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January 23, 2002

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JAN 23 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

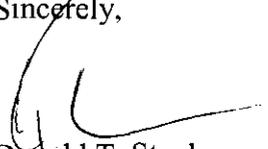
Re: Amendment to Petition for Rule Making to Amend the
DTV Table of Allotments Pursuant to 47 C.F.R. § 73.622(a)
Wrens, Savannah, Waycross, Dawson, and Pelham, Georgia

Dear Ms. Salas:

On behalf of Georgia Public Telecommunications Commission ("GPTC"), I submit herewith, pursuant to Section 73.622(a) of the Commission's rules, an original and four copies of an Amendment to GPTC's Petition for Rule Making to change the DTV channel assignments of five television stations, which was filed on March 27, 2001. This Amendment revises certain technical parameters of three of the proposals.

Please direct any questions or correspondence to me at the address above.

Sincerely,



Donald T. Stepka
Counsel for Georgia Public
Telecommunications Commission

cc: Mr. James Lyle
Mr. Mark Fehlig
Mr. John Davis
Mr. William Godfrey
Mary Jo Volkert, Esq.

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Before the
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In the Matter of)
)
Amendment to Section 73.662(b),) MM Docket No. _____
Table of Allotments, Digital) RM No. _____
Television Broadcast Stations,)
Wrens, Savannah, Waycross,)
Dawson, & Pelham, Georgia)

To: Chief, Allocations Branch
Video Services Division, Mass Media Bureau

AMENDMENT TO PETITION FOR RULE MAKING

Of Counsel:
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January 23, 2002

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 Dawson, & Pelham, Georgia)

To: Chief, Allocations Branch
 Video Services Division, Mass Media Bureau

AMENDMENT TO PETITION FOR RULE MAKING

On March 27, 2001, Georgia Public Telecommunications Commission (“GPTC”) filed a Petition for Rule Making (“PFRM”) to amend the Table of Allotments for the digital television service (“DTV Table”) to change the DTV channel assignments of five stations licensed to GPTC from the channels assigned in the *Sixth Report and Order* in MM Docket No. 87-268:¹

CITY	CALL SIGN	NTSC CHANNEL	ASSIGNED DTV CHANNEL	PROPOSED DTV CHANNEL
Wrens	WCES	*20	*36	*2
Savannah	WVAN	*9	*46	*13
Waycross	WXGA	*8	*18	*9
Dawson	WACS	*25	*26	*8
Pelham	WABW	*14	*20	*5

¹ *In re Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Sixth Report and Order, 12 F.C.C. Rcd. 14588 (1977) (“*Sixth Report and Order*”).

In informal discussions with Counsel for GPTC, the Video Services Division staff indicated that three of the proposed changes required revision. In particular, they noted that the proposals for WXGA-DT 9, WABW-DT 5, and WVAN-DT 13 would cause unacceptable interference to other stations. This Amendment to the PFRM resolves the issues raised by the Division staff. The PFRM is ready for processing.²

The amended proposals involve changes to the proposed operating parameters to eliminate contour overlap with affected Class A stations and reduce interference to stations predicted to receive above *de minimis* interference. Additionally, a spacing issue regarding the proposal for WVAN-DT Channel 13 has been resolved by a settlement between GPTC and the affected licensee. That settlement was filed with the Commission on October 2, 2001.

I. Amended Proposal for WABW-DT, Channel 5, Pelham, GA

GPTC hereby amends the PFRM by reducing the Effective Radiated Power (“ERP”) of proposed WABW-DT from 4.47 kW to 0.75 kW. This amendment addresses the two issues raised by the Video Services Division staff concerning proposed WABW-DT by reducing the ERP of the proposed station to 0.75 kW. This reduction (i) allows the amended proposal to satisfy Section 73.623(c) of the rules with respect to WJJN-LP without a waiver; (ii) reduces the predicted interference to WKRG-TV unquestionably below the 2% *de minimis* level; and (iii) maintains the required coverage of the Principal

² Since GPTC is concerned that the uncertainty as to its channel allotments may affect its ability to meet the Commission’s May 1, 2003 deadline for constructing its DTV stations, it hereby requests that, if the staff has any remaining problems with any of GPTC’s proposals, it sever the problem proposals from those that can be processed so that the “clean” proposals can be acted on promptly.

