

Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.622(b))
Table of Allotments,)
Digital Television Broadcast Stations.)
(Jackson, Mississippi))

MM Docket No. 01-43
RM-10041

To: Chief, Video Services Division

COUNTERPROPOSAL

Vicksburg Channel 35 Associates, LLC ("VCA"), applicant for a new NTSC facility on Channel 35, Vicksburg, Mississippi, hereby files this Counterproposal to the proposal set forth in the Notice of Proposed Rule Making, DA 01-388 (released February 20, 2001), to allot DTV Channel 9 at Jackson, Mississippi, as a replacement for DTV Channel 51 as the paired DTV channel for station WLBT-TV. As set forth in the Engineering Statement attached hereto as Exhibit A, DTV Channel 9 can be allotted to Vicksburg, Mississippi in conformance with the Commission's rules and would provide a replacement channel for the Vicksburg NTSC operation, which has been left with no channel allotment. Thus, VCA requests the following change to the DTV Table of Allotments:

	<u>Current</u>	<u>Proposed</u>	No. of Copies rec'd List A B C D E
Vicksburg, Mississippi	--	9	<u>0+4</u>

BACKGROUND

Initially, four parties filed mutually exclusive applications requesting Commission consent to the construction and operation of a new television station on Channel 35, Vicksburg,

Mississippi. The initial applicant was KB Prime Media LLC (“KB Prime”)¹, whose application appeared on a cut-off list on August 16, 1996. See Public Notice, Report No. A-196 (released August 16, 1996). Innovative Television, Inc. (“Innovative”), Cardinal Broadcasting Corporation (“Cardinal”) and Edward I. St. Pe (“St. Pe”) filed applications in response to that list. During the January 1998 settlement window, the applicants agreed to settle this proceeding and on January 30, 1998, filed a Joint Request for Approval of Settlement Agreement with the Commission. The settlement proposed the merger of KB Prime and Innovative to form VCA and the buyout of Cardinal and St. Pe, the remaining two applicants.² The merged application appeared on a “B” cut-off list on February 12, 1998. See Public Notice, Report No. 171 (released February 12, 1998).

On August 17, 1998, VCA filed an amendment to Innovative's originally filed application to specify a new transmitter site and to address all issues regarding DTV interference. As its application had been cut-off, VCA believed that such amendment would permit the grant of its application. Unfortunately, the Commission has indicated that VCA's application, as amended, created an impermissible amount of interference to the DTV allotment of WCBI-TV, Columbus, Mississippi, and despite the fact that the Vicksburg channel had been cut-off, it was not protected during the process of awarding digital allotments. VCA argued that the parameters specified in its amended application would not cause such interference because the interference

¹KB Communications Corporation (“KB Communications”) was the initial applicant. However, on June 30, 1998, KB Communications amended its application to substitute KB Prime as the applicant therein.

²As VCA is the surviving applicant pursuant to the settlement agreement, consent from Cardinal and St. Pe is unnecessary, since their applications will be dismissed under such agreement.

was masked by the interference caused by KB Prime's original application for this facility, which had been accepted for filing by the Commission and placed on a cut-off list.

After numerous discussions with the Commission staff, it was decided that VCA would pursue the option available to this special class of applicants to file rulemaking proposals and counterproposals to secure another channel for the Vicksburg station. See Public Notice, DA 99-2605 (released November 22, 1999). Thus, in the window announced in that Public Notice, VCA filed a Petition for Rule Making specifying Channel 59 at Vicksburg. Despite the fact that the Petition requested expedited consideration given the unusual posture of the Vicksburg situation, a Notice of Proposed Rule Making has not yet been issued.

At this time, the Commission has announced in its Notice of Proposed Rule Making in Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), FCC 01-91 (released March 28, 2001), that it will not process Petitions for Rule Making such as that filed by VCA which specify operation on Channel 59. Thus, VCA has again been left without a channel for its proposed new service to Vicksburg.

DISCUSSION

Operation on DTV Channel 9 at Vicksburg, Mississippi complies with the Commission's DTV interference criterion specified in Section 73.623(c) of the Commission's rules. Specifically, operation can be achieved at coordinates 32-25-37 N and 91-13-15 W using an omnidirectional antenna pattern with effective radiated power of 3.2 kilowatts at HAAT of 316 meters.

If the proposal set forth herein is adopted, VCA will amend its pending application to specify the facility requested herein and, if authorized, will construct and place the station into operation.

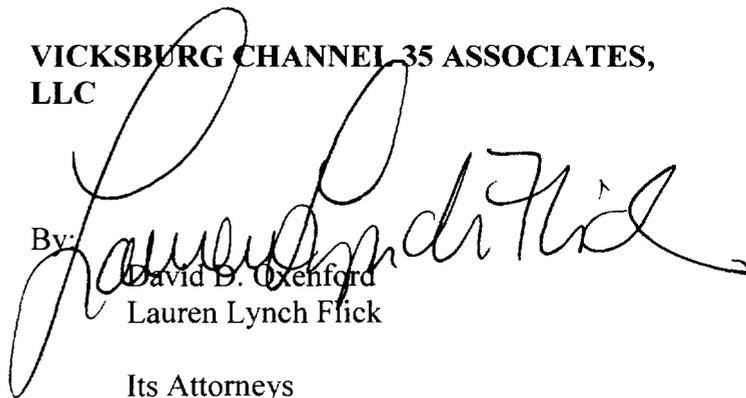
CONCLUSION

For the foregoing reasons, VCA respectfully requests that the Commission allot DTV Channel 9 at Vicksburg, Mississippi with an ERP of 3.2 kW and an HAAT of 316meters.

