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March 8, 2002

RECEIVED

MAR - 8 2002

By Hand Delivery

William F. Caton, Acting Secretary
 Federal Communications Commission
 445 12th Street, N.W.
 Washington, D.C. 20554

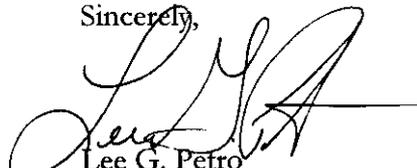
RE: PETITION FOR RULEMAKING
 Amendment of Section 73.622(b), Digital Television Table of Allotments
 Pappas Telecasting of America, a California Limited Partnership
South Central Communications Corporation

Dear Mr. Caton:

Transmitted herewith is an original and four copies of an "Petition for Rulemaking," filed on behalf of Pappas Telecasting of America, a California Limited Partnership, and South Central Communications Corporation.

Should there be any questions regarding this filing, please contact undersigned counsel.

Sincerely,



Lee G. Petro

Counsel to Pappas Telecasting of America,
 A California Limited Partnership

Enclosures

Copies rec'd 074
 MARCODE MMB
02-64

bcc: Mr. Harry J. Pappas (with enclosure)
Mr. Peter Pappas (with enclosure)
Edward S. O'Neill, Esquire
Anne Goodwin Crump, Esquire
Vincent J. Curtis, Jr., Esquire

U.S.C. § 309(l) (2000), directing the Commission to waive certain of its rules to encourage settlements among mutually exclusive broadcast applications.

On January 28, 1998, the Petitioners filed a Joint Request for Approval of Settlement Agreement” (“Joint Request”) requesting approval of their settlement agreement which contemplated the grant of Pappas’ application and the dismissal of SCCC’s pending application. Subsequently, the Commission permitted parties for new television construction permit applications to specify a different channel that was not displaced by the adoption of the DTV Table of Allotments.² The Petitioners first filed a petition for rulemaking on July 14, 2000, specifying NTSC Channel 47 rather than the allotted NTSC Channel 48 at Owensboro. Due to short-spacing concerns of the proposed NTSC Channel 47 to a DTV maximization application for Station WAVE-DT, Louisville, Kentucky, the Petitioners later amended their petition for rulemaking to specify NTSC Channel 57 instead.

However, the Commission has now determined that all parties with pending petitions for rulemaking specifying NTSC allotments in the Channel 52-59 band, that still wish to prosecute their original applications, must either (i) locate an available NTSC or DTV channel in the core television spectrum, i.e., Channels 2 through 51, or (ii) locate an available DTV channel within the Channel 52-59 group.³ Any applicant that does not follow these requirements will face dismissal of their application. *Id.*

² *Mass Media Bureau Announces Window Filing Opportunity For Certain Pending Applications And Allotment Petitions For New Analog TV Stations*, 14 FCC Rcd 19559 (1999), as extended by *Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations Extended to July 15, 2000*, 15 FCC Rcd 4974 (2000).

³ *See Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, Report and Order, FCC 01-364 (rel. Jan. 18, 2002). The Commission also dismissed all pending petitions for rulemaking that proposed an NTSC allotment in the 52-59 Channel band.

DISCUSSION

In light of the Petitioners' continued interest in prosecuting their applications, and bringing a second local television service to the Owensboro community, the instant petition proposes that Channel 54 be allotted to the DTV Table of Allotments at Owensboro, Kentucky. Such an allotment would aid in the DTV transition by providing a new DTV-only service to Owensboro, thereby encouraging members of the public to invest in DTV receivers.

Specifically, Petitioners propose to amend Section 73.622(b) of the Commission's rules as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Owensboro, Kentucky	30	30, 54

Attached as Exhibit One is an Engineering Statement from Cohen, Dippell and Everist, P.C., demonstrating that the proposed facilities on DTV Channel 54 at Owensboro will comply with the Commission's rules, and will not cause any prohibited interference.

Should the petition for rulemaking be granted, and DTV Channel 54 is allocated at Owensboro, Kentucky, Pappas will amend its application to specify the revised facilities. Should its application for a new construction permit at Owensboro be granted, Pappas will construct the facility as authorized.

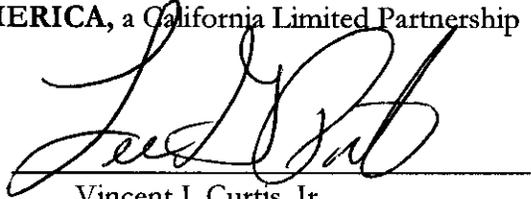
CONCLUSION

WHEREFORE, in light of the foregoing, Pappas Telecasting of America, a California Limited Partnership, and South Central Communications Corporation, respectfully request that the Commission grant the petition for rulemaking and allot Channel 54 in the DTV Table of Allotments at Owensboro, Kentucky.

