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March 27, 2002

VIA COURIER

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

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MAR 27 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Attention: Policy and Rules Division  
Mass Media Bureau

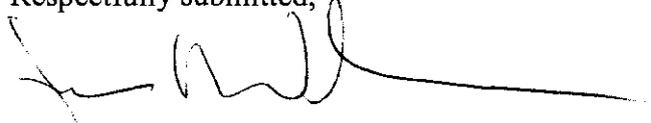
Re: WFPX(TV) (Fayetteville, North Carolina)  
Facility I.D. No 21245  
Petition to Amend the TV Table of Allotments

Dear Mr. Caton:

On behalf of Paxson Communications License Company, LLC, licensee of commercial television station WFPX(TV), Fayetteville, North Carolina, we hereby transmit an original and four copies of a *Petition for Rule Making* proposing a new channel pursuant to the Commission's band clearing policies outlined in the *Order on Reconsideration of the Third Report and Order* in MM Docket No. 00-39 FCC 01-258 (released September 17, 2001).

If any additional information is needed in connection with this matter, please contact me.

Respectfully submitted,



Jason E. Rademacher

Enclosure

cc(w/encl.): Clay Pendarvis

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FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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MAR 27 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Amendment of Section 73.606(b) )  
Table of Allotments, )  
Television Broadcast Stations )  
(Fayetteville, North Carolina) )  
)

MM Docket No. \_\_\_\_\_  
RM- \_\_\_\_\_

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

**PETITION FOR RULE MAKING TO AMEND**  
**CONDITIONALLY THE TV TABLE OF ALLOTMENTS**

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Dated: March 27, 2002

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## SUMMARY

Paxson submits this Petition to institute a rulemaking to amend the TV Table of Allotments by substituting Channel 24 for Channel 62 as the allocation for WFPX(TV), Fayetteville, North Carolina. Paxson requests this channel change pursuant to the FCC's rules and policies encouraging clearance of Channels 60-69 and only as an incident to the Commission approving the underlying band-clearing agreement. Grant of this request will help facilitate clearance of Channels 60-69 for the introduction of new wireless and public safety services and enable WFPX(TV) to continue to offer relied-upon broadcast service to the Fayetteville community.

Given the spectrum shortage created by the DTV transition, Channel 24 represents the best available in-core allotment for WFPX(TV). The proposed channel change, however, would result in four short-spacings. Accordingly, the Petition includes a request for waiver of Section 73.610 of the Commission's rules. Additionally, the proposed channel change requires waiver of the Class A protection rules and the necessary request for waiver of Section 73.613(f). Because the channel change would further the Commission's band-clearing policies with little adverse impact, grant of the waiver request is in the public interest.

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

**PETITION FOR RULE MAKING TO AMEND**  
**CONDITIONALLY THE TV TABLE OF ALLOTMENTS**

Paxson Communications License Company, LLC ("Paxson"), licensee of commercial television station WFPX(TV) serving Fayetteville, North Carolina, by its attorneys and pursuant to Section 1.401 of the Commission's Rules (47 C.F.R. §1.401) and the "upper 700 MHz" band-clearing policies,<sup>1</sup> hereby respectfully petitions the Commission to institute a rulemaking to

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<sup>1</sup> See Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules; Carriage of the Transmissions of Digital Television Broadcast Stations; Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *Third Report and Order*, 16 FCC Rcd 2703, ¶ 32 (2001) ("Upper 700 MHz Third Report and Order"); Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules; Carriage of the Transmissions of Digital Television Broadcast Stations; Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *Order on Reconsideration of the Third Report and Order*, 16 FCC Rcd 21633, ¶¶ 21-35 (2001) ("Upper 700 MHz Reconsideration Order"); Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, Carriage of the Transmissions of Digital Broadcast Stations, Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 20845, ¶¶ 80-105 (2000) ("Upper 700 MHz MO&O and FNPRM"); Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, Carriage of the Transmissions of Digital Broadcast Stations, Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *First Report and Order*, 15 FCC Rcd 476, ¶¶ 142-145 (2000) ("Upper 700 MHz First Report and Order"); Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, Carriage of the Transmissions of Digital Broadcast Stations, Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *Notice of Proposed Rulemaking*, 14 FCC Rcd 11006, ¶¶ 99-100 (1999).

amend Section 73.606(b), the TV Table of Allotments, by substituting Channel 24 for Channel 62 as the station's allocation. Specifically, the TV Table of Allotments would be amended as follows:

	<u>Present</u>	<u>Proposed</u>
Fayetteville, NC	40+, <u>62</u>	<u>24</u> , 40+

Because of waivers that must be granted pursuant to the Commission's band-clearing policies, this amendment must be conditioned upon Commission approval of a band-clearing agreement with the winner or winners of the Upper 700 MHz auction, currently scheduled for June 19, 2002.<sup>2</sup> If for whatever reason, a band-clearing agreement is not completed, WFPX(TV) would remain on Channel 62.

Alternatively, the Commission could amend the Table of Allotments as follows:

	<u>Present</u>	<u>Proposed</u>
Fayetteville, NC	40+, <u>62</u>	<u>24</u> , 40+, <u>62</u>

Under this approach, the Commission would allot Channel 24 to Fayetteville as proposed herein and grant Paxson authority to migrate WFPX(TV)'s analog operations from Channel 62 to Channel 24, conditioned on WFPX(TV)'s conclusion of a Commission-approved voluntary band-clearing agreement. Once an agreement is reached and WFPX(TV) relocates, the Commission could delete Channel 62 from the Television Table of Allotments.<sup>3</sup>

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<sup>2</sup> Auction of Licenses in the in the 747-762 and 777-792 MHz Bands Scheduled for June 19, 2002, Further Modification of Package Bidding Procedures for Auction No. 31, *Public Notice*, DA 02-659, Report No. AUC-02-31-B (Auction No. 31) (rel. March 19, 2002).

<sup>3</sup> It is noted that the Allocations Branch has expressed its intention not to consider optional or alternative rulemaking proposals in FM channel allotment cases. Winslow, Camp Verde, Mayer and Sun City West, Arizona, *Memorandum Opinion and Order*, 16 FCC Red 9551, ¶ 9 (2001). The Commission is not bound by such precedent here, however, given the presence of other important policy considerations. Paxson requests that the Commission choose which approach might best accomplish its band-clearing goals consistent with the formalities of its rulemaking process.

**I. THE PROPOSED CHANNEL CHANGE WOULD FURTHER THE COMMISSION'S UPPER-700 MHz BAND-CLEARING POLICIES.**

Paxson files this petition pursuant to the Commission's efforts to achieve expedited reallocation of the upper 700 MHz band (*i.e.*, television Channels 59-69) from commercial television broadcast service to public safety and new commercial wireless services. A rulemaking is necessary to enable Paxson to conclude an agreement that will allow WFPX(TV) to vacate Channel 62 in furtherance of the Commission's band-clearing policies. It will be difficult, if not practically impossible, for Paxson to conduct effective negotiations with a wireless licensee without some level of certainty concerning the ability of WFPX(TV) to change channels. Such uncertainty will delay completion of the band-clearing process that this petition is intended to expedite. Paxson determined that a petition for a new channel was necessary because WFPX(TV) cannot operate in analog on its digital allotment.<sup>4</sup> Grant of the channel change will help preserve WFPX(TV)'s relied-upon over-the-air broadcast service and permit the station to complete an agreement to terminate operations on Channel 62, freeing the spectrum for new uses prior to the close of the DTV transition period.

In several formal orders, the Commission has adopted policies to facilitate voluntary upper 700 MHz band-clearing, including a "rebuttable presumption" in favor of arrangements and regulatory requests that facilitate band clearing.<sup>5</sup> Regulatory requests that (1) will hasten the availability of 2.5 or 3G services available to consumers; (2) clear commercial frequencies that enable the provision of public safety services; or (3) result in the provision of wireless services to underserved communities gain the benefit of this presumption, so long as the request does not result in the loss of (1) any of the four stations in a DMA with the largest audience share; (2) the

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<sup>4</sup> See Technical Exhibit at 4.

<sup>5</sup> The Commission established its "rebuttal presumption" to designate favorable review of efforts to clear incumbent television stations, believing that substantial public interest benefits would arise in these circumstances. *Upper 700 MHz MO&O and FNPRM*, ¶¶ 60-62.

sole service licensed in a local community; or (3) a community's sole service on a channel reserved for noncommercial educational broadcast service.<sup>6</sup> Paxson's channel change request satisfies these criteria by significantly increasing the likelihood that WFPX(TV) will vacate Channel 62 in the near-term, freeing the spectrum for 2.5 and 3G wireless services, without creating any of the enumerated service losses.

