

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 73.606 (b) \_\_\_\_\_)  
Table of Allotments \_\_\_\_\_)  
Television Broadcast Stations \_\_\_\_\_)  
(Plaquemine, Louisiana) \_\_\_\_\_)  
\_\_\_\_\_)

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

RM No. \_\_\_\_\_

To: Chief, Allocations Branch

**AMENDMENT TO PETITION FOR RULE MAKING**

Fant Broadcast Development, L.L.C. ("Fant"), by its attorneys, hereby submits this amendment to its pending petition for rule making to amend the TV Table of Allotments to allot a new NTSC channel to Plaquemine, Louisiana. Originally, Fant proposed allotment of Channel 50 to Plaquemine, Louisiana. In July 2000, however, Fant amended his petition for rule making to propose instead that Channel 57 be allotted to Plaquemine, Louisiana. That amendment was necessary because Fant's original proposal was short-spaced to three digital TV allotments. However, in July 2000, an amended proposal was also filed to allot Channel 57 to Hammond, Louisiana, and the Hammond amended proposal is mutually exclusive with Fant's amended Plaquemine proposal.

As a result, Fant is now amending his proposal to request that NTSC channel 52 be allotted to Plaquemine. Accordingly, Fant's proposal, as now amended, is to amend Section 73.606(b) of the Commission's rules as follows:

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01-52

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Plaquemine, Louisiana	---	52

As shown in the attached Engineering Statement of Pete Myrl Warren of WES, Inc., the proposed allotment of Channel 52 to Plaquemine is free of all short-spacing to any NTSC allotment. There are two DTV stations within 429 kilometers of the proposed allotment (WJTV-DT in Jackson, MS and WLBT-DT in Jackson, MS), and the proposed Plaquemine allotment is not short-spaced to either DTV station.

Good cause exists for the acceptance of this amendment. In July 2000, when Fant filed its amendment during the filing window, Fant could not have known that the amended Hammond proposal was being filed simultaneously, and that the amended Hammond proposal would be mutually exclusive with Fant's amended proposal. Both the Hammond proposal and the Fant amended proposal for Plaquemine would result in a first local television service being brought to Hammond and Plaquemine, respectively. Thus, the public interest strongly supports a grant of this amendment, so that a first local television service can be brought both to Plaquemine and Hammond. See National Broadcasting Co. v. U.S., 319 U.S. 190, 217 (1943); FCC v. Allentown Broadcasting Co., 349 U.S. 358, 359-62 (1955).

Consequently, the Commission should accept this amendment and proceed with a Notice of Proposed Rule Making to allot NTSC Channel 52 to Plaquemine, Louisiana.

Respectfully submitted,

By:  \_\_\_\_\_

Dean R. Brenner  
CRISPIN & BRENNER, P.L.L.C.  
1156 15<sup>th</sup> Street, N.W.  
Suite 1105  
Washington, D.C. 20005  
(202) 828-0155  
Attorney for Fant Broadcast Development, L.L.C.

Dated: May 18, 2001

**WES, INC.**  
6200 Valeria Ln.  
El Paso, TX 79912

505-589-2224

ENGINEERING STATEMENT TO SUPPORT  
AMENDMENT TO PETITION FOR RULEMAKING  
FOR PLAQUEMINE, LA  
CHANNEL 57

May 13,2001

ENGINEERING STATEMENT

Wes, Inc.

## DECLARATION

I, Pete E Myrl Warren, III, declare and state that I am a Certified Broadcast Engineer, by the National Association of Radio and Television Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Fant Broadcast Development LLC.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Pete E Myrl Warren, III

Executed on the 13<sup>th</sup> day of May, 2001

**WES, INC.****Narrative Statement****I. GENERAL**

This engineering report has been prepared on behalf of Fant Broadcast Development LLC., in support of its request to amend its Petition for Rulemaking for Plaquemine, LA on channel (Channel 57) to Channel 52 in order to resolve its mutually exclusive status with the applicant for Hammond, LA channel 57.

**II. ENGINEERING DISCUSSION**

The applicant originally applied for a construction permit for channel 50 in Plaquemine, LA. The applicant was precluded from going on channel 50 due to interference to several short-spaced digital allotments as stated in the Petition for Rulemaking filed July 11<sup>th</sup>, 2000.

