Myers DTV 9 facility does not cause any prohibited contour overlap to any existing Low Power Television (LPTV) station with an FCC accepted Class A eligibility certification.

For the analysis, all the authorized and licensed LPTV stations within 500 kilometers on Channel 9 (co-channel) and 300 kilometers on the adjacent channels were tabulated.¹ This tabulation is provided below. Each station was then analyzed to determine if the Class A eligibility certification was either accepted or dismissed by the Commission. Of the Class A eligibility statements

¹ The study radius of 500 kilometers for co-channel and 300 kilometers for adjacent-channel stations is a sufficient distance to study the necessary low powered television stations. The Commission's CDBS was employed searching only current records.

that were accepted, a contour overlap analysis was preformed.² As noted below and shown on the attached map, no prohibited contour overlap occurs to the accepted facilities.

LPTV Stations within proposed Channel 9 Fort Myers DTV 300 kilometers for adjacent channels (channels 8,10) 500 kilometers for co-channel (channel 9)		
Low Power Television Station	Facilities	Distance from Proposed Channel 9 at Fort Myers (km)
WBSP-LP Naples, FL	Channel 9 0.06 kW	67
<i>The WBSP-LP statement of Class A eligibility was dismissed by the Commission in the June 9, 2000 Public Notice. Therefore, no protection required.</i>		
WFPI-LP Fort Pierce, FL	Channel 8 0.06 kW	157
<i>The WFPI-LP statement of Class A eligibility was dismissed by the Commission in the June 9, 2000 Public Notice. Therefore, no protection required.</i>		
WWCI-LP Vero Beach, FL	Channel 10 0.07 Kw	162
<i>The WWCI-LP statement of Class A eligibility was accepted by the Commission in the June 2, 2000 Public Notice. Therefore, protection is provided.</i>		
W53BS Jupiter, FL	Channel 9 0.035 kW	164
<i>The W53BS statement of Class A eligibility was dismissed by the Commission in the June 2, 2000 Public Notice. Therefore, no protection required.</i>		
W09CF Jacksonville, FL	Channel 9 0.320 kW	386
<i>The W09CF statement of Class A eligibility was accepted by the Commission in the June 2, 2000 Public Notice. Therefore, protection is provided.</i>		
WACX-LP Tallahassee, FL	Channel 9 0.018 kW	472
<i>The WACX-LP statement of Class A eligibility was accepted by the Commission in the June 2, 2000 Public Notice. Therefore, protection is provided.</i>		

² The contour overlap analysis was completed pursuant to Section 73.623(c) of the Commission's Rules.

Conclusion

The proposed Fort Myers DTV Channel 9 will not cause predicted interference to any low power television station having a Class A eligibility statement accepted by the Commission.

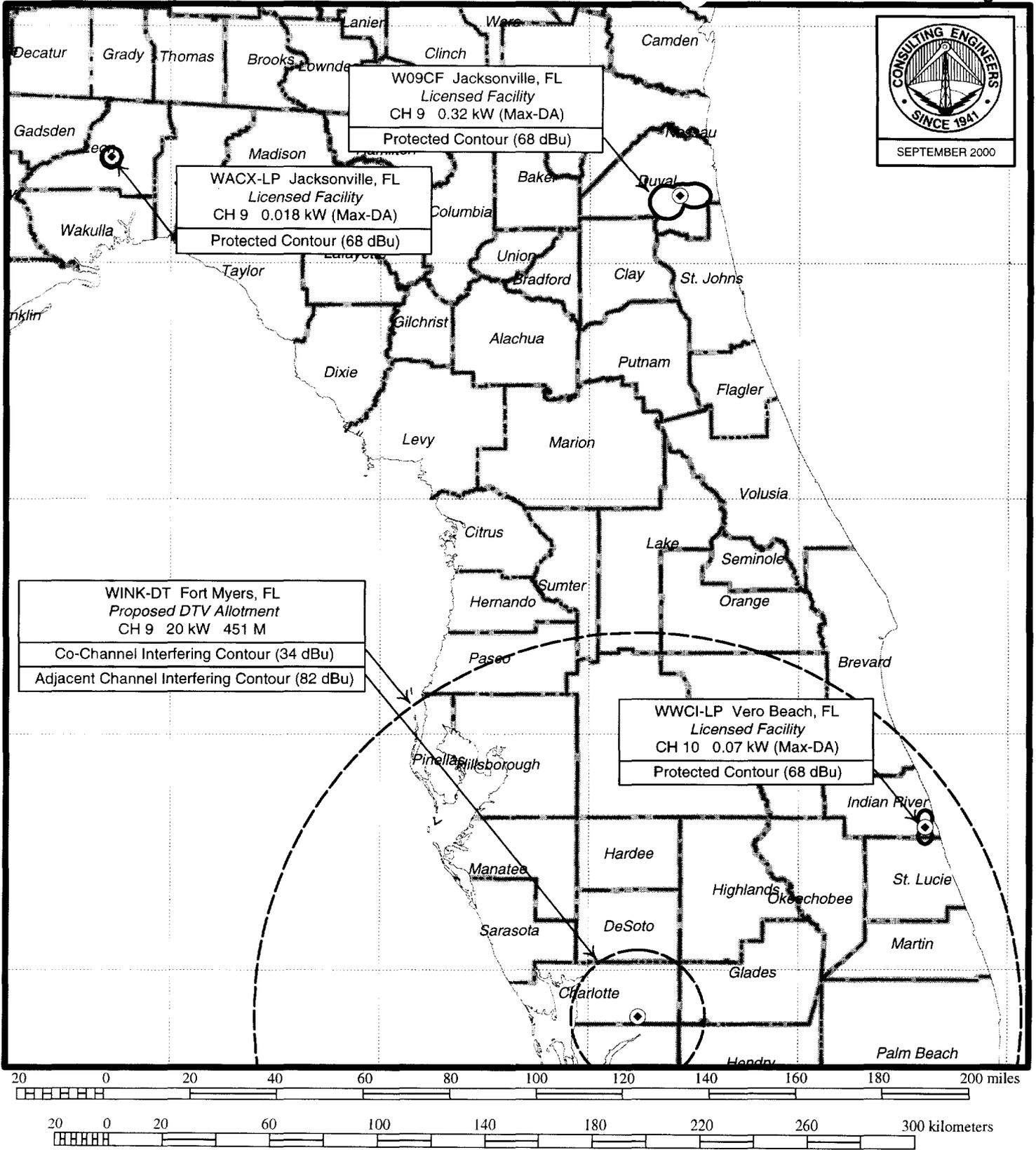


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September 19, 2000

Figure 1



CLASS A IMPACT ALLOCATION STUDY

WINK-TV FORT MYERS, FLORIDA

du Treil, Lundin & Rackley, Inc., Sarasota, Florida