In cases such as this, where the rebuttable presumption applies, the regulatory request will only be denied where "special or unique factors raised by the resulting loss of broadcast service would be sufficient to rebut the presumption."<sup>7</sup> As demonstrated below, the Channel 24 operation of WFPX would cause very little actual interference or loss of broadcast service while doing much to further the Commission's important band-clearing policies.

## **II. THE PROPOSED FACILITIES CREATE A NET SERVICE GAINS AND ONLY MINIMAL INTERFERENCE.**

The attached Technical Exhibit of du Treil, Lundin & Rackley, P.C. (the "Technical Exhibit") provides detailed information concerning the technical operations of WFPX(TV)'s proposed Channel 24 operations. As indicated, by operating on Channel 24, WFPX(TV) would comply with the community coverage requirements of Section 73.685(a) of the Commission's rules, and have no impermissible impact on any full power analog or DTV stations.

Moreover, as a result of an increased effective radiated power and different directional antenna, operation of WFPX(TV) on Channel 24 will result in gain and loss areas with a net service gain to approximately 27,300 people.<sup>8</sup> As shown in the technical exhibit, these features of WFPX(TV)'s operation will create several small service loss areas covering a total of 259 sq. km containing 6,011 people. The resulting loss areas, however, are entirely outside the

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<sup>6</sup> *Id.*, ¶ 61.

<sup>7</sup> *Id.*, ¶ 63.

<sup>8</sup> *See* Technical Exhibit at 4-5.

community of license, and the population inside the loss areas will continue to receive at least five over-the-air television broadcast stations. No additional TV white or gray areas will be created. Moreover, service will be gained by 33,311 people over a service-gain area of 834 sq. km. Although the Commission is generally hostile to service losses in allotment proceedings, the small service loss in this case is greatly outweighed by the service gains and the important public interests that band clearing will serve.

Paxson's proposed Channel 24 operations also are not predicted to cause interference to any existing analog or digital television stations, and apparently would impact only a single proposed full power television operation, that of WWWB(TV), Rock Hill, South Carolina.<sup>9</sup> WWWB(TV) has filed a rulemaking petition to move its analog operations from Channel 55 to Channel 24,<sup>10</sup> where it would encounter a small amount of interference from WFPX(TV)'s proposed Channel 24 operations. The interference predicted, however, would be minimal, affecting no more than 0.5% of the viewers in WWWB(TV)'s proposed service area. This minute amount of potential interference should not restrain the Commission from granting Paxson's regulatory request in light of the substantial public interest benefits the proposal would serve.

### **III. CONDITIONAL AUTHORITY IS WARRANTED AS FACILITATING BAND-CLEARING.**

In this proceeding, Paxson asks the Commission to grant WFPX(TV) some form of conditional authority to relocate its analog operations to Channel 24 upon conclusion and Commission approval of a band-clearing agreement. Indeed, given the short-spacings created by the proposed reallocation, the Commission only is free to grant the channel change pursuant to

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<sup>9</sup> In several FCC databases WWWB(TV) still is referred to as WFVT-TV, its former call sign. To avoid confusion, the engineering exhibit refers to WWWB(TV) using WFVT-TV. See Technical Exhibit at 3-4.

<sup>10</sup> See FCC File No. BPRM-20001221ACU.

such a band clearing agreement.<sup>11</sup> Yet, no band-clearing agreement likely can be reached without the Commission providing some level of certainty about the channel-change request. Accordingly, the Commission can resolve this “chicken and egg” problem by granting some form of conditional authority.

At the outset, then, this regulatory request differs from general allotment rulemaking requests because the Commission generally requires an unequivocal expression of interest in a proposed allotment at the time of the initial request.<sup>12</sup> Moreover, the Commission does not grant allotment requests that are contingent on the outcome of ongoing or future Commission proceedings.<sup>13</sup> Neither of these policies, however, should deter the Commission from considering Paxson’s regulatory request.

**A. Paxson’s Expression of Interest in Channel 24 is Sufficiently Definite to Justify Issuance of an NPRM.**

The Commission has in the past proposed allocations based on conditional expressions of interest in new allotments where the public interest is served by the proposal.<sup>14</sup> In *Las Vegas and Paradise*, the Commission allotted a channel to Paradise, Nevada, despite the fact that, due to radio-television cross-ownership restrictions, the proponent of the allotment could only commit to applying for a construction permit on the channel if it were not granted a construction permit for a nearby FM channel for which it had applied.<sup>15</sup> Similarly in *Roseburg, Oregon*, the Commission allotted a channel where the petitioner would commit to applying for the license

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<sup>11</sup> See *infra*, Section V.

<sup>12</sup> See *Albion, Lincoln, and Columbus, Nebraska, Memorandum Opinion and Order*, 10 FCC Rcd 11931, ¶ 9 (1995) (citing *Morristown, New York, Report and Order*, 5 FCC Rcd 6976 (1990)).

<sup>13</sup> *Cut and Shoot, Texas, Memorandum Opinion and Order*, 11 FCC Rcd 16383, ¶ 5 (1996) (“*Cut and Shoot*”); *Columbia City, Florida, Report and Order*, 14 FCC Rcd 21165, fn. 1 (1999) (“Our policy is not to accept proposals that are dependent or contingent upon finality of other actions or proceedings”).

<sup>14</sup> See *Roseburg, Oregon, Notice of Proposed Rulemaking*, 6 FCC Rcd 153, ¶ 2 (1991) (“*Roseburg*”), petition granted, 6 FCC Rcd 4369 (1991); *Las Vegas and Paradise, Nevada, Report and Order*, 57 RR2d 1433, ¶ 7 (1985) (“*Las Vegas and Paradise*”).

<sup>15</sup> *Las Vegas and Paradise*, ¶ 3.

only if the allotment was completed prior to a comparative hearing regarding another channel in which the petitioner was involved.<sup>16</sup>

The same degree of certainty offered by the petitioners in *Las Vegas and Paradise* and *Roseburg, Oregon* is present here. If a band-clearing agreement is concluded and the necessary authority granted, WFPX(TV) will terminate operations on Channel 62 and move to Channel 24. If there is no band-clearing agreement, WFPX(TV) will stay on Channel 62. Moreover, just as in *Roseburg, Oregon*, the allotment of the channel enabled the Commission to further its policy of resolving competitive licensing proposals without hearing, grant of the channel change would enable the Commission to further its band-clearing policies by making it significantly more likely that Paxson will conclude a band-clearing agreement involving WFPX(TV).

**B. The Proposed WFPX(TV) Channel Change is not Impermissibly Contingent on Future Commission Actions.**

The Commission generally forbids allotment requests that are contingent on other Commission proceedings.<sup>17</sup> This policy was adopted to preserve administrative resources in processing proposed allotment changes based on uncertain future circumstances.<sup>18</sup> This, however, should not preclude Paxson's request because the type of concurrent Commission proceeding that it envisions is one that implicates the technical suitability of the regulatory request before the Commission.<sup>19</sup> In contrast, the technical information necessary to grant Paxson's regulatory request is contained entirely in this petition, and none of that information is based on the outcome of any pending Commission proceeding. The only future Commission act

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<sup>16</sup> *Roseburg*, ¶ 2.

<sup>17</sup> *See supra*, note 13.

<sup>18</sup> *Cut and Shoot*, ¶ 5.

<sup>19</sup> *Id.* at 4-5. In *Cut and Shoot*, for example, the unacceptable contingency was created because the petition only would have complied with the minimum spacing requirements if a third party actually constructed the facilities licensed in its outstanding construction permit. The Commission reasoned that it could not depend on the acts of a third party to effect compliance with the rules was an inefficient use of Commission resources.

upon which Paxson's regulatory request is contingent is the Commission's approval of a band-clearing agreement involving WFPX(TV). Nothing in such an agreement would alter the technical parameters of the station's proposed Channel 24 operations, and the agreement will not affect the extent to which the proposal conforms with the Commission's rules.

