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March 8, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

William Caton, Acting Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

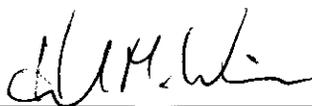
Re: Petition for Rulemaking to Allot Analog Channel 50
to New Iberia, Louisiana
Iberia Communications, L.L.C.

Dear Sir:

Enclosed for filing are an original and four copies of Iberia Communications, L.L.C.'s Petition for Rulemaking requesting, pursuant to the Commission's Report and Order, FCC 01-364, released January 18, 2002, the substitution of Channel 50 for Channel 53 at New Iberia, Louisiana.

Please direct questions regarding the attached to the undersigned counsel.

Sincerely,
FLETCHER, HEALD & HILDRETH, P.L.C.

By: 
Howard M. Weiss
Counsel for Iberia Communications, L.L.C.

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Enclosures

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ORIGINAL

Before the
Federal Communications Commission

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MAR - 8 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Amendment of Section 73.606(b))
Table of Allotments,)
TV Broadcast Stations)
(New Iberia, Louisiana))

MM Docket No. _____
RM No. _____

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

PETITION FOR RULEMAKING

Iberia Communications, L.L.C. ("Iberia"), by its attorneys and pursuant to the Commission's Report and Order (the "Report and Order"), FCC 01-364, released January 18, 2002, and the Public Notice (DA 02-270), released February 6, 2002, hereby respectfully requests that the Commission amend Section 73.606(b) of its Rules, the Table of Allotments for Television Broadcast Stations, to substitute analog Channel 50 for Channel 53 at New Iberia, Louisiana, as follows:

<u>Community</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
New Iberia, Louisiana	53	50

In support hereof, the following is submitted:

1. The instant petition for rulemaking represents another step in the long effort to bring a first local television transmission service to the community of New Iberia. This action is taken under protest for Iberia is also today joining in a petition for reconsideration of the provisions of the Report and Order which necessitate this

reallocation. However, in order to ensure the survival of its long effort to bring television service to New Iberia, Iberia has searched for and located a new channel on which, and an existing tower site at which, to build the station. It now asks that this proposal be adopted.

2. Paragraph 45 of the Report and Order requires Iberia to move to an analog channel within the core or amend to propose digital (DTV) operation on Channels 52-58. Iberia has investigated the viability of such digital operation in a smaller market in one of the country's poorest regions, and believes that a digital facility in southern Louisiana would not survive until much later in the DTV transition.

3. As demonstrated in the attached Engineering Statement prepared by Joseph Davis, Iberia's consultant, Channel 50 may be allotted to New Iberia as a substitute for Channel 53, utilizing 5000 kw effective radiated power and an antenna at 144 meters above average terrain, in accordance with the Commission's rules and policies. The minimum distance spacing requirements for NTSC facilities are met.¹ In addition, the substitution will not impact any DTV facility,² and will provide adequate protection to Class A stations. Finally, the proposed facility would provide city grade coverage of the entire community of New Iberia.

4. In sum, the proposed channel substitution is mandated by the Report and Order and the clear lack of feasibility of a digital station. It meets the Commission's technical requirements and is therefore in the public interest.

¹ A Channel 50 allotment at Plaquemine, Louisiana has been superseded by a proposed substitution to Channel 52, according to Mr. Davis.

² Mr. Davis notes that the proposal is within the New Orleans "freeze" area under the Commission's 1987 ATV Order, but, in light of the fact that Iberia's proposal protects the now adopted DTV Table of Allotments, this should not be an impediment to its adoption.

5. In the event that this petition is granted, Iberia will amend its application to specify the new channel, and build it upon receipt of a construction permit.

WHEREFORE, the premises considered, Iberia Communications hereby respectfully requests that the Commission amend Section 73.606(b) of its Rules, the Television Table of Allotments, to allot Channel 50 to New Iberia in lieu of Channel 53.

Respectfully submitted,
IBERIA COMMUNICATIONS, L.L.C.

By: 
Howard M. Weiss
Its Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209-3801

Date: March 8, 2002

Engineering Statement
prepared for
Iberia Communications, L.L.C.
New Iberia, Louisiana
Ch. 50 5000 kW 144 m

This engineering statement has been prepared on behalf of *Iberia Communications, L.L.C.* (*Iberia*), in support of a *Petition for Rulemaking*. *Iberia* is an applicant for the original vacant NTSC (analog) television Channel 36, allotted to New Iberia, Louisiana (file number BPCT-19960612KF). *Iberia's* Channel 36 application specified a site within a "freeze" area regarding Advanced Television.¹

Due to a DTV channel change in New Orleans, LA, in MM Docket 01-2² the Commission changed the Channel 36 NTSC allotment for New Iberia to NTSC Channel 53. As required in that docket's Order, *Iberia* subsequently amended its pending application (BPCT-19960612KF) to specify operation on Channel 53.