The allotment would bring the second local television service to the community, and would best serve the public interest.

Respectfully submitted,

**PAPPAS TELECASTING OF
AMERICA**, a California Limited Partnership

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March 8, 2002

ENGINEERING STATEMENT
RE PETITION FOR RULE MAKING
TO AMEND SECTION 73.622 OF THE COMMISSION'S RULES
TO ALLOT DTV CHANNEL 54 FOR A NEW DTV STATION AT
OWENSBORO, KENTUCKY

MARCH 2002

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

This engineering statement has been prepared on behalf of Pappas Telecasting of America, A California Limited Partnership (Pappas), in support a Petition for Rule Making to substitute DTV Channel 54 (710-716 MHz) for analog TV Channel 48 (674-680 MHz) at Owensboro, Kentucky by amending 73.622(b) of the Commission's rules.

At present Pappas has an application (BPCT-19960722KL) pending before the Commission for a new analog TV station. It was proposed to operate on the allotted TV Channel 48 with 5000 kW effective radiated power (ERP) and 286 meters antenna height above average terrain (HAAT). In May 2001, Pappas proposed to substitute TV Channel 57 for Channel 48 at Owensboro, Kentucky and operate with 2000 kW maximum ERP and 283 meters HAAT using a directional TV antenna. It is now proposed to substitute DTV Channel 54 for analog TV Channel 48 at Owensboro, Kentucky. This amendment has been necessitated to provide protection to the proposed and authorized digital television (DTV) operations. The proposed Pappas operation on DTV Channel 54 will fully comply with the Commission's current rules and policies with respect to analog TV and DTV operations and would result in a new TV service to more than 779,000 people.

The following amendment to the DTV Table of Allotments, Section 73.622(b) of the Commission's rules is proposed.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Owensboro, KY	Ch 30	Ch 30, Ch. 54

In order to illustrate that the proposed allotment of DTV Channel 54 at Owensboro, Kentucky would be in compliance of the Commission's rules, a reference site has been selected at the following (NAD-27) geographic coordinates:

North Latitude: 38° 01' 27"

West Longitude: 87° 21' 43"

The proposed DTV station would operate on Channel 54 with 1000 kW effective radiated power (ERP) and 240 meters antenna height above average terrain (HAAT). The proposed DTV facilities are less than the maximum DTV facilities specified under Section 73.622 of the Commission's rules.

The Attached Exhibit E-1 indicates the noise limited 41 and 48 dBu DTV contours would encompass all of Owensboro, Kentucky from the reference site based on 1000 kW effective radiated power (ERP) and 240 meters antenna height above average terrain (HAAT). The proposed DTV station on Channel 54 would serve 779,480 (2000 census) people and 25,271 square km area within the predicted 41 dBu contour.

The attached Table I shows the actual and required distances from the reference site to pertinent analog TV stations. Table I indicates the reference site meets the minimum required distances to all analog TV stations according to Sections 73.623(d) of the Commission's rules.

Similarly, the reference site also meets the minimum distances specified in Section 73.623(d) of the Commission's rules to the DTV allotments and stations as shown on the attached Table II. In addition, an electromagnetic study conducted according to the FCC OET Bulletin 69 shows the proposed DTV operation on Channel 54 with 1000 kW ERP and 240 meters HAAT

would not cause any objectionable interference exceeding the Commission's guidelines to any analog TV or DTV allotments, proposals or stations. (See attached Table III).

The proposed Channel 54 operation would also provide protection to the licensed, authorized and proposed operations of Class A LPTV stations.

Should the Commission's staff determine the proposed DTV Channel 54 operation at Owensboro, Kentucky with 1000 kW ERP and 240 meters HAAT would cause objectionable interference to any analog TV, DTV or Class A LPTV station, Pappas would be willing to propose its actual Channel 54 operation with lesser facilities so as to fully comply with the Commission's rules and guidelines.