Community. The engineering study for this amended proposal is attached hereto as Exhibit A.

A. Interference to WJJN-LP, Dothan, Alabama

Section 73.623(c)(2) of the Commission's rules³ specifies the threshold interference level for applications and changes to DTV allotments. Based on the FCC's *Class A Report and Order*,⁴ which "permit[s] use of the Longley-Rice terrain dependent propagation model and OET Bulletin 69 to support waivers of the Class A interference protection requirements,"⁵ and Section 73.623(c)(5)(iii) of the rules, which provides that requests for waiver of the interference protection requirements "may make full use of the terrain shielding and Longley-Rice terrain dependent propagation methods to demonstrate that the proposed facility would not be likely to cause interference to Class A TV stations,"⁶ GPTC selected technical operating parameters for proposed WABW-DT 5 that meet the terrain-dependent interference criteria with respect to Class A station WJJN-LP, Dothan, Alabama, and requested a waiver of Section 73.623(c)(2).⁷ The Video Services Division staff informed counsel for GPTC that Section 73.623(c)(5)(iii) applied only to applications and not to changes the DTV Table of Allotments. Thus, GPTC could not rely on a requested waiver of the interference protection requirements

³ 47 C.F.R. § 73.623(c)(2).

⁴ *In re Establishment of a Class A Television Service*, Report and Order, MM Dkt. No. 00-10, 15 F.C.C. Rcd. 6355 (April 4, 2000).

⁵ *Id.* at ¶ 71.

⁶ 47 C.F.R. § 73.623(c)(5)(iii).

⁷ *PFRM* at Exhibit F, page 4.

for the purposes of its rule making petition.⁸

In this Amendment, GPTC is reducing the proposed Effective Radiated Power (“ERP”) from 4.47 kW to 0.75 kW, thereby contracting the proposed WABW-DT F(50,10) 28 dBuV/m interfering contour sufficiently to avoid unacceptable contour overlap with the WJJN-LP protected service contour, while still meeting the principal-community coverage requirements of Section 73.625(a). Exhibit A-12 plots the proposed F(50-90) 28.0 dBuV/m contour in relation to Pelham, Georgia, the Principal Community, showing that the amended proposal satisfies Section 73.625(a) of the rules.⁹ Exhibits A-13 and A-14 plot the proposed F(50-10) 28 dBuV/m contour in relation to the F(50-50) 62 dBuV/m contour of WJJN-LP. These plots show that the amended proposal satisfies Section 73.623(c)(2) of the rules with respect to WJJN-LP.

B. Interference to WKRG-TV, Mobile, Alabama

The Video Services Division staff questioned the interference that proposed WABW-DT would cause to WKRG-TV, Mobile, Alabama. GPTC’s engineering study found that proposed WABW-DT would cause unique interference to 1.91% of the WKRG-TV baseline population, less than the 2% considered *de minimis* under Section 73.623(c)(2) of the rules.¹⁰ The Video Services Division staff suggested that the amount of unique interference would be just over 2%. As shown by Exhibit A, page 4 and

⁸ To the extent that operation with the facilities proposed here may limit GPTC’s ability to provide service to residents of the State currently receiving its service, GPTC may request appropriate waivers of the rules in its application for these DTV facilities.

⁹ The required signal strength will rise 7 dB on December 31, 2005. *In re Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, FCC 01-330, MM Dkt. No. 00-39 at ¶¶ 37–40 and Appendix A, p. 31 (rel. Nov. 15, 2001). The proposed operation meets this new requirement as well as the current requirement.