In GN Docket 01-74, the Commission's proceeding³ regarding the reallocation of TV Channels 52-59, the Commission stated that pending applications for new NTSC stations within the Channel 52-59 spectrum would not be granted. An opportunity to specify NTSC operation on a "core" channel (Channels 2-51) would be provided. A Public Notice⁴ of February 6, 2002 announced a window filing opportunity for affected station proposals to comply with the Order in GN Docket 01-74.

¹See RM-5811, *Advanced Television Systems and Their Impact on the Existing Television Broadcast Service*, July 17, 1987.

²See *Amendment of Section 73.606(b) Table of Allotments, Television Broadcast Stations (New Iberia, Louisiana)*, MM Docket 01-2, RM-10036, DA 01-857, *Report and Order*, released April 6, 2001.

³See *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, GN Docket 01-74, FCC 01-364, *Report and Order*, released January 18, 2002.

⁴See *Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Requests for New NTSC Television Stations on Channels 52-59*, DA 02-270, *Public Notice*, February 6, 2002.

Engineering Statement

(page 2 of 6)

Accordingly, this engineering statement and related exhibits have been prepared to support a Petition for Rulemaking to change the television allotment at New Iberia, Louisiana from NTSC Channel 53 to NTSC Channel 50.

Discussion

An engineering review of the NTSC, DTV, and Class A stations in the region surrounding New Iberia showed that an alternate channel could be used for the existing Channel 53 NTSC allotment. The minimum distance separation requirements of §73.610 and §73.698 were applied to NTSC assignments. With respect to DTV allotments and facilities, detailed interference studies were conducted in accordance with §73.623(c). Standard protection to Class A stations following the requirements of §73.613 was observed. The studies showed that Channel 50 could be used at New Iberia at 5000 kW effective radiated power and an antenna height above average terrain of 144 meters.

The technical data for the proposed Channel 50 allotment are summarized below. The allotment point references an existing tower structure, having FCC Antenna Structure Registration number 1058313. A predicted coverage contour map is provided as **Figure 1** which shows that New Iberia would be fully encompassed by the standard City Grade (80 dB μ) contour.

Summary Technical Data for Proposed NTSC Channel 50

Coordinates (NAD-27)	29° 55' 12" N-Lat 91° 46' 07" W-Lon
Channel	50+ (“plus” offset)
Effective Radiated Power	5000 kW (non-directional)
Antenna Height	144 m AGL 146 m AMSL 144 m HAAT

NTSC Allocation Considerations

An allocation study of distances to other NTSC facilities from the proposed transmitter site is supplied as **Table 1**. As shown thereon, and discussed below, the minimum distance separation requirements of §73.610 and §73.698 are met.

The Commission's engineering database does show the record of an NTSC rulemaking proposal to allot NTSC Channel 50 to Plaquemine, LA, originally filed by Fant Broadcast Development on July 23, 1996. In an amendment to the rulemaking proposal filed July 12, 2000, the proponent requested replacement Channel 57 for Plaquemine, as the original Channel 50 was in conflict with the DTV Channel 50 allotment at New Orleans, LA. In a further amendment, on May 18, 2001, the proponent requested substitution of Channel 52 for Plaquemine due to a mutually exclusive petition for Channel 57 at Hammond, LA.

The instant proposal for NTSC Channel 50 at New Iberia would be in conflict with NTSC Channel 50 at Plaquemine. However, since the Plaquemine petition has subsequently been amended to specify NTSC Channel 52, the NTSC Channel 50 database record for Plaquemine may be disregarded. The NTSC Channel 52 proposal is also contained within the Commission's database, and the instant proposal is adequately spaced to the NTSC Channel 52 allotment point as demonstrated on **Table 1**.

DTV Allocation Considerations

The proposed allotment point is located at an insufficient distance to New Orleans, LA to satisfy the requirements of the FCC's July 17, 1987 "freeze" Order regarding spectrum for advanced television. Specifically, the distance from the proposed Channel 50 allotment to the New Orleans reference point is 164.1 km, short of the 329.0 km Zone III minimum co-channel separation distance for UHF stations. Thus, the proposed allotment is within the "freeze" area for New Orleans, LA.