The applicant proposes the allocation site at the same site as its concurrent application amendment and as its previous application

North Latitude: 30° 24' 06"

West Longitude: 90° 50' 43"

It is proposed to amend Section 73.606(b) of the Commission's rules, NTSC Table of Allotments, to allot Channel 52 for the NTSC television operation at Plaquemine, LA. As demonstrated below, the proposed Channel 52 NTSC operation at Plaquemine, LA, would not cause any harmful interference to any other analog NTSC or DTV station or allotments exceeding the Commission's guidelines. Plaquemine, LA Channel 52 would provide additional service to a population of 1,186,143 people.

The proposed NTSC Channel 52 has site availability and can operate and from the proposed antenna site with 5000 kW ERP, 302 meters HAAT, and RCAMSL of 308 meters utilizing a directional antenna oriented at 210 degrees as shown in Exhibit ANT-1. The proposed Channel 52 would serve all of Plaquemine within its 80 dBu contour.

### Analog NTSC TV Allocation Situation

The attached Exhibit NTSC-1 demonstrates that Channel 52, Plaquemine, LA, is free of all short-spacing to NTSC.

### DTV Allocation Situation

There are only two digital stations considered within 429 kilometers of the proposed rule-making. WJTV-DT in Jackson, MS and WLBT-DT in Jackson, MS were the only stations considered as shown in Exhibit LR-1. The applicant will not cause or receive any interference from the digital stations considered.

### **III. Class A**

There is no predicted interference from the proposed Channel 52 to any Class A LPTV stations.