¹⁰ *PFRM* at Exhibit F, page 3.

Exhibits A-16 and A-17, the amended proposal will cause unique interference to only 1.17% of the WKRG-TV baseline population, much less than the 2% considered *de minimis* under Section 73.623(c)(2) of the rules.

II. Amended Proposal for WXGA-DT, Channel 9, Waycross, GA

GPTC hereby amends the PFRM by reducing the ERP of proposed WXGA-DT from 20 kW to 4.6 kW. This amendment addresses the sole issue raised by the Video Services Division staff concerning proposed WXGA-DT. The reduction in ERP (i) allows the amended proposal to satisfy Section 73.623(c) of the rules with respect to W09CF-LP, and (ii) maintains the required coverage of the Principal Community. The engineering study for this amended proposal is attached hereto as Exhibit B.

A. Interference to W09CF-LP, Jacksonville, Florida

Based on the reasoning articulated in subsection I.A above, GPTC selected technical operating parameters for proposed WXGA-DT 9 that meet the terrain-dependent interference criteria with respect to Class A station W09CF-LP, Jacksonville, Florida, and requested a waiver of Section 73.623(c)(2).¹¹ The Video Services Division staff informed counsel for GPTC that the Commission would not consider the PFRM incorporating this waiver request.

By reducing the proposed Effective Radiated Power (“ERP”) from 20 kW to 4.6 kW, GPTC contracts the proposed WXGA-DT F(50,10) 34 dBuV/m interfering contour sufficiently to avoid unacceptable contour overlap with the W09CF-LP protected service contour, while still meeting the principal-community coverage requirements of Section

¹¹ PFRM at Exhibit D, page 5.

73.625(a). Exhibit B-12 plots the proposed F(50-90) 36.0 dBuV/m contour in relation to Waycross, Georgia, the Principal Community, showing that the amended proposal satisfies Section 73.625(a) of the rules.¹² Exhibits B-13 and B-14 plot the proposed F(50-10) 34 dBuV/m contour in relation to the F(50-50) 68 dBuV/m contour of W09CF-LP. These plots show that the amended proposal satisfies Section 73.623(c)(2) of the rules with respect to W09CF-LP.

III. WVAN-DT 13, Savannah, Georgia

The Video Services Division staff noted two issues with respect to WVAN-DT 13, Savannah, Georgia. One involved the application by The Box Worldwide LLC (“The Box”), licensee of low-power station W13CC, Savannah, Georgia, for a Class A license for that station. The other involved WTLV-TV 13, Jacksonville, Florida. As explained below, GPTC and The Box have settled the conflict between proposed WVAN-DT Channel 13 and the W13CC application pursuant to an agreement under which GPTC will operate on Channel 13 and the Box will operate on Channel 46. Interference to WTLV-TV has been addressed by changing the antenna system and shifting the main beam orientation of the proposed station to reduce interference to WTLV-TV well below the 2% *de minimis* threshold.

GPTC hereby amends the PFRM by substituting a Dielectric THA-S4-12/48-1 circularly polarized skull-pattern antenna oriented to N060°E in place of the Dielectric THV-13A13-R C170 cardioid antenna oriented to N115°E that was originally specified.

¹² The required signal strength will rise 7 dB on December 31, 2005. *In re Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, FCC 01-330, MM Dkt. No. 00-39 at ¶¶ 37–40 and Appendix A, p. 31 (rel. Nov. 15, 2001). The proposed operation meets this new requirement as well as the current requirement.

The engineering study for this amended proposal is attached hereto as Exhibit C.

A. Resolution of W13CC Conflict by Settlement

The Box is the licensee of low power television station W13CC in Savannah, Georgia and has filed an application for a Class A license for that station (FCC File No. BLTVA-20010226AAN). GPTC filed the PFRM requesting, *inter alia*, a change to Channel 13 from Channel 46, which was assigned to WVAN in the *Sixth Report and Order*. GPTC also filed an Informal Objection to The Box's application.

