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November 21, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Re: Petition for Reconsideration
October 23, 2001 Letter Decision from Clay C. Pendarvis
Reply Reference 2-A842

Dear Ms. Salas:

Transmitted herewith on behalf of McPike Communications, Inc. are an original and four copies of its Petition for Reconsideration.

Should any questions arise concerning this matter, please contact this office directly.

Respectfully submitted,

Vincent A. Pepper

Enclosures

cc: Clay C. Pendarvis,
Chief, Television Branch,
Video Services Division (hand delivery)
John Griffith Johnson, Jr., Esq. (counsel for Larry A. Miller)
George R. Borsari, Jr., Esq. (counsel for Northwest Television, Inc.)
Wray Fitch, III, Esq. (counsel for Walnut Creek Telecasting)

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bcc: Ms. Christine McPike
Mr. Robert A. Beizer, Esq.

icc: MB

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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)	)	Reply Ref.: 2-A842
Table of Allotments	)	MM Docket No. _____
TV Broadcast Stations	)	RM-_____
(Lincoln, Nebraska)	)	

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RECONSIDERATION

McPike Communications, Inc., by its attorneys, pursuant to §1.429 of the Commission's rules, hereby respectfully requests reconsideration of the decision in the October 23, 2001 letter from Clay Pendarvis, Chief, Television Branch, VSD, MMB ("*Letter*") to dismiss McPike's Petition for Rule Making filed July 17, 2000 ("*Petition*"). In support whereof, the following is respectfully submitted:

1. The *Letter*, in dismissing McPike Communications, Inc.'s ("McPike") *Petition*, cited the fact that the Commission's "independent engineering review indicates that the proposal fails to meet the interference requirements of Section 73.623(c)[.]" Section 73.623(c)(2) sets forth the Commission's requirements with respect to interference to DTV stations arising from requests to modify the Table of Allotments, and directs that such requests must demonstrate that the proposal will "not result in more than an additional 2 percent of the population served by another station being subject to interference[.]" According to the *Letter*, the Commission found that the proposal advanced by the *Petition* would cause 2.6 percent interference to the DTV allotment of station KQTV-DT, St. Joseph, MO.

2. McPike believes that the Commission arrived at its conclusion due to the fact that the engineering exhibit to the *Petition* inadvertently characterized the proposed facilities as nondirectional. *See* Engineering Exhibit A to *Petition*. In fact, the facilities proposed by McPike would utilize a directional antenna, as explained in the appended Engineering Statement. *See* Engineering Statement at 1. With the use of such an antenna, predicted interference to KQTV-DT, St. Joseph, Missouri, will only affect 0.21 percent of the potential KQTV-DT audience, which is well under the 2 percent *de minimis* standard of §73.623(c)(2). *See* Engineering Statement, Figures 1 and 2. The Commission has regularly granted applications specifying similar levels of *de minimis* interference to DTV stations. *See* Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Panama City, Florida), 2001 FCC LEXIS 4298, DA 01-1895 (August 09, 2001).

3. The public interest is obviously served by reconsideration of the *Petition's* dismissal, as further consideration and grant of the *Petition* would give effect to the Commission's *Public Notice Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations, DA 99-2605 (Released November 22, 1999)*, eliminate a technical conflict with a DTV allotment, and expedite the inauguration of a new television service at Lincoln, Nebraska, Channel 53.

WHEREFORE for the foregoing reasons, the Commission should reconsider its finding that the *Petition* was not compliant with §73.623(c) and reverse its action in the October 23, 2001 Letter, and thus proceed with the consideration of the Petition for Rule Making requesting the allotment of NTSC channel 53 to Lincoln, Nebraska.

Respectfully submitted,

MCPIKE COMMUNICATIONS, INC.

By:_____
Vincent A Pepper
Mark Blacknell
Its Attorneys

PEPPER & CORAZZINI, L.L.P.
1776 K Street, N.W., Suite 200
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November 21, 2001

CERTIFICATE OF SERVICE

I, Saharie L. Reed, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that on this 21st day of November, 2001, copies of the foregoing Petition for Reconsideration were hand delivered to the following:

Roy J. Stewart, Esq.
Chief, Mass Media Bureau
Federal Communications Commission
The Portals
445 Twelfth Street, SW, Room 2-C347
Washington, DC 20554

Barbara A. Kreisman, Esq.
Chief, Video Services Division
Federal Communications Commission
The Portals
445 Twelfth Street, SW, Room 2-A666
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Clay Pendarvis, Esq.
Chief, Television Branch
Federal Communications Commission
The Portals
445 Twelfth Street, SW, Room 2-A662
Washington, DC 20554

Shaun Maher
Video Services Division
Federal Communications Commission
The Portals
445 Twelfth Street, SW, Room 2-A820
Washington, DC 20554

Saharie L. Reed

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of McPIKE COMMUNICATIONS, INC., in support of its Petition for Reconsideration regarding its proposed allotment of NTSC Channel 53 to Lincoln, Nebraska.

The original proposal was inadvertently characterized as nondirectional, and it was found to cause objectionable interference to KQTV-DT, Channel 53, St. Joseph, Missouri. Attached as Figures 1 and 2 are directional antenna pattern data which properly describe the proposed facility. So operating, it would cause interference to only 0.21 percent of the potential KQTV-DT audience, which should be considered negligible.