**IV. REQUEST FOR WAIVER OF CLASS A PROTECTION RULES (47 C.F.R. § 73.613(f)).**

Grant of the regulatory request also will require a waiver of the Commission's Class A interference protection rules. The relevant predicted contour of WFPX(TV)'s proposed Channel 24 operations overlaps the predicted contour of Class A station W24CP, Channel 24, Durham, NC, creating a technical violation of Section 73.613(f) of the Commission's rules.<sup>20</sup> An interference analysis using OET-69, however, reveals that the proposed Channel 24 operations will not cause or receive an impermissible level of harmful interference.<sup>21</sup> Therefore, pursuant to Section 73.613(j) of the Commission's rules, Paxson hereby requests a waiver of the Commission's Class A protection rules, which would otherwise prohibit the predicted contour overlap.<sup>22</sup> Waiver of Section 73.613(f) should be granted because it will facilitate the introduction of critically needed public safety and commercial wireless services while preserving interference-free operations for W24CP.

**V. REQUEST FOR WAIVER OF THE MINIMUM SEPARATIONS REQUIREMENTS (47 C.F.R. § 73.610)**

The proposed regulatory request also will result in four short-spacings, in contravention of Section 73.610 of the Commission's rules.<sup>23</sup> Paxson was unsuccessful in its diligent search for an available, fully spaced channel/site combination. Accordingly, Paxson submits the

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<sup>20</sup> 47 C.F.R. § 73.613(f). See Technical Exhibit at 4.

<sup>21</sup> See Technical Exhibit at 4.

<sup>22</sup> 47 C.F.R. § 73.613(j).

<sup>23</sup> 47 C.F.R. § 73.610.

following request for waiver of Section 73.610 of the Commission's rules to permit the short-spacing described herein.

The Commission established the Television Table of Allotments so that stations licensed to a given community could operate with maximum power and antenna height without creating objectionable interference to one another.<sup>24</sup> To guarantee interference-free operations for stations assigned to the allotted channels, the Commission established minimum mileage separations – contained in Section 73.610 of its rules – and has allowed only limited deviations from those separations. The Commission applies a strict standard to requests for waiver of the spacing requirements at the allotment stage, but will grant waiver in “extraordinary” circumstances or where a “compelling need” is in evidence, such as is present here.<sup>25</sup>

Paxson requires a waiver of Section 73.610 because its proposed reallocation of Channel 24 would create four short-spacings, although no interference is predicted to be caused to any of the four stations. Specifically, the proposed WFPX(TV) facilities would be short-spaced by 96.91 km to WDRL-TV, Channel 24, Danville, Virginia; by 57.58 km to WTAT-TV, Channel 24, Charleston, South Carolina; by 85.64 km to WUNU(TV), Channel 31, Lumberton, North Carolina; and by 3.6 km to WUNJ-TV, Channel 39, Wilmington, North Carolina. The creation of such short-spacings would be in the public interest, however, given the extraordinary need to clear the upper 700 MHz band and the complimentary need to preserve the service currently provided by WFPX(TV). To achieve these ends, Channel 24 is the most viable alternative and creates the fewest short-spacings.

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<sup>24</sup> See Ogden Television, Inc., *Memorandum Opinion and Order*, 7 FCC Rcd 3116, ¶ 7 (1992).

<sup>25</sup> See, e.g., Pueblo, Colorado, *Memorandum Opinion and Order on Remand*, 199 FCC LEXIS 3159, MM Docket No. 93-191, RM-8808, FCC 99-162, ¶ 24 (1999) (“Pueblo”).

**A. The Commission's Extraordinary Band-Clearing Efforts Justify Creating Short-Spacings at the Allotment Stage.**

Because the minimum distance requirements presumptively serve the public interest, applicants seeking waiver of the short-spacing rules at the allotment stage are required to show an “extraordinary” or “compelling” need or a “special justification.”<sup>26</sup> Generally, very few allotment proposals satisfy this heightened waiver standard. Some that did were in the *VHF Drop-In Proceeding*, where the Commission explicitly noted the unique circumstances surrounding the proceeding and that a “large public benefit [was] gained at a minimal cost.”<sup>27</sup> In adopting the short-spaced allotments, the Commission stated that the basic issue before it was “whether the benefits of added competition, diversity and service . . . outweigh claims of potential harm.”<sup>28</sup>

Similarly, in *Ventura, California*,<sup>29</sup> the Commission itself proposed establishing a short-spaced allotment because the original allotment was displaced by a reallocation to public safety services. Faced with the loss of a new broadcast service, the Commission proposed substituting

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<sup>26</sup> See, e.g., Portland, Tennessee, *Memorandum Opinion and Order*, 35 FCC 2d 601, ¶ 4 (1972); Toms River, New Jersey, *Memorandum Opinion and Order*, 43 FCC 2d 414, ¶ 11 (1973); Chester and Wedgefield, South Carolina, *Memorandum Opinion and Order*, 5 FCC Rcd 5572, ¶ 4 (1990). This differs from the standard applied to applications that propose short-spaced operations. At the applications stage, proponents are required to show only that the Commission's rules and policies would be better served by waiving, rather than adhering to, the minimum distance separations. If no fully-spaced site for a broadcast station is available at the application stage, the Commission will consider the public interests implicated by a proposed short-spacing by considering several factors, including the magnitude of the short-spacing, the nature and extent of any predicted loss of service, and whatever technical proposals that might reduce or eliminate objectionable interference. K-W TV, Inc., *Memorandum Opinion and Order*, 7 FCC Rcd 3617, ¶ 8 (1992); KRCA License Corp., *Memorandum Opinion and Order*, 15 FCC Rcd 1794, ¶ 15 (1999). See also Sarkes Tarzian, Inc., *Memorandum Opinion and Order*, 6 FCC Rcd 2465, ¶ 10-14 (1991) (“The Commission considers several factors . . . and each request stands on its particular facts”) (“*Sarkes Tarzian*”).

<sup>27</sup> London, Kentucky, *Memorandum Opinion and Order*, 7 FCC Rcd 5936, ¶ 7 (1992) (citing Amendment of Television Table of Allotments to Add New VHF Stations in the Top 100 Markets, *Report and Order*, 81 FCC 2d 233 (1980) (“*VHF Drop-In Proceeding*”), in which the Commission added “drop-in” channels to the existing television allocation plan) (“*London*”).

<sup>28</sup> *VHF Drop-In Proceeding*, ¶ 4.

<sup>29</sup> *Ventura, California, Notice of Proposed Rule Making*, MM Docket No. 85-390, 50 Fed. Reg. 52806 (1985).

a short-spaced allotment for the reallocated channel. The Commission acknowledged that it was “extremely unusual” to propose such a short-spacing, but said the substitution was “appropriate” because the forced reallocation was “unique” and left “limited options available.”<sup>30</sup> The Commission faces similar circumstances here.

If incumbent broadcasters in the upper 700 MHz band do not voluntarily clear the band, public safety and wireless service providers will not be able to deploy critical new services for the foreseeable future. The Commission has recognized the extraordinary situation created by the need to clear the upper 700 MHz band by announcing an unprecedented policy of encouraging and facilitating incumbent broadcasters’ voluntary relocation so that public safety and commercial wireless operations can commence earlier than otherwise possible.<sup>31</sup> The FCC has reallocated WFPX(TV)’s current Channel 62 for non-broadcast, fixed and mobile commercial uses.<sup>32</sup> If this spectrum is not available until broadcasters are required by law to vacate their channels, the introduction of new wireless services will be needlessly curtailed.<sup>33</sup> Moreover, due to interdependent public safety channelization and adjacent-channel protection requirements, public safety operators’ ability to use the upper 700 MHz channels allotted to them

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<sup>30</sup> *Id.*, ¶ 6. The Commission ultimately selected a non-short-spaced allotment for the reallocation but maintained that its rationale for proposing the short-spaced allotment was appropriate. Ventura, California, *Report and Order*, 2 FCC Rcd 5882, ¶¶ 15-17 (1987).

<sup>31</sup> *Upper 700 MHz First Report and Order*, ¶ 145.

<sup>32</sup> Service Rules for the 746-764 and 776-794 MHz Bands, *First Report and Order*, 15 FCC Rcd 476, ¶ 32 (2000). The Commission maintained the current broadcast allocation for the duration of the DTV transition. Reallocation of Television Channels 60-69, the 746-806 MHz Band, *Report and Order*, 12 FCC Rcd 22953, ¶ 18 (1998).

