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March 8, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Suite 110
Washington, D.C. 20002

Re: Amendment of Section 73.622(b), Table of
Allotments, Digital Television Broadcast Stations,
(Ashland, Kentucky)

Dear Mr. Caton:

Transmitted herewith on behalf of Grant Telecasting, Inc. are an original and four copies of an "Amendment to Petition for Rulemaking." This amended rulemaking petition is being filed pursuant to the *Report and Order* in GN Docket No. 01-74, *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, FCC 01-364 (released January 18, 2002).

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,

DICKSTEIN SHAPIRO MORIN
& OSHINSKY LLP



Andrew S. Kersting
Counsel for
Grant Telecasting, Inc.

Enclosure

cc: Certificate of Service (w/ encl.) (by hand)

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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 73.622(b),)
Table of Allotments,)
Digital Television Broadcast Stations,)
(Ashland, Kentucky))

MM Docket No. _____
RM- _____

To: Chief, Video Services Division

AMENDMENT TO PETITION FOR RULEMAKING

Grant Telecasting, Inc. ("Grant"), by counsel, and pursuant to the *Report and Order* in GN Docket No. 01-74, *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, FCC 01-364 (released January 18, 2002) ("*Report and Order*"),¹ hereby amends its pending rulemaking petition seeking the allotment of NTSC Channel 55 at Ashland, Kentucky, to request that the Commission substitute DTV Channel 51 for the existing Channel 50 allotment at Ashland, Kentucky. Accordingly, Grant requests that the Commission institute a rulemaking proceeding for the purpose of amending Section 73.622(b) of the Commission's rules as follows:

	<u>Channel No.</u>	
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Ashland, Kentucky	26c, 44	26c, 44, 51

In support of this amended petition, the following is stated:

¹ See also *Public Notice, Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Requests for New NTSC Television Stations on Channels 52-59*, DA 02-270 (released February 6, 2002) ("*Amendment Filing Notice*").

I. Background.

On July 23, 1996, Grant filed an application for a new analog television station to operate on Channel 50 at Ashland, Kentucky (File No. BPCT-19960723KX). However, as a result of the DTV Table of Allotments, the proposed Channel 50 facility at Ashland would have caused interference to the following DTV stations: DTV Channel 46 at Chillicothe, Ohio; DTV Channel 50 at Dayton, Ohio; DTV Channel 54 at Huntington, West Virginia; and DTV Channel 50 at Oak Hill, West Virginia. See Grant's Petition for Rulemaking filed July 17, 2000 at 2.

On November 22, 1999, the Commission released a *Public Notice*, 14 FCC Rcd 19559 (1999) ("*Mass Media Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations*") ("*Window Filing Notice*"),² which, *inter alia*, provided applicants with pending NTSC proposals an opportunity to modify their proposals to eliminate technical conflicts with DTV stations and/or move from channels 60-69. In response to the *Window Filing Notice*, Grant filed a timely Petition for Rulemaking on July 17, 2000,³ seeking to substitute Channel 55 for the existing Channel 50 allotment at Ashland. Grant's rulemaking petition has remained pending at the Commission for over a year and a half.

On January 18, 2002, the Commission released the above-referenced *Report and Order* in the Channel 52-59 rulemaking proceeding in which it determined that it no longer would authorize new analog stations on channels 52-59. The Commission announced, however, that it would provide those parties with pending NTSC applications for channels 52-59 a 45-day window opportunity in which to amend their pending proposal to either seek an analog or digital

² On March 9, 2000, the Commission extended the window filing period until July 15, 2000. See *Public Notice*, 15 FCC Rcd 4974 ("*Window Filing Opportunity For Certain Pending Applications and Allotment Petitions For New Analog TV Stations Extended to July 15, 2000*").