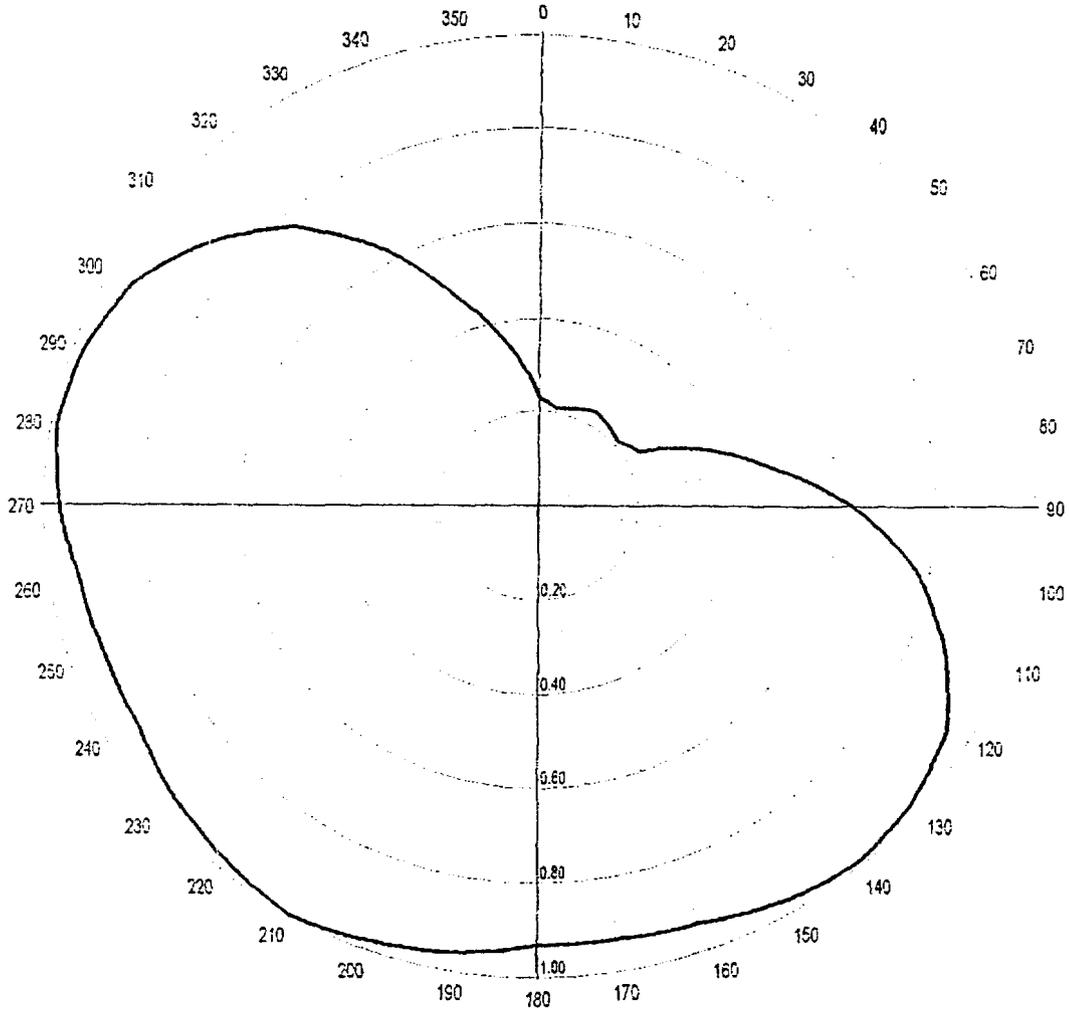
### **IV. Summary**

The applicant must change channel from Channel 57 in Plaquemine, LA, to channel 52 in order to avoid mutual exclusivity with channel 57 in Hammond, LA. On channel 52, Plaquemine will not cause any interference to any NTSC or Digital stations.

ComStudy

ATC32A EXHIBIT ANT-1

Horizontal Pattern



Azimuth	Rel. FS	ERP (kW)	dBc
0.0	0.220	264.500	24.224
5.0	0.220	242.000	23.826
10.0	0.209	213.405	23.393
15.0	0.234	224.566	23.576
20.0	0.220	242.000	23.831
25.0	0.221	252.325	24.033
30.0	0.233	264.500	24.224
35.0	0.225	252.325	24.033
40.0	0.220	242.000	23.831
45.0	0.234	224.566	23.576
50.0	0.209	213.405	23.393
55.0	0.220	242.000	23.831
60.0	0.230	264.500	24.224
65.0	0.247	417.805	26.298
70.0	0.247	505.005	27.646
75.0	0.407	836.405	29.224
80.0	0.467	1059.805	30.433
85.0	0.550	1312.500	31.797

Azimuth	Rel. FS	ERP (kW)	dBc
90.0	0.530	1594.500	32.977
95.0	0.499	2443.005	33.879
100.0	0.770	2964.500	34.720
105.0	0.820	3367.800	35.266
110.0	0.867	3775.805	35.770
115.0	0.907	4331.405	36.361
120.0	0.949	4933.005	36.935
125.0	0.964	5646.400	36.671
130.0	0.979	6792.205	36.805
135.0	0.984	8493.200	36.850
140.0	0.989	10990.605	36.879
145.0	0.979	13792.205	36.805
150.0	0.967	16994.805	36.736
155.0	0.954	20590.500	36.581
160.0	0.939	24004.005	36.443
165.0	0.935	27373.325	36.406
170.0	0.930	30294.500	36.359
175.0	0.930	32294.500	36.359

Azimuth	Rel. FS	ERP (kW)	dBc
180.0	0.930	43294.500	36.359
185.0	0.945	4915.325	36.446
190.0	0.959	5556.405	36.626
195.0	0.957	6294.805	36.736
200.0	0.979	6792.205	36.805
205.0	0.989	8690.605	36.879
210.0	1.000	10000.000	36.990
215.0	0.987	11790.605	36.879
220.0	0.979	13792.205	36.805
225.0	0.969	16994.805	36.736
230.0	0.959	20590.500	36.626
235.0	0.945	24004.005	36.446
240.0	0.930	27294.500	36.359
245.0	0.930	30294.500	36.359
250.0	0.930	32294.500	36.359
255.0	0.935	3373.325	36.406
260.0	0.939	4494.605	36.443
265.0	0.954	5550.500	36.581