Pappas has demonstrated above that DTV Channel 54 can be allotted to Owensboro, Kentucky for a new DTV station; therefore, it is requested that Section 73.622(b) of the Commission's rules be amended in the requested manner. The proposed operation of DTV Channel 54 at Owensboro, Kentucky is in the public interest since it would provide a new TV service to more than 779,000 people within 25,271 sq. km area.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE I
ANALOG TV ALLOCATION SITUATION
FOR THE PROPOSED DTV CHANNEL 54 OPERATION AT
OWENSBORO, KENTUCKY
MARCH 2002

<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Distance</u>	
				<u>Actual</u> km	<u>Required</u> km
54 DTV	Prop.	Owensboro, KY	38°01'27" 87°21'43"	-	-
39	None within 150 km				(24.1-96.6)
40	None within 150 km				(24.1-96.6)
46	None within 150 km				(24.1-96.6)
47	None within 150 km				(24.1-96.6)
50	None within 150 km				(24.1-96.6)
51	None within 150 km				(24.1-96.6)
52	None within 150 km				(24.1-96.6)
53	WKGB-TV Lic.	Bowling Green, KY	37°05'22" 86°38'05"	122.0	(12-106)
54	WCVN-TV Lic.	Covington, KY	39°01'50" 84°30'23"	272.9	244.6
55	None within 150 km				(12-106)
56	None within 150 km				(24.1-96.6)
57	None within 150 km				(24.1-96.6)
58	WFTE(TV) CP	Salem, IN	38°21'00" 85°50'57"	137.4	(24.1-96.6)
61	None within 150 km				(24.1-96.6)
62	None within 150 km				(24.1-96.6)

() No Allotment permitted between the bracketed distances.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE II
DTV ALLOCATION SITUATION
FOR THE PROPOSED DTV CHANNEL 54 OPERATION AT
OWENSBORO, KENTUCKY
MARCH 2002

<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Distance</u>	
				<u>Actual</u> km	<u>Required</u> km
54 DTV	Prop.	Owensboro, KY	38°01'27" 87°21'43"	-	-
53	None within 150 km				(24-110)
54	WTTK-DT CP	Kokomo, IN	40°20'20" 85°57'15"	284.3	223.7
55	WHAS-DT CP	Louisville, KY	38°21'23" 85°50'52"	137.7	(24-110)

() No Allotment permitted between the bracketed distances.

TABLE III
TV INTERFERENCE and SPACING ANALYSIS SUMMARY

Record Selected for Analysis

OWENS	OTHER	-SKK371		OWENSBORO		KY US
Channel 54	ERP 1000	kW	HAAT 0	m	RCAMSL 00365	m
Latitude 38	-1 -27	Longitude 87	-21-43			
Status	Zone 2	Border				
Last update		Cutoff date		Docket		

Comments

Applicant

Cell Size for Service Analysis 2.0 km/side

Distance Increments for Longley-Rice Analysis 1.00 km

Facility meets maximum height/power limits

No Spacing violations or contour overlap to Class A stations

Proposed facility OK to FCC Monitoring Stations

Proposed facility OK toward West Virginia quite zone

Proposed facility is beyond the Canadian coordination distance

Proposed facility is beyond the Mexican coordination distance

Proposed station is OK toward AM broadcast stations

Analysis of Interference to Affected Station 1

DTV Baseline Analysis

Channel	Call	City/State	Application	Ref. No.
53	WTTV-DT	BLOOMINGTON IN	DTVPLN	-DTVP1458

summary_file.txt

NTSC Baseline Analysis

Channel	Call	City/State	Application	Ref. No.
4	WTTV	BLOOMINGTON IN	DTVPLN	-NPLN0507

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
53	WTTV	BLOOMINGTON IN	BPCDT	-19991019ABF

Proposal causes no interference

##

Analysis of Interference to Affected Station 2

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
53	WTTV-DT	BLOOMINGTON IN	DTVPLN	-DTVP1458

Proposal causes no interference

##

Analysis of Interference to Affected Station 3

NTSC Baseline Analysis

Channel	Call	City/State	Application	Ref. No.
53	WKGBTV	BOWLING GREEN KY	DTVPLN	-NPLN0686

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
53	WKGB-TV	BOWLING GREEN KY	BLET	-19830812KN

Total scenarios = 2

summary_file.txt

Scenario 1 % New Interference 0.00 OK

Scenario 2 % New Interference 0.00 OK

##

Analysis of Interference to Affected Station 4

NTSC Baseline Analysis

Channel	Call	City/State	Application	Ref. No.
54	WZDX	HUNTSVILLE AL	DTVPLN	-NPLN0094

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
54	WZDX	HUNTSVILLE AL	BLCT	-19850426KI

Proposal causes no interference

##

Analysis of Interference to Affected Station 5

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
54	WZDX	HUNTSVILLE AL	BMPCT	-19991122AAX

Total scenarios = 4

Scenario 1 % New Interference 0.01 OK

Scenario 2 % New Interference 0.01 OK

Scenario 3 % New Interference 0.01 OK

Scenario 4 % New Interference 0.01 OK

##

Analysis of Interference to Affected Station 6

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
54	960920WE	KANKAKEE IL	BPET	-19960920WE