I declare under penalty of perjury that the foregoing statements and the attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

NEIL M. SMITH

November 19, 2001

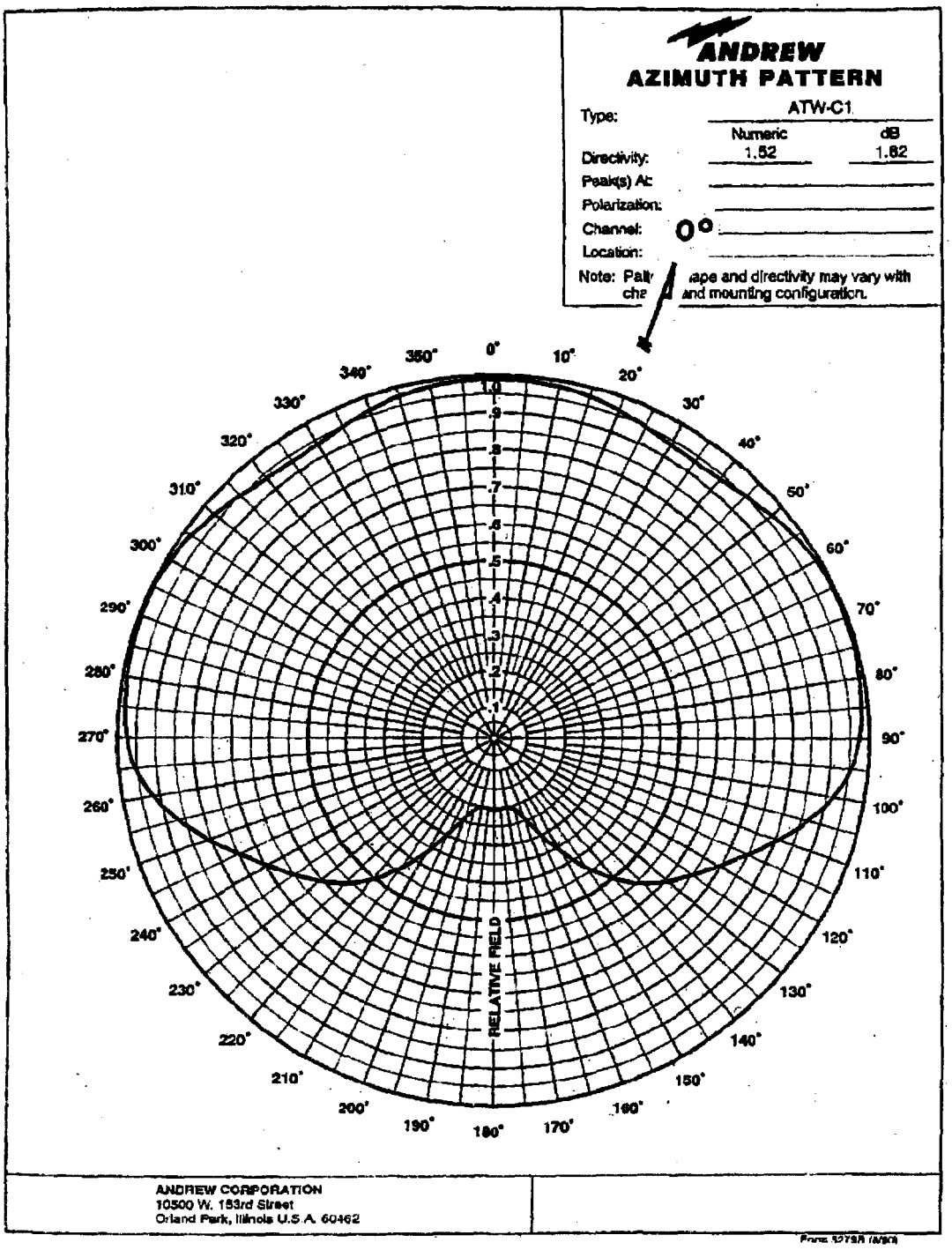

FIGURE 1

HORIZONTAL RELATIVE FIELD PATTERN

PROPOSED ANALOG TELEVISION STATION
CHANNEL 53 - LINCOLN, NEBRASKA

SMITH AND FISHER

FIGURE 2

HORIZONTAL RELATIVE FIELD PATTERN

PROPOSED ANALOG TELEVISION STATION

CHANNEL 53 - LINCOLN, NEBRASKA

Azimuth (° T)	Relative Field	ERP (dbk)	Azimuth (° T)	Relative Field	ERP (dbk)
0	0.967	36.7	180	0.232	24.3
10	0.940	36.5	190	0.357	28.1
20	0.941	36.5	200	0.501	31.0
30	0.970	36.7	210	0.605	32.6
40	0.995	37.0	220	0.695	33.8
50	0.999	37.0	230	0.809	35.2
60	0.993	36.9	240	0.922	36.3
70	0.979	36.8	250	0.979	36.8
80	0.922	36.3	260	0.993	36.9
90	0.809	35.2	270	0.999	37.0
100	0.695	33.8	280	0.995	37.0
110	0.605	32.6	290	0.970	36.7
120	0.501	31.0	300	0.941	36.5
130	0.357	28.1	310	0.940	36.5
140	0.232	24.3	320	0.967	36.7
150	0.192	22.7	330	0.989	36.9
160	0.196	22.8	340	0.995	37.0
170	0.192	22.7	350	0.989	36.9