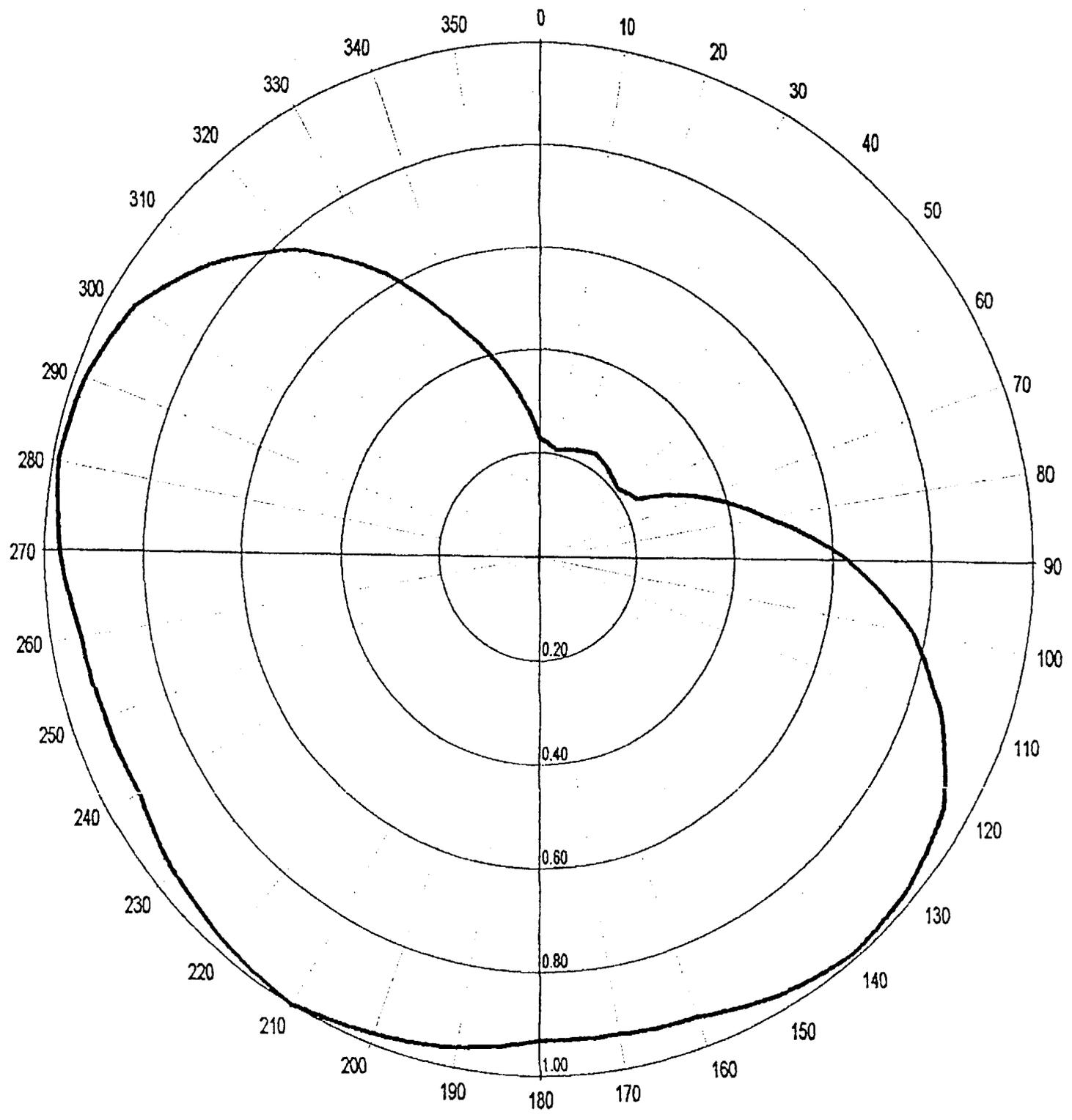
Azimuth	Rel. FS	ERP (kW)	dBc
270.0	0.967	6694.805	36.736
275.0	0.979	6792.205	36.805
280.0	0.989	8690.605	36.879
285.0	0.984	10990.600	36.850
290.0	0.979	13792.205	36.805
295.0	0.964	16994.800	36.671
300.0	0.949	20590.500	36.535
305.0	0.907	4331.405	36.361
310.0	0.867	3775.805	35.770
315.0	0.820	3367.800	35.266
320.0	0.770	2964.500	34.720
325.0	0.675	2443.005	33.879
330.0	0.620	264.500	24.224
335.0	0.550	1312.500	31.797
340.0	0.467	1059.805	30.433
345.0	0.407	836.405	29.224
350.0	0.345	505.005	27.646
355.0	0.247	417.805	26.298

