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January 19, 2001

JAN 19 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

**Re: Comments of Withers Broadcasting Company of West Virginia
Amendment of Section 73.622(b)-Table of Allotments-Digital Television
Broadcast Stations (Weston, West Virginia)
MM Docket No. 00-242, RM-9998**

Dear Ms. Salas:

Transmitted herewith, on behalf of Withers Broadcasting Company of West Virginia, is an original and four (4) copies of its Comments in the above-referenced rulemaking proceeding.

Should there be any questions, please contact undersigned counsel.

Sincerely,



Lee G. Petro

Enclosures
DC01/334497.1

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JAN 19 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.622(b),)
Table of Allotments,)
Digital Television Broadcast Stations.)
(Weston, West Virginia))

MM Docket No. 00-242
RM-9998

**TO: CHIEF, VIDEO SERVICES DIVISION
MASS MEDIA BUREAU**

**COMMENTS OF
WITHERS BROADCASTING COMPANY
OF WEST VIRGINIA**

Pursuant to the *Notice of Proposed Rulemaking*, released December 1, 2000 (DA 00-2677), in the above-referenced proceeding, Withers Broadcasting Company of West Virginia (“Withers”), by and through its attorneys, hereby submits its Comments in support of the proposed reallocation of the assigned DTV Channel for Station WDTV(TV), Weston, West Virginia from DTV Channel 58 to DTV Channel 6. Withers filed the Petition for Rulemaking in this proceeding on September 28, 2000, and hereby incorporates the contents of that petition herein.

Additionally, attached hereto as Exhibit One, Withers is providing a letter from the National Radio Astronomy Observatory, supporting Withers’ assertion that the proposed allotment of DTV Channel 6 at Weston, West Virginia, will not cause impermissible interference to the NRAO’s Green Bank facility.

Finally, as demonstrated in the attached Declaration, Withers certifies that, should the Commission grant the proposed amendment to the Table of DTV Allotments, it will apply for the modified allotment and, if authorized, will construct the facilities promptly.

Respectfully submitted,

**WITHERS BROADCASTING
COMPANY OF WEST VIRGINIA**

By: 
M. Scott Johnson

By: 
Lee G. Petro

GARDNER, CARTON & DOUGLAS
1301 K Street, N.W., Suite 900
Washington, D.C. 20005
(202) 408-7100
(202) 289-1504

Its Attorneys

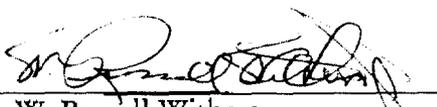
January 19, 2001

DECLARATION OF
W. RUSSELL WITHERS

I, W. Russell Withers, the President of Withers Broadcasting Company of West Virginia, do hereby affirm and attest, under penalty of perjury, that I have reviewed the foregoing Comments, and confirm that, to my knowledge, the facts contained therein are true and correct.

In addition, I hereby affirm that, should the Commission amend the DTV Table of Allotments to change the allotment of Station WDTV(TV), Weston, West Virginia from Channel 58 to Channel 6, I will file an application and timely construct the specified facilities.

WITHERS BROADCASTING
COMPANY OF WEST VIRGINIA

By: 
W. Russell Withers

January 12, 2001

EXHIBIT ONE

Letter of National Radio Astronomy Observatory, dated September 29, 2000



NATIONAL RADIO ASTRONOMY OBSERVATORY

POST OFFICE BOX 2 GREEN BANK, WEST VIRGINIA 24944-0002
TELEPHONE (304) 456-2107 FAX (304) 456-2276

29 September, 2000

M. Scott Johnson
Gardner, Carton & Douglas
Suite 900, East Tower
1301 K Street, NW
Washington, DC 20005

Re: **Digital Television Broadcast Radio Service**
Withers Broadcasting Company of West Virginia
WDTV
Weston, WV,
New 82-88 MHz band (TV Channel 6)
transmitter near Weston, WV
FCC File#BPCDT19991029FO
NRQZ#3572/22FEB00

Dear Mr. Johnson,

The National Radio Astronomy Observatory (NRAO), Green Bank, West Virginia, supports the petition for Rulemaking submitted to the FCC requesting that the Table of Allotments be amended to change the allotment for Station WDTV, Weston, WV, from Channel 58 to Channel 6. Provided this petition is granted by the FCC, the NRAO withdraws its objection, stated in our letter dated 24 February 2000, to the granting of this application.

If additional information is needed, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wesley A. Sizemore', written over a horizontal line.

Wesley A. Sizemore
Scientific Associate

Copy to: Gene Heskett, Chief Engineer for WDTV
Chris Reynolds, Counsel for NRAO
Jon N. Edwards, du Treil, Lundin & Rackley, Inc.

CERTIFICATE OF SERVICE

I, Sheryl Sellers, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 19th day of January, 2001 caused to be sent by hand delivery, a copy of the foregoing "Comments of Withers Broadcasting Company of West Virginia" to the following:

Ms. Pamela Blumenthal
Mass Media Bureau
Federal Communications Commission
445 12th Street, SW - Suite 2-A762
Washington, D.C. 20554



Sheryl Sellers