Engineering Statement

(page 4 of 6)

In the pending *Iberia Communications L.L.C.* application, a waiver of the 1987 freeze order was requested. Considering that the Commission's final DTV allotment table has been released,⁵ an evaluation can now be made of the impact of the proposed Channel 50 facility on DTV allotments and facilities.

The February 6, 2002 Public Notice regarding the channel change proposed herein requires that interference criteria (as described in §73.623(c)) be utilized to evaluate the new channel facility's impact on DTV. Accordingly, a study was conducted to evaluate the change in interference to pertinent DTV assignments that may be attributed to the proposed Channel 50 allotment. A detailed interference study was conducted in accordance with the terrain dependent Longley-Rice point-to-point propagation model, per the Commission's Office of Engineering and Technology Bulletin number 69, *Longley-Rice Methodology for Evaluating TV Coverage and Interference*, July 2, 1997 ("OET-69").⁶ The interference study examined the net change in interference as experienced by DTV stations that would result from the Channel 50 allotment.

All stations considered in this study are listed in **Table 2**. As shown in **Table 2**, any increase in interference to DTV facilities is zero, when rounded to the nearest whole percent (per Commission policy). No interference is predicted to any other DTV station or allotment. Thus, this proposal is believed to be in compliance with Commission policy regarding NTSC channel changes from Channel 52-59 as they may affect DTV. Accordingly, based on the results of this study, it is believed that there will be no impact to DTV assignments as a result of the instant proposal. If a waiver of the Commission's 1987 Freeze Order is required, then one is respectfully requested on behalf of *Iberia*.

⁵MM Docket 87-268 Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders, FCC 98-315, released December 18, 1998.

⁶The implementation of OET-69 for this study followed the guidelines of OET-69 as specified therein. A standard cell size of 2 km was used. Comparisons of various results of this computer program (run on a Sun processor) to the Commission's implementation of OET-69 show excellent correlation.

Engineering Statement

(page 5 of 6)

Class A Television

An allocation study was conducted regarding protection to Class A stations and Low Power Television (LPTV) stations that are be eligible for Class A status. The study showed that the standard requirements (separation and contour protection) of §73.613 regarding Class A station protection are met.

Summary

It is proposed that NTSC Channel 50 be allotted to New Iberia, as a substitute for Channel 53. The proposed allotment point complies with minimum distance spacing requirements with respect to other NTSC facilities. The substitution will not impact any DTV facility. Standard protection to Class A facilities is provided. New Iberia would be within the principal community contour. The use of NTSC Channel 50 would permit *Iberia* to employ a “core” channel for its facility.

Certification

The undersigned hereby certifies that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief. Mr. Davis is a principal in the firm of *Cavell, Mertz & Davis, Inc.*, is a Registered Professional Engineer in Virginia, holds a Bachelor of Science degree from Old Dominion University in Electrical Engineering Technology, and has submitted numerous engineering exhibits to various local

Engineering Statement

(page 6 of 6)

governmental authorities and the Federal Communications Commission. His qualifications are a matter of record with that entity.



Joseph M. Davis, P.E.
March 7, 2002

Cavell, Mertz & Davis, Inc.
7839 Ashton Avenue
Manassas, VA 20109
(703) 392-9090

List of Attachments

- | | |
|----------|---|
| Figure 1 | Predicted Coverage Contours |
| Table 1 | NTSC Facility Spacing Study |
| Table 2 | DTV Interference Analysis Results Summary |

Table 1
NTSC FACILITY SPACING STUDY
 prepared for
Iberia Communications, L.L.C.
 New Iberia, Louisiana
 Ch. 50 5000 kW 144 m