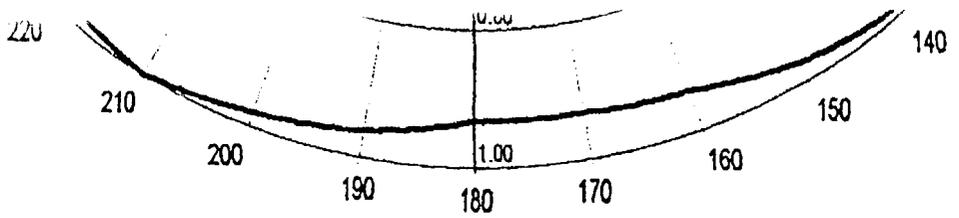
Exhibit LR-1  
 Plaquemine, LA Ch 52  
 prepared by Wes, Inc. Broadcast Consultants

Callsign	City	Class	Status	ERP	Status Dist	Prot	Clearar	D/U	Rx Gain	Rx F/B	Zone	Band	Ch#	Adj	Matrix	Svc Conto	Svc	Old Pop%	New Pop%	Total Pop	Old Pop	New Pop
WLBT-DT	JACKSON	DTV	APP	1000	Clean	206.2	106	100.2	-49	10	14	2 UHF	51	A-1	LR	F(50,90)	41	1.20%	1.20%	890533	879885	879885
WJTV-DT	JACKSON	DTV	CP	1000	Clean	208.7	194	14.7	2	10	14	2 UHF	52	Co	LR	F(50,90)	41	6.40%	6.40%	764409	715787	715399
WLBT-TV	JACKSON	DTV	LIC	1000	Clean	206.1	106	100.1	-49	10	14	2 UHF	51	A-1	LR	F(50,90)	41	1.00%	1.00%	861831	853238	853238
WJTV*	JACKSON	DTV	LIC	1000	Clean	208.7	194	14.7	2	10	14	2 UHF	52	Co	LR	F(50,50)	41	5.10%	5.10%	789885	749574	749267

Exhibit NTSC-1  
 Plaquemine, LA Ch 52  
 prepared by Wes, Inc. Broadcast Consultants

Callsign	City	Class	Status	ERP	Status	Dist	Prot	Clearance	D/U	Rx Gain	Rx F/B	Zone	Band	Ch#	Adj	Matrix	Svc Contour	Svc Strength
960724KR	COLUMBIA	Analog	APP	589	N/C	136.4	96	40.4	-33	0	6	3 UHF	45 Z	T-7	LR	F(50,50)		64
	WIGGINS	Analog	LIC	0	Clear	156.1	32	124.1	-	-	-	3 UHF	56 +	T+4	LR	-	-	
960920LV	WIGGINS	Analog	APP	5000	Clear	139.5	32	107.5	-	-	-	3 UHF	56 +	T+4	LR	-	-	
	COLUMBIA	Analog	LIC	0	N/C	135.2	96	39.2	-33	0	6	3 UHF	45 Z	T-7	LR	F(50,50)		64
WPXL	NEW ORLEANS	Analog	CP	2510	N/C	95.4	32	63.4	-33	0	6	3 UHF	49 Z	T-3	LR	F(50,50)		64
WPXL	NEW ORLEANS	Analog	LIC	5000	N/C	95.4	32	63.4	-33	0	6	3 UHF	49 Z	T-3	LR	F(50,50)		64
WUPL	SLIDELL	Analog	LIC	4370	N/C	91.1	32	59.1	-29	0	6	3 UHF	54 +	T+2	LR	F(50,50)		64
WGMB	BATON ROUGE	Analog	LIC	3890	N/C	42.2	32	10.2	-32	0	6	3 UHF	44 +	T-8	LR	F(50,50)		64
WNTZ	NATCHEZ	Analog	LIC	2820	N/C	162.3	32	130.3	-23	0	6	3 UHF	48 Z	T-4	LR	F(50,50)		64
NEW	NEW IBERIA	Analog	ADD P	5000	N/C	90.8	88	2.8	-3	0	6	3 UHF	53 Z	A+1	LR	F(50,50)		64
NEW	EL DORADO	Analog	ADD P	5000	N/C	325	249	76	45	0	6	2 UHF	52 Z	Co	LR	F(50,50)		64
	EL DORADO	Analog	ADD P	0	N/C	303.1	249	54.1	45	0	6	2 UHF	52 Z	Co	LR	F(50,50)		64
WNOL-TV	NEW ORLEANS	Analog	LIC	5000	N/C	98.9	96	2.9	-25	0	6	3 UHF	38 +	T-14	LR	F(50,50)		64