Respectfully submitted,

**VICKSBURG CHANNEL 35 ASSOCIATES,
LLC**

By:



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Dated: April 13, 2001

EXHIBIT A

**Vicksburg Channel 35 Associates, LLC
Vicksburg, Mississippi**

**Engineering Exhibit
in Support of Comments
to MM Docket 01-43**

April 13, 2001

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**Vicksburg Channel 35 Associates, LLC • Vicksburg, Mississippi
MM Docket 01-43 Comments**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Vicksburg Channel 35 Associates LLC, applicant for a new NTSC Channel 35 TV station at Vicksburg, Mississippi, to prepare this engineering exhibit in support of comments to MM Docket 01-43, which proposes to substitute DTV Channel 9 for DTV Channel 51 as the allotment for Station WLBT-DT at Jackson, Mississippi.

Channel D09 at Vicksburg

DTV Channel 9 could be allotted to Vicksburg, leaving WLBT-DT with its originally allotted, in-core, D51. As shown by the attached OET-69 interference study, Figure 1, omnidirectional DTV Channel 9 operation at 3.2 kW at the same site and height as proposed in the original KB Communications Corporation application for NTSC Channel 35, namely 32° 25' 37" N, 91° 13' 15" W, NAD27, and 336 meters AMSL/316 meters HAAT, would cause only 0.3% new interference to WTVA and no new interference to KNOE-TV.

As shown by the attached Figure 2, Channel D09 at the original KB Communications Corporation NTSC Channel 35 site at 3.2 kW omnidirectional would completely encompass Vicksburg within the F(50,90) 43 dBu DTV City Grade contour, with about 34 kilometers to spare.

No Impact to Class A TV Stations

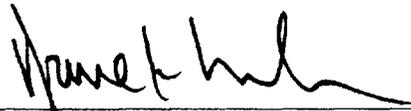
There are three Class A eligible LPTV stations close enough to the proposed Vicksburg site to require study: WBXK-LP, N08, Jackson, MS; WHCQ-LP, N08, Cleveland, OH (both licensed and permitted); and WBMS-LP, N10, Jackson, MS (both licensed and applied-for facilities). However, in all cases interfering contour of the Vicksburg D09 facility would clear, by substantial margins, the protected contours of these Class A eligible LPTV stations.

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List of Figures

In carrying out these engineering studies, the following attached figures were prepared under my direct supervision:

1. OET-69 interference study for D09 at Vicksburg, 3.2 kW omnidirectional
2. Coverage map for D09 at Vicksburg.



Dane E. Ericksen, P.E.

April 13, 2001



Vicksburg Channel 35 Associates, LLC • Vicksburg, Mississippi
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OET-69 Interference Study for D09 at Vicksburg, Mississippi
at 3.2 kW ERP Omnidirectional

tvixstudy 2.3.11

This interference study is based on 1.00 x 1.00 kilometer cells and terrain profiles with 1.0 points per kilometer. FCC processing using these finer-resolution parameters is hereby requested, pursuant to the Commission's August 10, 1998, Public Notice, "Additional Applications Processing Guidelines for DTV."

Before case parameters:
(same as "Original" below)

After case parameters:

	--Modified-----	--Original-----
Station:	D09 960710KV APP	N35 960710KV APP
City:	VICKSBURG, MS	VICKSBURG, MS
Coordinates:	N 32-25-37.0	N 32-25-37.0
	W 91-13-15.0	W 91-13-15.0
Height AMSL:	336.0 m	336.0 m
Maximum ERP:	3.20 kW	5000 kW
Azimuth pattern:	omnidirectional	omnidirectional
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	36.0 dBu	63.7 dBu

++Warning - some records had missing or bad data:

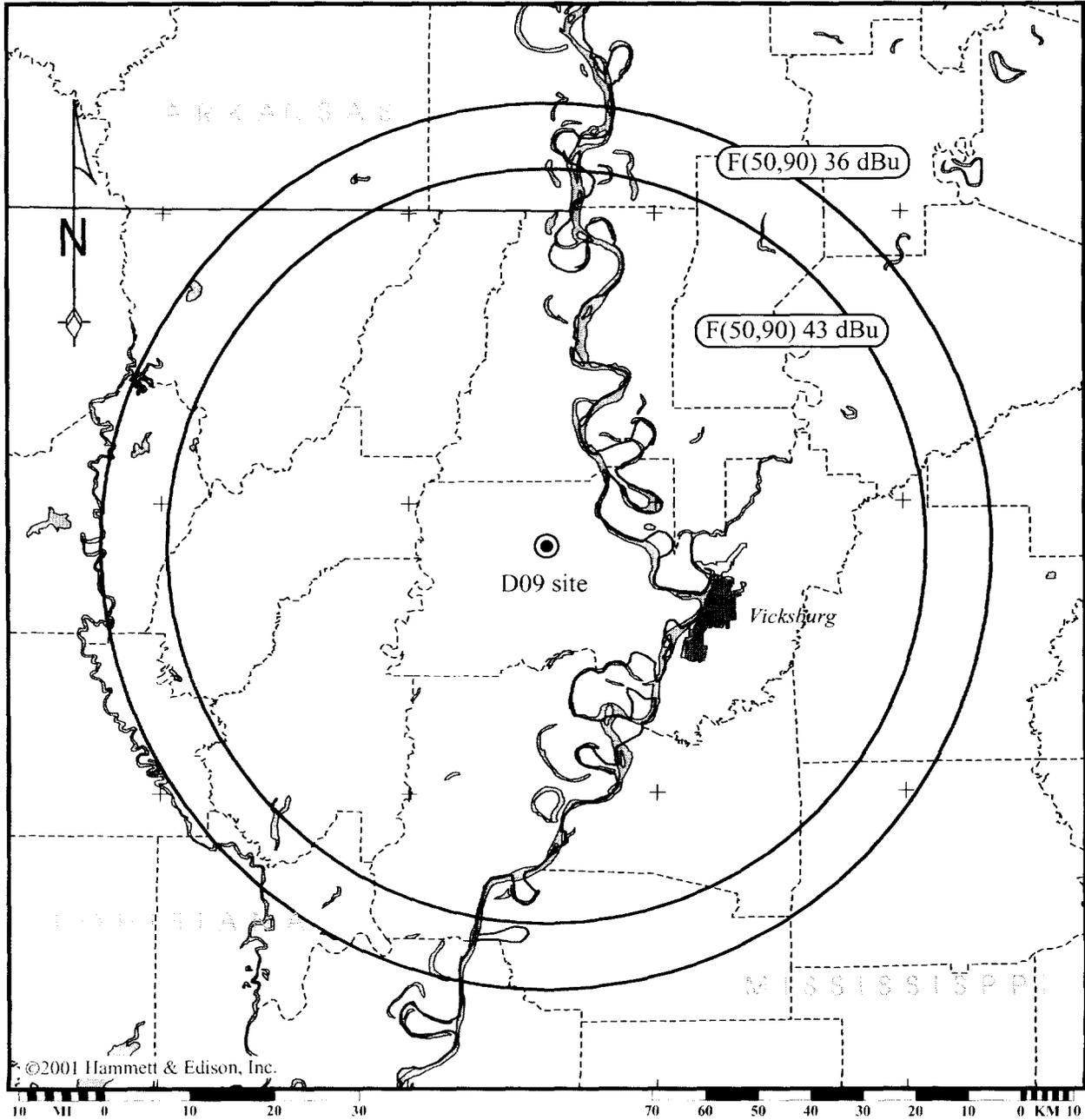
D09 KAIT-TV APP No corresponding DTV allotment, re-computed baseline population

Protected station		BasePop 1000s	Before		After		
			1000s	%Base	1000s	%Base	%Chng
N09 KTRE LIC	LUFKIN, TX	213	24	11.3	24	11.3	0.0
N10 KTVE LIC	EL DORADO, AR	650	0	0.0	1	0.2	0.2
N08 KNOE-TV LIC	MONROE, LA	710	136	19.2	136	19.2	0.0
N09 KETG LIC	ARKADELPHIA, AR	363	0	0.0	0	0.0	0.0
N09 WAFB LIC	BATON ROUGE, LA	1,878	1	0.1	2	0.1	0.0
N09 WTVA LIC	TUPELO, MS	658	0	0.0	2	0.3	0.3
D09 WALA-DT APP	MOBILE, AL	1,008	-153	-15.2	-153	-15.2	0.0
D09 WALADT allot	MOBILE, AL	1,008	-2	-0.2	-2	-0.2	0.0
D09 KAIT-DT APP	JONESBORO, AR	622	0	0.0	0	0.0	0.0

Note: The results of the OET-69 algorithm are dependent on the use of computer databases, including terrain, population, and FCC engineering records. FCC Rules Section 0.434(e) specifically disclaims the accuracy of its databases, recommending the use of primary data sources (i.e., paper documents), which is not practical for DTV interference analyses. Further, while Hammett & Edison, Inc. endeavors to follow official releases and established precedents on the matter, FCC policy on DTV analysis methods is constantly changing. Thus, the results of OET-69 interference and coverage studies are subject to change and may differ from FCC results.

Vicksburg Channel 35 Associates, LLC • Vicksburg, Mississippi
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Coverage for D09 at Vicksburg
3.2 kW ERP Omnidirectional
336 m AMSL/316 m HAAT



CERTIFICATE OF SERVICE

I, Angela Dortch, a secretary in the law firm of Shaw Pittman, hereby certify that on this 13th day of April, 2001, I caused to be served by first class United States mail, postage prepaid, a copy of the foregoing "**Counterproposal**" on the following:

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