Channel	Call	City	State	Lat	Distance	Regrd
Applicant/Licensee				Long	Bearing	Clear
=====						
36-	960920YI APP	TV Zn:3 NEW IBERIA	, LA	30-12-	4 31.17	95.7
	NEW IBERIA 36, LLC	5000.00 kW 299M		91-46-33	358.72	-64.53
Instant proposal is successor to Channel 36/53 allotment at New Iberia						
49Z	WPXL LIC	TV Zn:3 NEW ORLEANS	, LA	29-55-11	168.40	87.7
	FLINN BROADCASTING CORPORATION	5000.00 kW 271M		90- 1-29	89.58	80.70
49Z	WPXL CP	TV Zn:3 NEW ORLEANS	, LA	29-55-11	168.40	87.7
	FLINN BROADCASTING CORPORATION	2510.00 kW 271M		90- 1-29	89.58	80.70
50Z	NEW ADD	NM Zn:2 JACKSON	, MS	32-11-29	283.42	280.8
	KB PRIME MEDIA, LLC	5000.00 kW 609M		90-24-22	26.97	2.62
50-	ADD	TR Zn:3 PLAQUEMINE	, LA	30-25-11	96.58	329.0
	FANT BROADCAST DEVELOPMENT	0.00 kW 0M		90-56-50	54.80	-232.42
Old NTSC rulemaking proposal, subsequently amended to specify Channel 52 (below)						
51Z	961001UW APP	TV Zn:2 JACKSON	, MS	32-14-26	288.34	87.7
	UNITED TELEVISION, INC.	5000.00 kW 371M		90-24-15	26.49	200.64
51Z	960920LT APP	TV Zn:2 JACKSON	, MS	32-16-53	297.18	87.7
	MARRI BROADCASTING, LP	1510.00 kW 293M		90-17-41	27.86	209.48
51Z	960722KJ APP	TV Zn:2 JACKSON	, MS	32-17-44	300.79	87.7
	FANT B/C DEVELOPMENT	5000.00 kW 180M		90-14-44	28.50	213.09
51Z	961001UV APP	TV Zn:2 JACKSON	, MS	32-16-53	297.18	87.7
	GEORGE S. FLINN, JR	724.00 kW 377M		90-17-41	27.86	209.48
51Z	961001UU APP	TV Zn:2 JACKSON	, MS	32-16-53	297.18	87.7
	WINSTAR BROADCASTING CORP	730.00 kW 377M		90-17-41	27.86	209.48
51Z	960930LW APP	TV Zn:2 JACKSON	, MS	32-16-53	297.18	87.7
	KM COMMUNICATIONS, INC.	4000.00 kW 351M		90-17-41	27.86	209.48
52	NEW ADD	NN Zn:3 PLAQUEMINE	, LA	30-24-	6 103.74	31.4
	FANT BROADCAST DEVELOPMENT	2000.00 kW 302M		90-50-43	58.79	72.34
53-	960612KF APP	TV Zn:3 NEW IBERIA	, LA	30-20-32	50.87	31.4
	IBERIA COMMUNICATIONS, LLC	5000.00 kW 304M		91-58-32	336.98	19.47
Instant proposal is successor to Channel 36/53 allotment at New Iberia						
53Z	NEW ADD	NM Zn:3 NEW IBERIA	, LA	30-12-48	32.52	31.4
	IBERIA COMMUNICATIONS, L.L.C.	5000.00 kW 307M		91-45-58	0.42	1.12
Instant proposal is successor to Channel 36/53 allotment at New Iberia						
57-	NEW ADD	NM Zn:3 HAMMOND	, LA	30-24-	5 103.73	95.7
	KB PRIME MEDIA LLC	5000.00 kW 294M		90-50-43	58.81	8.03

Table 2
DTV INTERFERENCE ANALYSIS RESULTS SUMMARY
 prepared for
Iberia Communications, L.L.C.
 New Iberia, Louisiana
 Ch. 50 5000 kW 144 m

<u>Stations Considered</u>	<u>City, State Channel</u>	<u>Distance (km)</u>	<u>Baseline Population</u> (1)	<u>Service Population</u> (2)	<i>---- Unique Interference ---- from proposal</i>	
					<u>Population</u> (3)	<u>Percentage</u> (4)
WNTZ-DT (Ref 82.2 kW)	Natchez, MS 49	194.0			---- no interference predicted from proposal ----	
WNTZ-DT (CP 1000 kW)	Natchez, MS 49	194.03			---- no interference predicted from proposal ----	
WPXL-DT (Ref 61.7 kW)	New Orleans, LA 50	168.4			---- no interference predicted from proposal ----	
WPXL-DT (CP 1000 kW)	New Orleans, LA 50	168.4	1,317,000	1,583,102	1,978	0.15
KBMT-DT (Ref 1000 kW)	Beaumont, TX 50	206.3	650,000	649,522	88	0.01
KBMT-DT (CP 1000 kW)	Beaumont, TX 50	206.5	650,000	651,413	90	0.01
KBTX-DT (PRM 1000 kW)	Bryan, TX 50	416.3			---- no interference predicted from proposal ----	

Notes:

- (1) For DTV Stations: Greater of NTSC or DTV Service Population, from FCC Table
- (2) Interference-free service population per OET-69 before consideration of proposal
- (3) Net change in population receiving interference resulting from proposal
- (4) Proposal's impact in terms of percentage, equals (3)/(1) times 100 percent: not to exceed zero when rounded to the nearest whole percent