<sup>33</sup> To ensure that the number of viewers losing television service is kept to a reasonable minimum, Congress ordered that the DTV transition could extend beyond December 31, 2006 if fewer than 85% of households in a given market have the capability of viewing DTV signals. 47 U.S.C. § 309(j)(14)(B). Accordingly, the actual end of the DTV transition period is uncertain, leading some to assert that the band may not be cleared until 2025. See Jonathan Bloom, *Picture Fuzz on Digital TV’s Future*, BOSTON HERALD, Feb 25, 2001, at 47.

will be restricted so long as there are broadcast television operations on adjacent channels.<sup>34</sup> WFPX(TV)'s Channel 62 is adjacent to the public safety allocation of Channel 63. By alleviating adjacent channel interference concerns, band clearing proposals like WFPX(TV)'s waiver request will facilitate public safety uses of the upper 700 MHz band that the Chairman has described as "critical."<sup>35</sup>

Therefore, this request is proposed pursuant to an "extraordinary" proceeding. Like the situation presented in the *VHF Drop-In* proceeding, the circumstances faced by WFPX(TV) are common to only a small number of broadcasters; and the proposed solution promises to bring substantial public benefits without introducing any new interference to the short-spaced stations.<sup>36</sup> In addition, like the situation in *Ventura, California*, the Commission has "limited options" to accomplish the important simultaneous goals of facilitating the introduction of new wireless and public safety services and maintaining broadcast television service throughout the DTV transition. For these reasons, WFPX(TV)'s waiver request satisfies the Commission's heightened standard for approving short-spacings at the allotment stage.

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<sup>34</sup> The Development of Operational, Technical and Spectrum Requirements, For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Establishment of Rules and Requirements For Priority Access Service, *Second Memorandum Opinion And Order* 15 FCC Rcd 16844, ¶¶ 24-35 (2000). Public Safety operators have been allotted Channels 63, 64, 68 and 69. See The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, *Third Memorandum Opinion and Order and Third Report And Order*, 15 FCC Rcd 19844, ¶ 16 (2000). Consequently, all four television channels being reallocated to public safety, plus channels adjacent to those allotted must be cleared to permit full use of the channels by public safety operators.

<sup>35</sup> Michael Powell, *Public Safety Spectrum*, Wash. Post, Oct. 23, 2001, at A22.

<sup>36</sup> See Technical Exhibit. In many cases the Commission has expressed its reluctance to allow short spacings at the allotment stage because of the threat such allotments pose to the TV Table of Allotments. See e.g. *London*, ¶ 7. That concern is considerably less relevant here, because, as will be discussed more fully below, any compromise of the Table of Allotments will cease at the close of the DTV transition, when WFPX(TV) will begin exclusive operations on its DTV allotment. Cf. *KRCA*, ¶ 6.

**B. Grant of the Waiver Request Would Preserve Broadcast Service at Little Cost.**

More than just a result of an “extraordinary” proceeding, however, the waiver also evidences a “compelling need” in the public interest. If this short-spacing waiver was filed pursuant to an application, the Commission would measure the request by weighing multiple public interest factors, which would include a traditional determination of the impact and necessity of the proposed facilities.<sup>37</sup> At the allotment stage, the Commission incorporates this analysis as a general public interest determination of whether a “compelling need” exists.<sup>38</sup>

Paxson’s request satisfies this standard. Grant of this short-spacing waiver would result in “a large public interest benefit gained at minimal cost.”<sup>39</sup> The Commission has stated that, in its review of specific requests to clear the 700 MHz spectrum, it would “consider the benefits to consumers of the provision of new wireless services, such as next generation mobile services or Internet fixed access services.”<sup>40</sup> Grant of Paxson’s proposed channel change will hasten the availability of these services.

Also weighing in WFPX(TV)’s favor, the proposed facility is not predicted to create any interference to the four short-spaced stations. The Commission has stated that its policies are intended to “strike an appropriate balance between the objectives underlying [] established interference policies and the need to provide broadcasters with greater flexibility to implement band-clearing agreements.”<sup>41</sup> Given the lack of any harmful interference caused by the WFPX

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<sup>37</sup> See *KRCA*, ¶ 16; *Sarkes Tarzian*, ¶¶ 10, 14.

<sup>38</sup> See *Pueblo*, ¶ 24-29 (recognizing that although the public interest criteria applied at the application stage are not applicable at the allotment stage, a general public interest determination is part of the “compelling need” standard). In *Pueblo*, the Commission disavowed the application-stage waiver standards in favor of a general public interest determination in the face of exigent circumstances. *Id.* The Commission concluded in that case that the sole public benefit produced by the short-spaced allotment was too insubstantial to satisfy the compelling need standard. *Id.*, ¶ 26.

<sup>39</sup> *Supra*, n. 27.

<sup>40</sup> *Upper 700 MHz First Report and Order*, ¶ 145

<sup>41</sup> *Upper 700 MHz Third Report and Order*, ¶ 31.

regulatory request, that balance is not threatened here. Indeed, in *KRCA*, the Commission found such an absence of interference to be “significant” in granting the short-spacing waivers at the application stage, noting that the purpose of the separations rule “[would] not be undermined” despite short-spacings of considerable magnitude.<sup>42</sup>

The similarities, however, between *KRCA* and the waiver proposed in this petition do not end there. As in *KRCA*, the need for WFPX(TV)’s short-spacing waiver is *temporary*.<sup>43</sup> When WFPX(TV) switches to digital operation, the station will be in full compliance with the Commission’s rules and a waiver no longer will be needed. Additionally, as in *KRCA*, grant of the waiver will hasten the implementation of digital television.<sup>44</sup> The Commission has recognized that the 700 MHz band-clearing process will “expedite a transition to DTV for broadcasters who might need assistance to implement such a transition.”<sup>45</sup> Lastly, as in *KRCA*, the proposed WFPX facilities would result in service area gains.<sup>46</sup> Although *KRCA* is an application-stage case, and therefore not fully applicable at the allotment stage, the Commission has made clear that it reflects the Commission’s evolving view of the public interest determination necessitated by band-clearing regulatory proposals.<sup>47</sup> Therefore, given the similarities between the instant regulatory request and *KRCA*, the Commission has ample precedent to grant the WFPX(TV)’s petition.

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<sup>42</sup> *KRCA*, ¶ 20.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*, ¶ 19.

<sup>45</sup> *Upper 700 MHz MO&O and FNPRM*, ¶ 48.

<sup>46</sup> See Technical Exhibit at 4-5. Paxson recognizes, however, that the Commission explicitly determined that the issue of service area gains was not dispositive in granting the waivers in *KRCA*. See *KRCA*, ¶ 21.

<sup>47</sup> In considering individual regulatory requests to clear the 700 MHz spectrum, the Commission, specifically citing *KRCA*, said that it would weigh the “multiple public interest factors” that would be involved. *Upper 700 MHz MO&O and FNPRM*, ¶ 63 n.124.

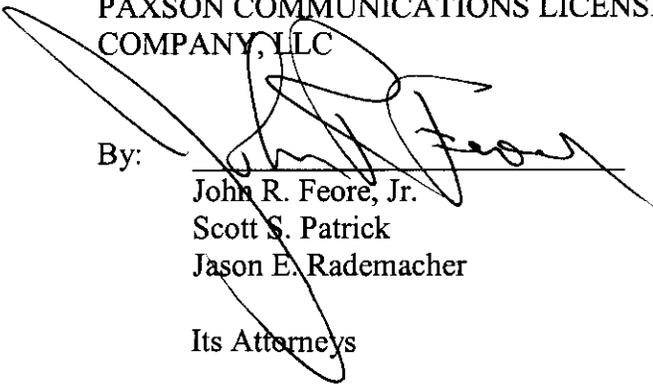
## CONCLUSION

Granting Paxson's regulatory request would be in the public interest because doing so would preserve television service, accelerate the clearing of the upper 700 MHz band and facilitate the introduction of critically needed public safety and commercial wireless services. Each of these benefits would be achieved without creating new interference to short-spaced stations or existing operations. By granting the concomitant waiver request of the minimum distance requirements, the Commission will also sustain its policy of ensuring diverse, accessible broadcast services in smaller markets. Therefore, the Commission should act to further its policies of clearing the upper 700 MHz band by granting Paxson's regulatory request.

WHEREFORE, for the foregoing reasons, Paxson respectfully requests that the Commission initiate a rule making proceeding to amend Section 73.606(b) of its rules to allot Channel 24 at Fayetteville, North Carolina. This allotment would serve the public interest because WFPX(TV) would be able to continue offering television service to the Fayetteville community while new opportunities for the use of Channel 62 for public safety or new wireless services will be created, resulting in a more efficient use of the broadcast spectrum.