³ The window filing period closed on Monday, July 17, 2000.

channel inside the core (*i.e.*, channels 2-51), or propose a digital service on channels 52-58. *Report and Order* at ¶45.⁴ Grant is submitting this amended petition pursuant to the 45-day filing opportunity established in the *Report and Order* (*see Id.* at ¶191) to propose a digital operation on Channel 51 because (i) there are no analog channels available inside the core, and (ii) the Commission no longer will authorize new analog stations on channels 52-58.

II. Amended Technical Proposal.

As stated above, Grant requests that Section 73.622(b) of the Commission's rules be amended to substitute DTV Channel 51 for the existing Channel 50 analog allotment at Ashland. As reflected in the attached engineering statement, the proposed DTV Channel 51 facility would operate with 100 kW ERP using a directional antenna. The proposed radiation center above mean sea level is 614 meters. The proposed digital facility will provide the requisite signal coverage to the entire community of Ashland. *See* attached Engineering Statement.

The proposed allotment of DTV Channel 51 at Ashland is fully spaced to all NTSC and DTV stations with the exception of Station WSFJ-TV, NTSC Channel 51, Newark, New Jersey. Nevertheless, as demonstrated in the attached engineering statement, the proposed Channel 51 DTV facility at Ashland would not cause any interference to Station WSFJ-TV.

In light of the above, Grant requests that the Commission amend the DTV Table of Allotments by allotting DTV Channel 51 to Ashland, Kentucky. In the event Channel 51 is allotted to Ashland, Grant will amend its pending application in accordance with the Report and Order issued in this proceeding to propose operation on the new digital channel, and modify its technical proposal as necessary so that the proposed digital facility will not cause harmful interference to any other television station. In the event its application is granted, Grant will promptly construct and operate the new DTV station at Ashland.

⁴ *See also Amendment Window Notice* at 1.

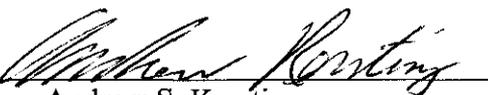
WHEREFORE, in light of the foregoing, Grant Telecasting, Inc. respectfully requests that the Commission issue a Notice of Proposed Rule Making proposing the allotment of DTV Channel 51 to Ashland, Kentucky.

Respectfully submitted,

Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, N.W.
Washington, DC 20037-1526
(202) 785-9700

Attorneys for

GRANT TELECASTING, INC.

By: 
Andrew S. Kersting

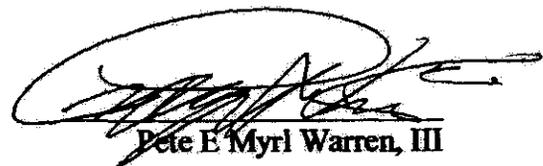
March 8, 2002

WES Broadcast Consultants.

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 Broadcast Consultants and that the firm has been retained to prepare an engineering statement on behalf of Grant Telecasting Inc..

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 6th day of March 2002

Engineering Statement
Ashland, Kentucky
DTV Channel 51
Amendment to Proposed Rulemaking
By WES Broadcast Consultants

The proponent, Grant Telecasting, Inc., currently has an application and related rulemaking petition pending before the Commission which seek the allotment of NTSC Channel 55 at Ashland, Kentucky. This engineering statement is provided in support of an amendment to that proposal to seek the allotment of DTV Channel 51 at Ashland.

The proposed allotment reference coordinates are:

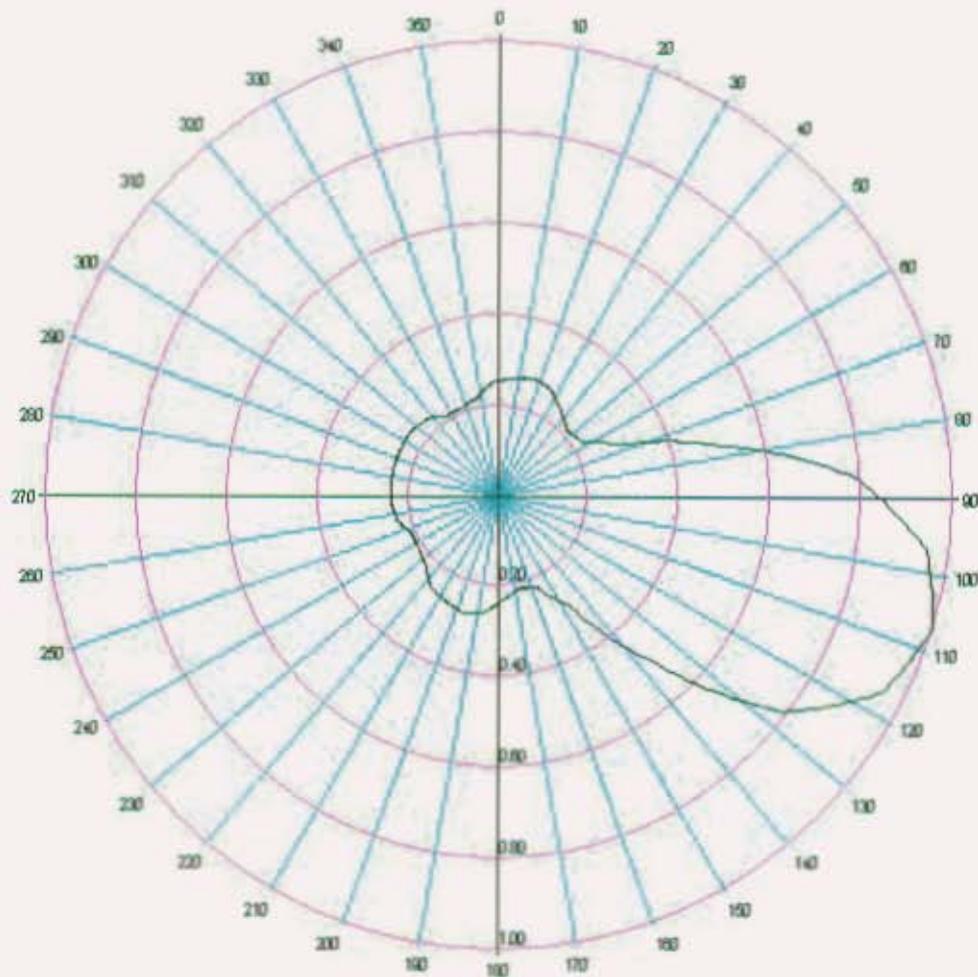
North Latitude: 38 – 30 – 21

West Longitude: 82 – 12 – 33

The proposed Channel 51 DTV facility would operate with 100 kW ERP using a D directional antenna pattern with its orientation shown in the attached Exhibit ANT-1. The proposed radiation center above mean sea level is 614 meters. The proposed Channel 51 DTV facility would provide the requisite signal coverage to the entire community of Ashland.

The proposed allotment of DTV Channel 51 at Ashland is fully spaced to all NTSC and DTV stations with the exception of Station WSFJ-TV, NTSC Channel 51, Newark, New Jersey. As reflected in the attached Exhibit FLR-1, the proposed Channel 51 DTV facility at Ashland would not cause any interference to Station WSFJ-TV.

Exhibit ANT-1 Ashland, KY Channel 51 DTV Amendment to Proposed Rulemaking
 prepared by WES Broadcasting Consultants



Azimuth	RelFS	ERP [eW]	dBc
0.0	0.253	6.401	8.062
5.0	0.258	6.656	8.232
10.0	0.263	6.917	8.399
15.0	0.268	7.182	8.563
20.0	0.267	7.129	8.530
25.0	0.262	6.864	8.366
30.0	0.250	6.250	7.959
35.0	0.235	5.522	7.421
40.0	0.224	5.018	7.005
45.0	0.213	4.537	6.568
50.0	0.212	4.494	6.527
55.0	0.217	4.709	6.729
60.0	0.241	5.808	7.640
65.0	0.275	7.563	8.787
70.0	0.352	12.390	10.931
75.0	0.458	20.976	13.217
80.0	0.587	34.457	15.373
85.0	0.732	53.582	17.290