The determination of stations for consideration and the determination of baseline population and interference percentages were made as described in the Commission's August 10, 1998 Public Notice "Additional Application Processing Guidelines for Digital Television"

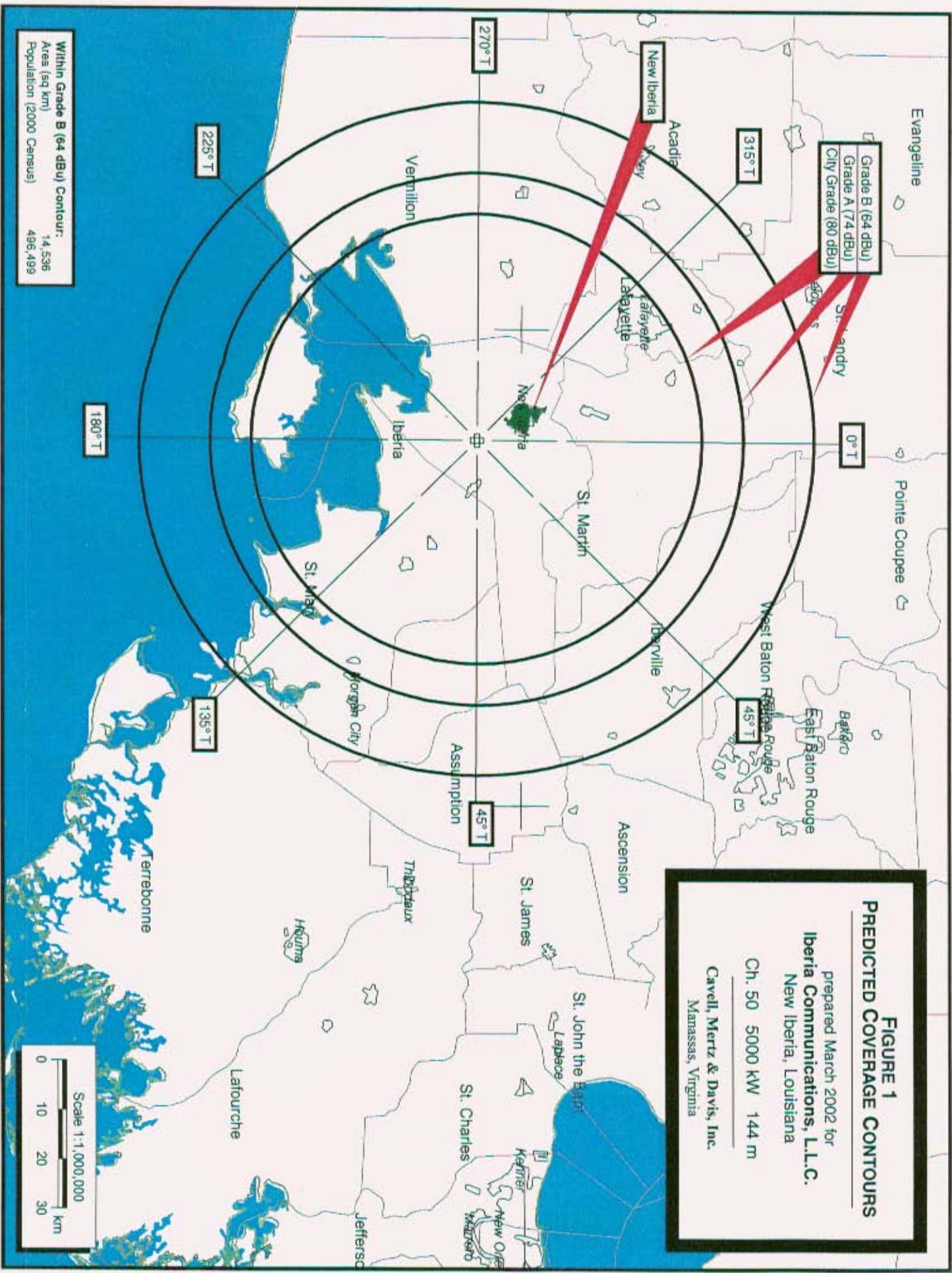


FIGURE 1
PREDICTED COVERAGE CONTOURS

prepared March 2002 for
Iberia Communications, L.L.C.
 New Iberia, Louisiana

Ch. 50 5000 kW 144 m

Cavell, Mertz & Davis, Inc.
 Manassas, Virginia

Within Grade B (64 dBu) Contour:
 Area (sq km) 14,536
 Population (2000 Census) 496,499

Scale 1:1,000,000
 0 10 20 30 km