Respectfully Submitted,

PAXSON COMMUNICATIONS LICENSE  
COMPANY, LLC

By: 

John R. Feore, Jr.

Scott S. Patrick

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Its Attorneys

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Washington, D.C. 20036-6802  
202-776-2000

Dated: March 27, 2002

**ATTACHMENT**

**TECHNICAL EXHIBIT**

TECHNICAL EXHIBIT  
PETITION FOR RULEMAKING  
STATION WFPX(TV)  
FAYETTEVILLE, NORTH CAROLINA

JANUARY 22, 2002

CH 24 1000 KW (MAX-DA) 256 M

TECHNICAL EXHIBIT  
PETITION FOR RULEMAKING  
STATION WFPX(TV)  
FAYETTEVILLE, NORTH CAROLINA  
CH 24 1000 KW (MAX-DA) 256 M

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- Figure 2 Other Services Showing
- Figure 3 Allocation Study
- Figure 4 Directional Antenna Envelope

TECHNICAL EXHIBIT  
PETITION FOR RULEMAKING  
STATION WFPX(TV)  
FAYETTEVILLE, NORTH CAROLINA  
CH 24 1000 KW (MAX-DA) 256 M

Technical Narrative

This Technical Exhibit was prepared on behalf of television broadcast station WFPX(TV) at Fayetteville, North Carolina, in support of a Petition for Rulemaking prepared pursuant to the band clearing provisions outlined in the *Order on Reconsideration of the Third Report and Order* in MM Docket No. 00-39 (released September 17, 2001). This application proposes the analog migration of WFPX(TV) from channel 62 to channel 24. The proposed channel 24 facility will operate with a maximum peak visual effective radiated power (ERP) of 1000 kW and an antenna height above average terrain (HAAT) of 256 meters.

The WFPX(TV) allotment reference site is the same as that currently licensed. As detailed herein, the proposal does not meet the minimum distance separation requirements of Section 73.610 of the FCC Rules with respect to four analog television stations. The *de minimis* interference requirements, as outlined in the FCC's DTV Processing Guidelines, are met with respect to all pertinent DTV facilities<sup>1</sup>. Waivers are requested with respect to the four analog television short spacings.

Proposed Facilities

A directional transmitting antenna will be employed with a center of radiation located at 257.1 meters above ground level (315 meters AMSL). The proposed facility will operate on channel 24 with a maximum directional peak visual ERP of 1000 kW (30.0 dBk)

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<sup>1</sup> See FCC *Public Notice*, "Additional Application Processing Guidelines for Digital Television (DTV)", Released: August 10, 1998. See also, *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, FCC 98-315, Released: December 18, 1998.

and an antenna radiation center HAAT of 256 meters. Station WFPX(TV) will employ a plus (+) carrier offset for its channel 24 analog operation.

The proposed facility is compliant with Section 73.614(b) concerning maximum permissible ERP and HAAT.

There are no AM broadcast stations located within 3.2 km of the transmitter site. Although no adverse electromagnetic impact is expected, the applicant recognizes its responsibility to correct problems that result from its proposed operation.

The proposed transmitter site is beyond the 400 km coordination zones with Canada and Mexico. The closest FCC monitoring station is at Laurel, Maryland, more than 500 kilometers to the north-northeast. The closest point of the National Radio Quiet Zone (VA/WV) is approximately 291 kilometers to the north. The closest point of the Table Mountain Radio Quiet Zone (CO) is more than 2,300 kilometers to the west-northwest. The closest radio astronomy site operating on TV channel 37 is at Green Bank, West Virginia, more than 400 kilometers to the north. These separations are sufficient to not be a concern for coordination purposes.

#### Allocation Considerations

Figure 3A is a summary of the allocation analysis. As indicated, the proposed WFPX(TV) channel 24 facility does not meet the requirements of Section 73.610 of the FCC Rules concerning the following analog television facilities:

- WDRL-TV, Danville, VA, channel 24
- WTAT-TV, Charleston, SC, channel 24
- WUNU(TV), Lumberton, NC, channel 31
- WUNJ-TV, Wilmington, NC, channel 39

A waiver of Section 73.610 of the FCC Rules is requested concerning the above four analog stations.

There are no fully-spaced sites available for channel 24 that would comply with the city coverage requirements of Section 73.685. In order for WFPX(TV) to meet the minimum separation requirement to station WDRL-TV (280.8 kilometers), a minimum site relocation of 97 kilometers would be necessary. The City Grade (80 dBu) contour for a maximum UHF NTSC facility (5000 kW, 610 meters) extends outward 69.4 kilometers. Therefore, WFPX(TV) would not be able to achieve adequate City Grade coverage of Fayetteville. The map in Figure 3B shows the minimum separation distance circle (280.8 kilometers) imposed by station WDRL-TV. Also, any relocation of the WFPX(TV) transmitter site would eliminate the desired "near-co-location" with 1<sup>st</sup> adjacent DTV station WUNU-DT (Lumberton) and would further complicate the allocation situation.

Concerning predicted interference to DTV allotments and assignments, detailed interference analyses were conducted pursuant to the procedures outlined in the FCC Rules and the OET-69 Bulletin. DTV stations selected for analysis were determined pursuant to the distance requirements outlined in the FCC DTV Processing Guidelines Public Notice.

Stations Potentially Affected by Proposed WFPX(TV)						
Chan	Call	City/State	Bear(°T)	Dist(km)	Status	App. Ref. No.
23	WUNK-DT	GREENVILLE NC	371	152.9	PLN	DTVPLN-DTVP0500
23	WUNK-DT	GREENVILLE NC	351	153.0	CP	BPEDT-20000207AAP
23	WBTW-DT	CHARLOTTE NC	286	199.3	CP	BPCDT-19970919KE
23	WBTW-DT	CHARLOTTE NC	286	199.3	PLN	DTVPLN-DTVP0499
24	WDRL-TV	DANVILLE VA	349	184.2	LIC	BLCT-19940818KF
24	WFVT-TV	ROCK HILL SC	286	196.4	APP	BPRM-20001221ACU
24	WTAT-TV	CHARLESTON SC	195	223.6	LIC	BLCT-19900418KE
24	WFXI-DT	MOREHEAD CITY NC	89	234.2	CP	BPCDT-19991029AFA
24	WFXI-DT	MOREHEAD CITY NC	89	234.2	PLN	DTVPLN-DTVP0541
24	WCVE-DT	RICHMOND VA	24	320.6	PLN	DTVPLN-DTVP0554
24	WNEG-DT	TOCCOA GA	267	393.2	CP	BPCDT-19991026ABM
24	WNEG-DT	TOCCOA GA	267	393.2	PLN	DTVPLN-DTVP0530
24	WKPI-DT	PIKEVILLE KY	312	408.9	PLN	DTVPLN-DTVP0535
25	WUNU-DT	LUMBERTON NC	164	10.1	CP	BPEDT-20000323ABG
25	WUNU-DT	LUMBERTON NC	164	10.1	PLN	DTVPLN-DTVP0574
31	WUNU	LUMBERTON NC	164	10.1	LIC	BLET-19960828KF

The table below shows the new interference predicted to be caused by the proposed WFPX(TV) channel 24 analog operation to each station listed. Only those stations predicted to receive interference from WFPX(TV) are shown. As can be seen below, the *de minimis* interference requirements are met in all cases considered.

Study Station	Baseline	Net Population Change/Interference
24 WFVT-TV ROCK HILL SC (BPRM)	2,624,978	12,186 (0.5%)

With respect to Class A TV station protection, the proposal has been evaluated according to the requirements of Section 73.613 of the FCC Rules. Although the FCC may normally consider contour overlap at the allotment stage for Class A assignments, it is respectfully requested to consider a no-interference showing based on use of OET-69 in this case. Station WFPX(TV) is not able to use its DTV allotment channel (36) for analog operation due to limitations imposed by station WWMB(TV) on channel 21 at Florence, SC. A search of the TV band from channels 2-59 does not reveal any channel that meets the FCC's minimum separation requirements. Except for channel 24, no channel was found that would comply with the FCC's interference requirements while enabling principal city coverage of Fayetteville and a service area comparable to that of the current WFPX(TV) analog operation on channel 62. Although the proposed WFPX(TV) operation on channel 24 may have contour overlap with Class A station W24CP on channel 24 at Durham, NC, no interference is predicted to be caused or received using OET-69 (i.e., 0 people). If necessary, a waiver of the FCC's allotment procedure is respectfully requested in order for station WFPX(TV) to change its analog operation from channel 62 to channel 24 (i.e., clearing 60-69 band) while maintaining service and complying with the FCC's interference standards.