Azimuth	RelFS	ERP [eW]	dBc
90.0	0.837	70.057	18.455
95.0	0.917	84.089	19.247
100.0	0.964	92.930	19.682
105.0	0.989	97.812	19.904
110.0	0.984	96.826	19.860
115.0	0.959	91.968	19.636
120.0	0.901	81.180	19.094
125.0	0.821	67.404	18.287
130.0	0.703	49.421	16.939
135.0	0.558	31.136	14.933
140.0	0.437	19.097	12.810
145.0	0.331	10.956	10.397
150.0	0.268	7.182	8.563
155.0	0.234	5.476	7.384
160.0	0.216	4.666	6.689
165.0	0.211	4.452	6.486
170.0	0.215	4.622	6.649
175.0	0.226	5.108	7.082

Azimuth	RelFS	ERP [eW]	dBc
180.0	0.238	5.664	7.532
185.0	0.253	6.401	8.062
190.0	0.263	6.917	8.399
195.0	0.268	7.182	8.563
200.0	0.267	7.129	8.530
205.0	0.262	6.864	8.366
210.0	0.257	6.605	8.199
215.0	0.252	6.350	8.028
220.0	0.240	5.760	7.604
225.0	0.225	5.062	7.044
230.0	0.216	4.666	6.689
235.0	0.211	4.452	6.486
240.0	0.209	4.368	6.403
245.0	0.209	4.368	6.403
250.0	0.215	4.622	6.649
255.0	0.226	5.108	7.082
260.0	0.232	5.382	7.310
265.0	0.237	5.617	7.495

Azimuth	RelFS	ERP [eW]	dBc
270.0	0.239	5.712	7.568
275.0	0.239	5.712	7.568
280.0	0.239	5.712	7.568
285.0	0.239	5.712	7.568
290.0	0.239	5.712	7.568
295.0	0.239	5.712	7.568
300.0	0.239	5.712	7.568
305.0	0.239	5.712	7.568
310.0	0.236	5.570	7.458
315.0	0.231	5.336	7.272
320.0	0.224	5.018	7.005
325.0	0.213	4.537	6.568
330.0	0.209	4.368	6.403
335.0	0.209	4.368	6.403
340.0	0.212	4.494	6.527
345.0	0.217	4.709	6.729
350.0	0.228	5.198	7.159
355.0	0.243	5.905	7.712

Exhibit FLR-1
 Ch 51 DTV Ashland, KY
 Amendment to Pending Rulemaking
 prepared by Wes, Inc. Broadcast Consultants

Ch 51 DTV NLAT 38-30-21 W LON 82-12-33 ERP: 100 kW AGL: 341m GAMSL: 273m RCAMSL: 614m

Callsign	City	Class	Status	ERP	Sep Type	Status	Dist	Prot	Clearance	D/U	Rx Gain	Rx F/B	Zone	Band	Ch#	Adj	Matrix	Svc	Contour	Svc Strength
WSFJ-TV	NEWARK	NTSC	LIC	724	D/M	Clean	161	218	-56.7	34	0	6	1	UHF	51	Z Co	LR	F(50,50)		64

Population before the addition of Ch 51 to the database not affected by terrain losses: 1,138,937 persons
 Population lost to NTSC before the addition of Ch 51: 175,933 persons
 Population after the loss to NTSC: 963,004 persons
 Population after the addition of Ch 51 to the database: 963,004 persons
 Population lost to NTSC with Ch 51: 0 persons
 Percentage of population lost with Ch 51: 0.0 %

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of March, 2002, a copy of the foregoing
“Amendment to Petition for Rulemaking” was hand delivered to the following:

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

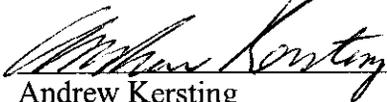
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