After GPTC filed its Informal Objection, GPTC and The Box entered into negotiations to resolve their differences in a mutually satisfactory manner, and on October 2, 2001, the parties filed an Agreement with the Commission settling the matter. The relevant documents are attached hereto as Exhibit D. Under the Agreement, GPTC has withdrawn and requested dismissal of its Informal Objection, as supplemented, and The Box has agreed to relocate W13CC's operations to Channel 46 to enable the FCC to allot Channel 13 as WVAN-TV's paired channel for DTV operations.

The Agreement will, with Commission approval, provide improved service to the public by both WVAN-DT and W13CC. Operations according to the Agreement will benefit the public by providing GPTC's noncommercial educational programming to the Savannah community at a greatly reduced cost to the citizens of Georgia compared to broadcasting on UHF Channel 46 as assigned in the *Sixth Report and Order*. By adopting the amended PFRM, the Commission will allow GPTC to offer better and more extensive services to communities throughout the State of Georgia. These services include GPTC's Rural Broadband Initiative, which will provide Internet service via GPTC's DTV stations to Georgia's underserved population areas, and the PeachStar

system, which provides instructional materials to more than 1.4 million students at over 2,000 schools and libraries across the State.¹³ There will be no loss to the public associated with these benefits — The Box will provide its programming to the community with a Class A facility on Channel 46.

B. Interference to WTLV-DT (CP), Jacksonville, Florida

The Video Services Division staff questioned the interference that proposed WVAN-DT would cause to WTLV-DT (CP), Jacksonville, Florida. GPTC's engineering study found that proposed WVAN-DT would cause unique interference to 1.9% of the WTLV-DT (CP) baseline population, less than the 2% considered *de minimis* under Section 73.623(c)(2) of the rules.¹⁴ The Video Services Division staff suggested that the amount of unique interference would be 2.3%.

As shown by Exhibit C, pages 3–4 and Exhibits C-13 and C-14, the amended proposal will cause unique interference to only 1.2% of the WTLV-DT (CP) baseline population, much less than the 2% considered *de minimis* under Section 73.623(c)(2) of the rules. Exhibit C-11 plots the amended proposed WVAN-DT F(50-90) 36.0 dBuV/m contour in relation to Savannah, Georgia, the Principal Community, showing that the amended proposal satisfies the principal-community coverage requirements of Section 73.625(a) of the rules.¹⁵

¹³ See *PFRM* at ¶¶ 3–6.

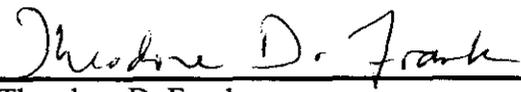
¹⁴ *PFRM* at Exhibit F, page 3.

¹⁵ The required signal strength will rise 7 dB on December 31, 2005. *In re Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, FCC 01-330, MM Dkt. No. 00-39 at ¶¶ 37–40 and Appendix A, p. 31 (rel. Nov. 15, 2001). The proposed operation meets this new requirement as well as the current requirement.

Conclusion

All of the issues raised by the Commission staff have been resolved by the engineering changes described above and by the agreement between GPTC and The Box. The NPRM, as hereby amended, is ready for processing. For the reasons given above, the Commission should grant the amended PFRM and issue a Notice of Proposed Rule Making to change the DTV channels allotted to Stations WABW-DT, WXGA-DT, WVAN-DT, WCES-DT, and WACS-DT to those requested in the PFRM.

Respectfully submitted,


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Its Counsel

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Dated: January 23, 2002

CERTIFICATE OF SERVICE

I, Donald T. Stepka, do hereby certify that I have this 23rd day of January, 2002, caused to be delivered by first class United States mail, postage prepaid, the foregoing AMENDMENT TO PETITION FOR RULE MAKING, to the following parties:

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