With the exception of station W24CP, no other Class A TV facilities receive prohibited contour overlap from the proposal.

Loss Service Area

The increase in ERP and different directional antenna will result in predicted Grade B gain and loss areas. An analysis has been conducted of the population and area within the respective areas. Figure 2A is a map illustrating the WFPX(TV) Grade B coverage gain and loss areas. The table below summarizes the situation with respect to the predicted Grade B contour gain and loss areas.

Subject Area	Land Area (sq. km)	Population (2000)
Licensed WFPX(TV) Predicted Grade B	10,580	674,154
Proposed WFPX(TV) Predicted Grade B	11,150	701,454
Common Grade B Overlap Area	10,320	668,143
WFPX(TV) Grade B Loss Area	259	6,011
WFPX(TV) Grade B Gain Area	834	33,311

Also shown on Figure 2A is an analysis of the other analog television Grade B services available to the predicted Grade B gain and loss areas. As indicated, there are *at least* five other licensed commercial analog Grade B television services to the proposed gain and loss areas. They are summarized below:

- A WFMY-TV, Ch. 2, Greensboro, NC
- B WWAY, Ch. 3, Wilmington, NC
- C WUNC-TV, Ch. 4, Chapel Hill, NC
- D WRAL-TV, Ch. 5, Raleigh, NC
- E WECT, Ch. 6, Wilmington, NC
- F WBTW, Ch. 13, Florence, SC
- G WPDE-TV, Ch. 15, Florence, SC
- H WUNU, Ch. 31, Lumberton, NC
- I WJPM-TV, Ch. 33, Florence, SC
- J WKFT, Ch. 40, Fayetteville, NC

Thus, the WFPX(TV) proposed gain and loss areas are considered well served by other television services.

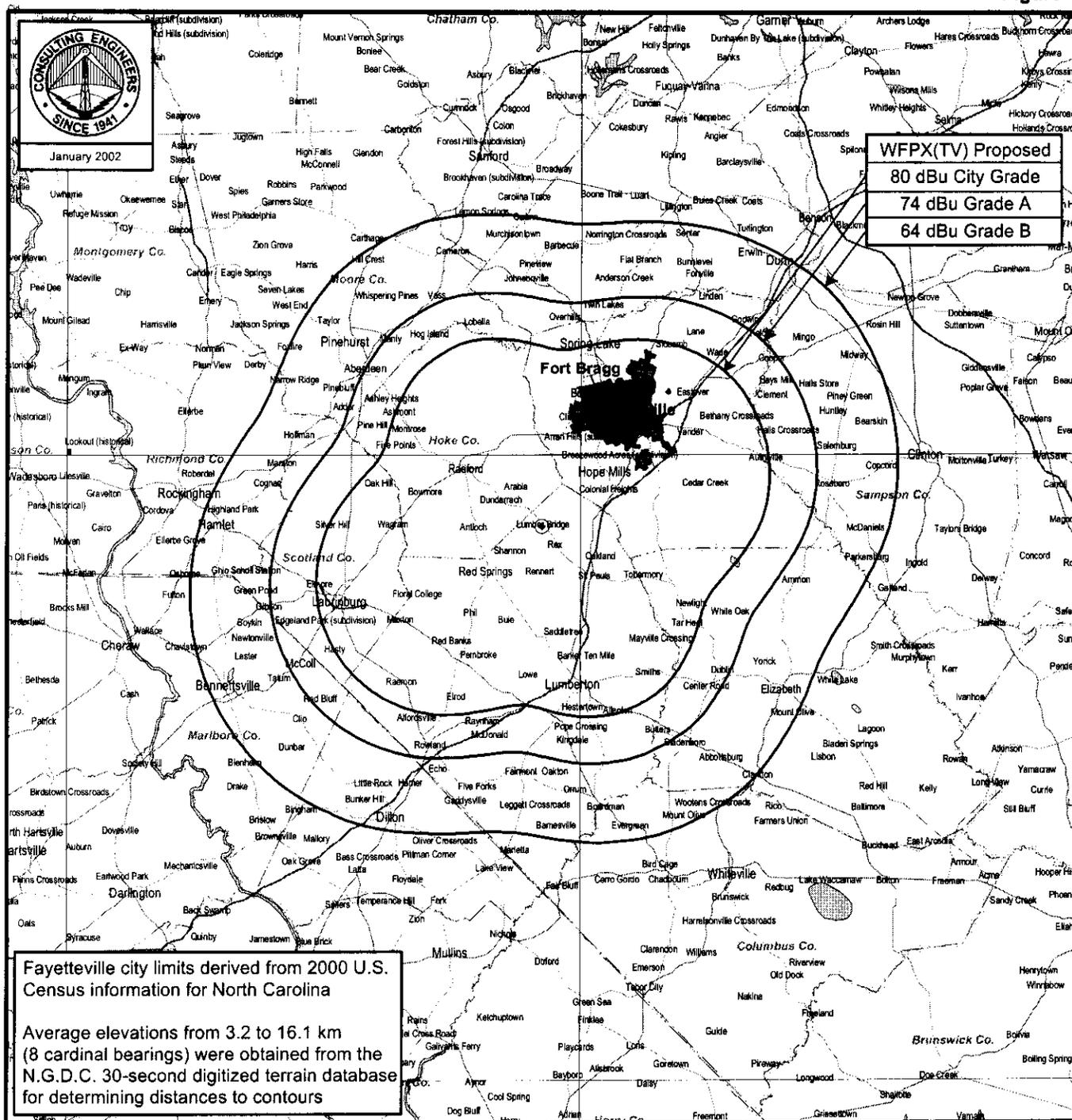


Jonathan N. Edwards

du Treil, Lundin & Rackley, Inc.  
201 Fletcher Avenue  
Sarasota, Florida 34237  
(941) 329-6000