Proposal causes no interference

##

Analysis of Interference to Affected Station 7

DTV Baseline Analysis

Channel	Call	City/State	Application	Ref. No.
54	WGEM-DT	QUINCY IL	DTVPLN	-DTVP1473

NTSC Baseline Analysis

Channel	Call	City/State	Application	Ref. No.
10	WGEMTV	QUINCY IL	DTVPLN	-NPLN0519

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
54	WGEM-TV	QUINCY IL	BDSTA	-20020129ABY

Station is "Checklist Like" no further analysis required

##

Analysis of Interference to Affected Station 8

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
---------	------	------------	-------------	----------

summary_file.txt

Scenario	2 % New Interference	0.00	OK
Scenario	3 % New Interference	0.00	OK
Scenario	4 % New Interference	0.00	OK
Scenario	5 % New Interference	0.00	OK
Scenario	6 % New Interference	0.00	OK
Scenario	7 % New Interference	0.00	OK
Scenario	8 % New Interference	0.00	OK

##

Analysis of Interference to Affected Station 11

Analysis of current record

Channel	Call	City/State	Application Ref. No.
54	WTTK-DT	KOKOMO IN	DTVPLN -DTVP1476

Proposal causes no interference

##

Analysis of Interference to Affected Station 12

NTSC Baseline Analysis

Channel	Call	City/State	Application Ref. No.
54	WCVNTV	COVINGTON KY	DTVPLN -NPLN0687

Analysis of current record

Channel	Call	City/State	Application Ref. No.
54	WCVN-TV	COVINGTON KY	BLET -19830812KM

Total scenarios = 8

summary_file.txt

Scenario	1 % New Interference	0.01	OK
Scenario	2 % New Interference	0.01	OK
Scenario	3 % New Interference	0.01	OK
Scenario	4 % New Interference	0.01	OK
Scenario	5 % New Interference	0.01	OK
Scenario	6 % New Interference	0.01	OK
Scenario	7 % New Interference	0.01	OK
Scenario	8 % New Interference	0.01	OK

##

Analysis of Interference to Affected Station 13

NTSC Baseline Analysis

Channel	Call	City/State	Application Ref. No.
54	WPMC	JELLICO TN	DTVPLN -NPLN1392

Analysis of current record

Channel	Call	City/State	Application Ref. No.
54	WPXK	JELLICO TN	BLCT -20000303AAQ

Total scenarios = 4

Scenario	1 % New Interference	0.01	OK
Scenario	2 % New Interference	0.01	OK
Scenario	3 % New Interference	0.01	OK
Scenario	4 % New Interference	0.01	OK

##

Analysis of Interference to Affected Station 14

DTV Baseline Analysis

Channel	Call	City/State	Application	Ref. No.
55	WHAS-DT	LOUISVILLE KY	DTVPLN	-DTVP1494

NTSC Baseline Analysis

Channel	Call	City/State	Application	Ref. No.
11	WHASTV	LOUISVILLE KY	DTVPLN	-NPLN0620

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
55	WHAS-TV	LOUISVILLE KY	BPCDT	-19990712KE

Total scenarios = 1

Scenario 1 % New Interference 0.53 OK

##

Analysis of Interference to Affected Station 15

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
55	WHAS-DT	LOUISVILLE KY	DTVPLN	-DTVP1494

Total scenarios = 1

Scenario 1 % New Interference 0.16 OK

##

Analysis of Interference to Affected Station 16

NTSC Baseline Analysis

summary_file.txt
Channel Call City/State Application Ref. No.
58 WFTE SALEM IN DTVPLN -NPLN0590

Analysis of current record
Channel Call City/State Application Ref. No.
58 WFTE SALEM IN BLCT -19940324KE

Proposed station is beyond the site to
nearest cell evaluation distance

##

Analysis of Interference to Affected Station 17

Analysis of current record
Channel Call City/State Application Ref. No.
58 WFTE SALEM IN BPCT -20010111ABO

Proposed station is beyond the site to
nearest cell evaluation distance

##

Analysis of Interference to Affected Station 18

Analysis of current record
Channel Call City/State Application Ref. No.
54 OWENS OWENSBORO KY OTHER -SKK371

##

FINISHED FINISHED FINISHED FINISHED FINISHED FINISHED



EXHIBIT E - 1
FOR THE PROPOSED DTV OPERATION AT
OWENSBORO, KENTUCKY
CHANNEL 54 1000 KW 240 METERS
MARCH 2002
COHEN, DIPPELL AND EVERIST, P. C. CONSULTING ENGINEERS

MAP SOURCE: TERRELLINE, CENSUS FILES, 1990