

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

In the Matter of)
)
Review of the Commission's) *MM Docket No. 00-39*
Rules and Policies)
Affecting the Conversion)
To Digital Television)

To: The Commission

PETITION FOR RECONSIDERATION

Donald G. Everist ("Everist"), a member of the firm of Cohen, Dippell and Everist, P.C., hereby submits the following Petition for Reconsideration of the *Report and Order and Further Notice of Proposed Rule Making* adopted January 18, 2001 by the Federal Communications Commission ("FCC"). Mr. Everist has practiced as a registered professional engineer in the District of Columbia (Registration No. 5714) on broadcasting matters for over thirty years and he is a member of the Institute of Electrical and Electronic Engineers, National Society of Professional Engineers, Illinois Society of Professional Engineers, and a member and past-president of the Association of Federal Communications Consulting Engineers.

He was the Chairman of the AM Broadcasting Service Working Group preparatory to the 1979 World Administrative Radio Conference and Industrial delegate for the United States to the International Telecommunications Union Regional Administrative Medium Frequency Broadcasting Conference in Buenos Aires, Argentina. He was the Chairman of TF:F Planning Methods; was a U.S.

delegate on the Fourth Panel of Experts meeting in Geneva, Switzerland; was Chairman of the Working Group on Inventories, Incompatibilities, Negotiations and Strategy to the Advisory Committee, all preparatory to the Second Session of the Regional Administrative MF Broadcasting Conference for Region 2 (Western Hemisphere) held in Rio de Janeiro, Brazil. He was an industrial delegate for the United States to the Regional Administrative Radio-Conference (BC-R21) sponsored by the International Telecommunications Union in Geneva, Switzerland. He was an industrial delegate for the United States for the CCIR Joint Interim Working Party 8-10/1 Meeting in Helsinki, Finland. He has served as a participant in various working groups in the development of digital television and in development of *Spectrum Monitoring Handbook*.

Under technical issues, clarification is sought regarding the denominator to be used when protection by another proposed station to an increased DTV facility has been authorized.

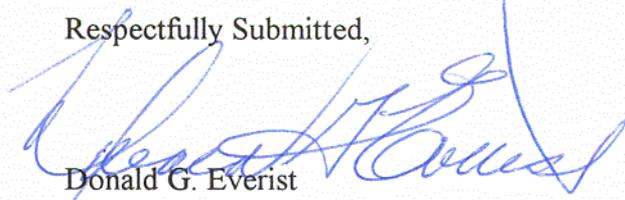
Currently, it appears that the Commission's program utilizes the Appendix B population in instances where the Appendix B population should not apply due to approval of an increase in DTV facilities. Specifically, the *Additional Processing Guidelines for DTV* (PN 84889) state that when protecting a DTV station that has increased its service area subsequent to the Order, the change in interference is estimated to the population of the increased service area. However, when calculating a percentage, the allotment's service population is used as the denominator. For the 10% cumulative limit, this mathematical inconsistency is justified in order to minimize record keeping.

However, this logic does not apply when calculating the effect versus the 2% de minimis limit of a single proposal to an authorized facility (or application) at a specific point in time. Therefore, the "DTVSERVICE" used in the denominator should be the same "DTVSERVICE before the application's proposed facilities are considered" that is used in the numerator for the 2% calculation.

It is believed that the current use of the Appendix B population value in this specific instance was not contemplated at the time the guideline was written.

Therefore, it is respectfully requested that clarification be provided.

Respectfully Submitted,



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