January 23, 2002

Figure 1



## **PREDICTED F(50,50) COVERAGE CONTOURS**

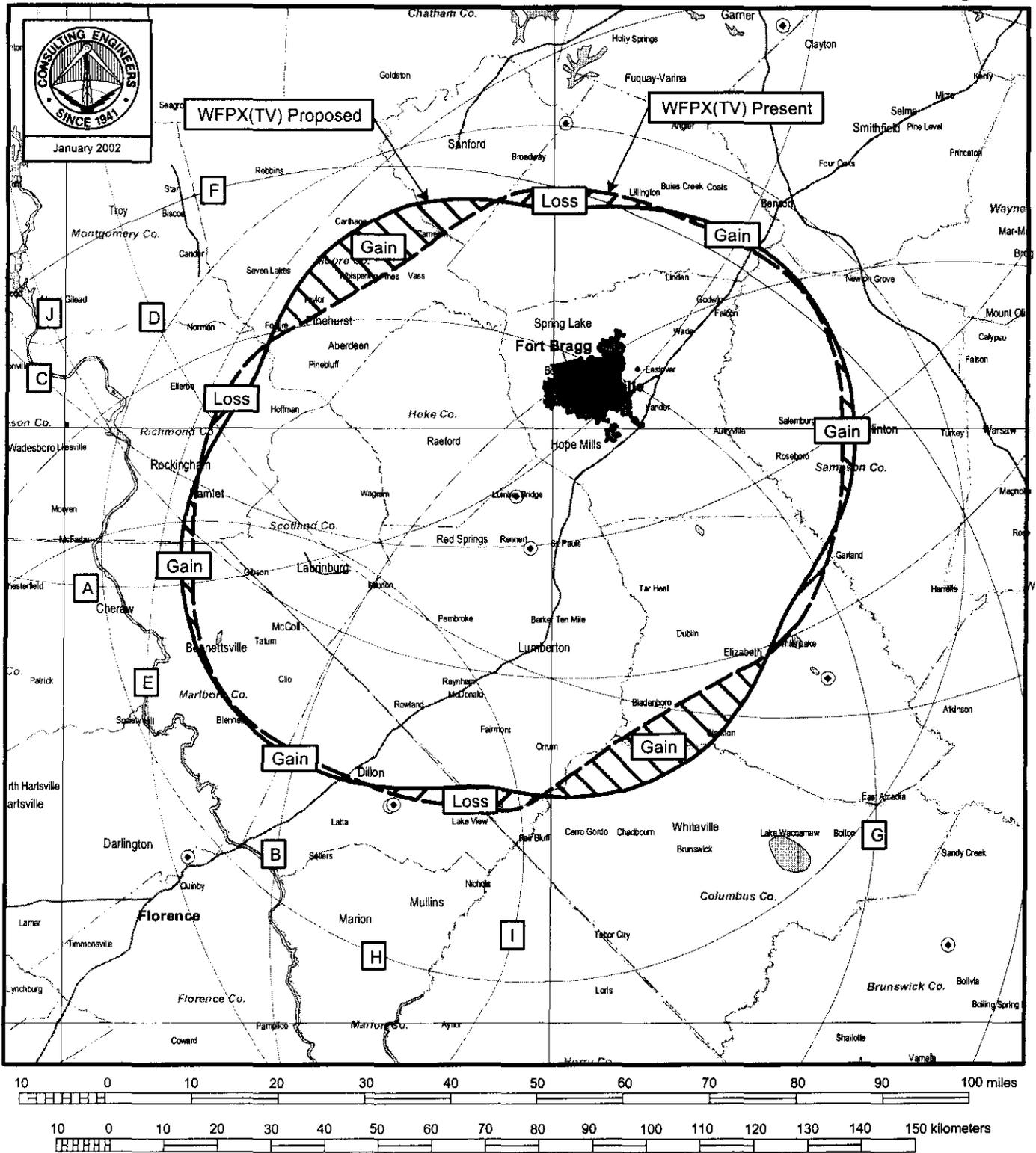
**STATION WFPX(TV)**

**FAYETTEVILLE, NORTH CAROLINA**

**CH 24 1000 KW (MAX-DA) 256 M**

du Treil, Lundin & Rackley, Inc Sarasota, Florida

Figure 2A



**OTHER SERVICES SHOWING**  
**STATION WFPX(TV)**  
**FAYETTEVILLE, NORTH CAROLINA**  
**CH 24 1000 KW (MAX-DA) 256 M**  
du Treil, Lundin & Rackley, Inc Sarasota, Florida

Other TV Services to WFPX(TV) Gain & Loss Area

Reference	Station
A	WFMY-TV, Ch. 2, Greensboro, NC
B	WWAY, Ch. 3, Wilmington, NC
C	WUNC-TV, Ch. 4, Chapel Hill, NC
D	WRAL-TV, Ch. 5, Raleigh, NC
E	WECT, Ch. 6, Wilmington, NC
F	WBTW, Ch. 13, Florence, SC
G	WPDE-TV, Ch. 15, Florence, SC
H	WUNU, Ch. 31, Lumberton, NC
I	WJPM-TV, Ch. 33, Florence, SC
J	WKFT, Ch. 40, Fayetteville, NC

Figure 3A

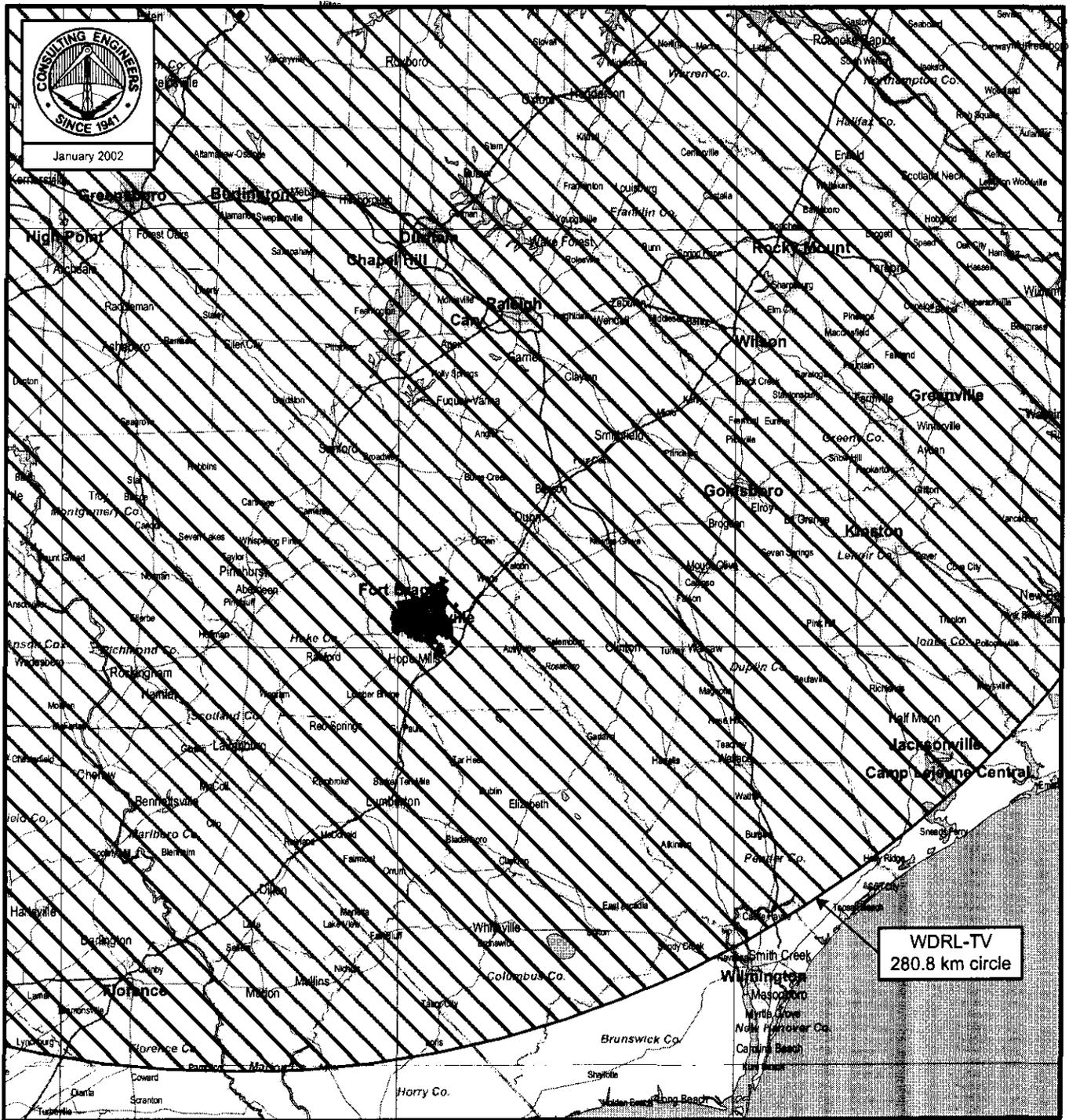
CDBS TV SEPARATION STUDY

Channel: 24  
 Type: TV  
 Zone: II

Separation Buffer: 65 km  
 Coordinates: 34-53-05 N, 79-04-29 W  
 Date: 1/22/2002