WES INC

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Azim	Rel.FS	ERP (kW)	dBk
0.0	0.230	264.500	24.224
5.0	0.220	242.000	23.636
10.0	0.209	216.405	23.393
15.0	0.214	226.960	23.596
20.0	0.220	242.000	23.636
25.0	0.225	253.325	24.033
30.0	0.230	264.500	24.224
35.0	0.225	253.325	24.033
40.0	0.220	242.000	23.636
45.0	0.214	226.960	23.596
50.0	0.209	216.405	23.393
55.0	0.220	242.000	23.636
60.0	0.230	264.500	24.224
65.0	0.269	437.605	26.206
70.0	0.349	609.005	27.646
75.0	0.409	636.405	29.224
80.0	0.469	1099.605	30.433
85.0	0.550	1532.500	31.797

Azim	Rel.FS	ERP (kW)	dBk
90.0	0.630	1964.500	32.977
95.0	0.699	2443.005	33.679
100.0	0.770	2964.500	34.720
105.0	0.820	3362.000	35.266
110.0	0.869	3775.605	35.770
115.0	0.909	4133.405	36.361
120.0	0.949	4503.005	36.535
125.0	0.969	4646.460	36.676
130.0	0.979	4792.205	36.605
135.0	0.969	4646.460	36.650
140.0	0.969	4690.605	36.694
145.0	0.979	4792.205	36.605
150.0	0.969	4694.605	36.736
155.0	0.959	4596.405	36.581
160.0	0.939	4406.605	36.443
165.0	0.935	4371.325	36.406
170.0	0.930	4324.500	36.359
175.0	0.930	4324.500	36.359

Azim	Rel.FS	ERP (kW)	dBk
180.0	0.930	4324.500	36.359
185.0	0.945	4465.325	36.496
190.0	0.959	4596.405	36.626
195.0	0.969	4694.605	36.736
200.0	0.979	4792.205	36.605
205.0	0.969	4690.605	36.694
210.0	1.000	5000.000	36.990
215.0	0.969	4690.605	36.694
220.0	0.979	4792.205	36.605
225.0	0.969	4694.605	36.736
230.0	0.959	4596.405	36.626
235.0	0.945	4465.325	36.496
240.0	0.930	4324.500	36.359
245.0	0.930	4324.500	36.359
250.0	0.930	4324.500	36.359
255.0	0.935	4371.325	36.406
260.0	0.939	4406.605	36.443
265.0	0.959	4596.500	36.581

Azim	Rel.FS	ERP (kW)	dBk
270.0	0.969	4694.605	36.736
275.0	0.979	4792.205	36.605
280.0	0.969	4690.605	36.694
285.0	0.964	4643.260	36.650
290.0	0.979	4792.205	36.605
295.0	0.969	4646.460	36.676
300.0	0.949	4503.005	36.535
305.0	0.909	4133.405	36.361
310.0	0.869	3775.605	35.770
315.0	0.820	3362.000	35.266
320.0	0.770	2964.500	34.720
325.0	0.699	2443.005	33.679
330.0	0.630	1964.500	32.977
335.0	0.550	1532.500	31.797
340.0	0.469	1099.605	30.433
345.0	0.409	636.405	29.224
350.0	0.349	609.005	27.646
355.0	0.269	437.605	26.206

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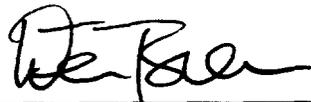
**CERTIFICATE OF SERVICE**

I, Dean R. Brenner, do hereby certify that a true and correct copy of the foregoing "AMENDMENT TO PETITION FOR RULE MAKING" was served by mail this 18th day of May 2001, to:

Nazifa Naim  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Gordon Godfrey  
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445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

John Morgan  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554



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Dean R. Brenner

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