Call Id	City St	File Status	Channel Zone	ERP HAAT	DA Id	Latitude Longitude	Bear	Dist. (km)	Req. min	Req. max
WNCN 50782	GOLDSBORO NC	BLCT LIC C 20001023AD	17(-) II	5000.000 610	N 37960	35-40-29 078-31-40	29.3	100.8 5.09	95.7	95.7
									Close	
WWMB 3133	FLORENCE SC	BLCT LIC C 19941005KG	21(Z) II	2090.000 567	D 18767	34-21-53 079-19-49	202.1	62.3 30.86	31.4	31.4
									Clear	
WWMB 3133	FLORENCE SC	BPCT CP C 19960725KI	21(Z) II	5000.000 567	D 17449	34-21-53 079-19-49	202.1	62.3 30.86	31.4	31.4
									Clear	
WFLA 73205	RALEIGH NC	BLCT LIC C 19861113KR	22(Z) II	5000.000 510	D 17176	35-42-52 078-49-01	14.2	95.0 63.59	31.4	31.4
									Clear	
WHMC 61004	CONWAY SC	BLET LIC C 19820118KE	23(+) II	1740.000 250		33-57-05 079-06-31	181.7	103.6 15.88	87.7	87.7
									Close	
DWUNKT 69149	GREENVILLE NC		23( ) II	50.000 351	D	35-33-01 077-36-02	60.7	153.2	DTV	
WUNK-DT 69149	GREENVILLE NC	BPEDT CP C 20000207AA	23( ) II	44.700 331	D 31255	35-33-10 077-36-06	60.5	153.2	DTV	
									<i>Interference protection provided per OET-69 analysis. See Technical Narrative.</i>	
W24CP 70098	DURHAM NC	BPTTL CP C 19980601VF	24(Z) II	22.600 17628	D	36-00-56 078-52-27	8.2	126.8		Class A
DWTVI 69149	CHARLOTTE NC		24( ) II	50.000 390	D	35-17-14 080-41-45	287.3	154.4	DTV	
									<i>Interference protection provided per OET-69 analysis. See Technical Narrative.</i>	
WDRL-TV 15507	DANVILLE VA	BLCT LIC C 19940818KF	24(-) II	1150.000 107	D 17944	36-30-36 079-28-23	348.9	183.9 96.91	280.8	280.8
									Short	
									<i>Interference protection provided per OET-69 analysis. See Technical Narrative.</i>	
WTAT-TV 416	CHARLESTON SC	BLCT LIC C 19900418KE	24(Z) II	5000.000 542	D 18713	32-56-24 079-41-45	195.0	223.2 57.58	280.8	280.8
									Short	
									<i>Interference protection provided per OET-69 analysis. See Technical Narrative.</i>	
DWFXI 37982	MOREHEAD NC	CI BPCDT CP C 19991029AF	24( ) II	976.600 216	D 29650	34-53-01 076-30-21	89.3	234.8	DTV	
									<i>Interference protection provided per OET-69 analysis. See Technical Narrative.</i>	
DWUNU 69416	LUMBERTON NC		25( ) II	96.200 319	D	34-47-51 079-02-41	164.2	10.1	DTV	
WUNU 69416	LUMBERTON NC	BPEDT CP C 20000323AB	25( ) II	113.000 294	N 32093	34-47-50 079-02-42	164.4	10.1	DTV	
									<i>Interference protection provided per OET-69 analysis. See Technical Narrative.</i>	
WUNU 69416	LUMBERTON NC	BLET LIC C 19960828KF	31(Z) II	3160.000 319	N	34-47-51 079-02-41	164.2	10.1 85.64	95.7	95.7
									Short	
									<i>Interference protection provided per OET-69 analysis. See Technical Narrative.</i>	
WUNJ-TV 69332	WILMINGTON NC	BLET LIC C 19891220KE	39(-) II	4470.000 553	D 17236	34-07-51 078-11-16	135.6	116.7 3.16	119.9	119.9
									Short	
									<i>Interference protection provided per OET-69 analysis. See Technical Narrative.</i>	

Figure 3B



**ALLOCATION STUDY**  
**STATION WFPX(TV)**  
**FAYETTEVILLE, NORTH CAROLINA**  
**CH 24 1000 KW(MAX-DA) 256 M**  
du Treil, Lundin & Rackley, Inc Sarasota, Florida

Date **22 Jan 2002**  
Call Letters **WFPX** Channel **24**  
Location **Fayetteville, NC**  
Customer  
Antenna Type **TFU-22JSC-R P230**

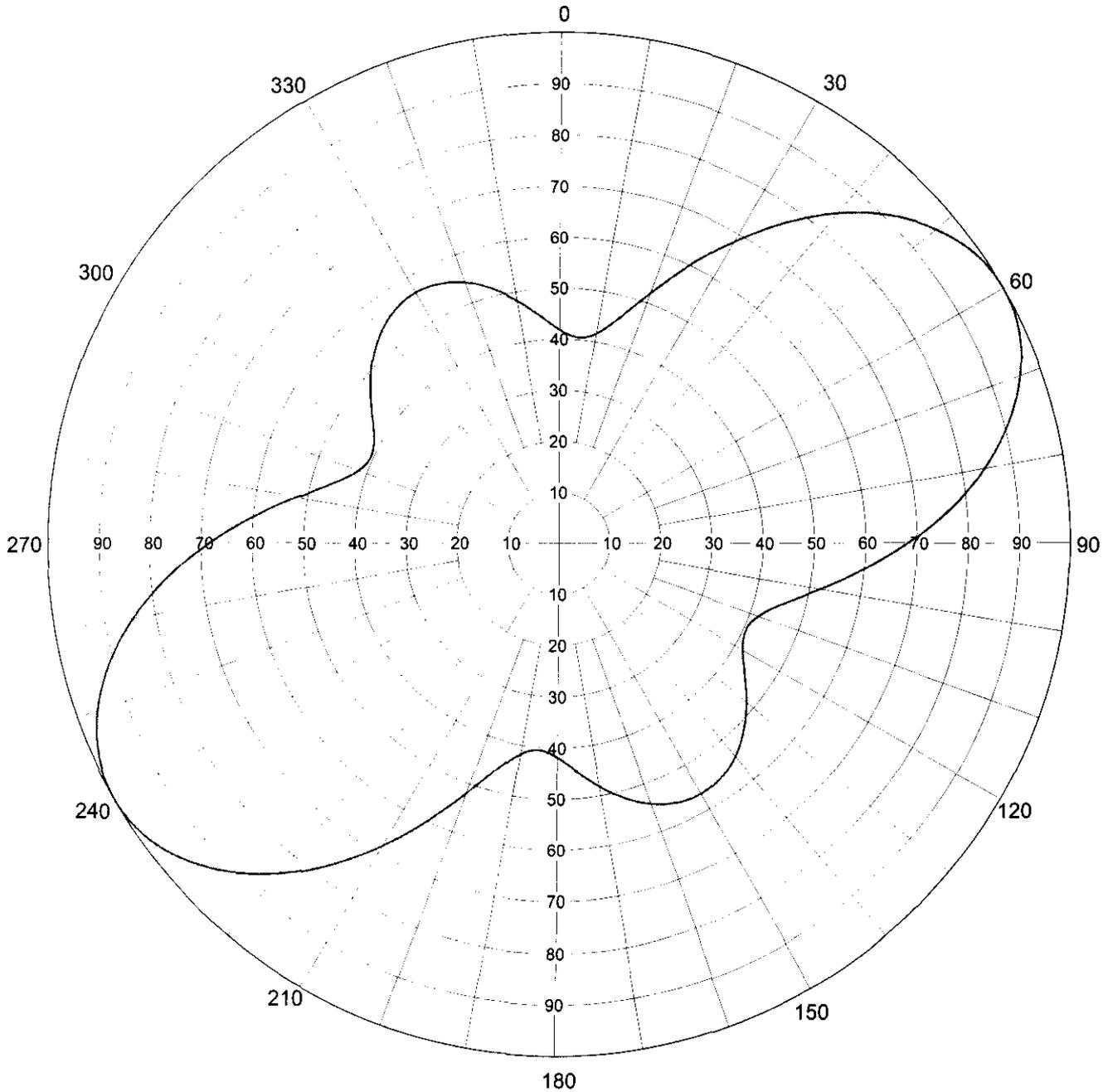
### AZIMUTH PATTERN

RMS Gain at Main Lobe  
Calculated / Measured

**2.30 (3.62 dB)**  
**Calculated**

Frequency  
Drawing #

**533 MHz**  
**TFU-P230**



Remarks:



Date **22 Jan 2002**  
 Call Letters **WFPX** Channel **24**  
 Location **Fayetteville, NC**  
 Customer  
 Antenna Type **TFU-22JSC-R P230**

**TABULATION OF AZIMUTH PATTERN**

Azimuth Pattern Drawing # **TFU-P230**

Angle	Field	ERP (kW)	ERP (dBk)
0	0.418	174.7	22.42
10	0.417	173.9	22.40
20	0.520	270.4	24.32
30	0.683	466.5	26.69
40	0.844	712.3	28.53
50	0.959	919.7	29.64
60	1.000	1000.0	30.00
70	0.959	919.7	29.64
80	0.844	712.3	28.53
90	0.683	466.5	26.69
100	0.520	270.4	24.32
110	0.417	173.9	22.40
120	0.418	174.7	22.42
130	0.482	232.3	23.66
140	0.542	293.8	24.68
150	0.566	320.4	25.06
160	0.542	293.8	24.68
170	0.482	232.3	23.66
180	0.418	174.7	22.42
190	0.417	173.9	22.40
200	0.520	270.4	24.32
210	0.683	466.5	26.69
220	0.844	712.3	28.53
230	0.959	919.7	29.64
240	1.000	1000.0	30.00
250	0.959	919.7	29.64
260	0.844	712.3	28.53
270	0.683	466.5	26.69
280	0.520	270.4	24.32
290	0.417	173.9	22.40
300	0.418	174.7	22.42
310	0.482	232.3	23.66
320	0.542	293.8	24.68
330	0.566	320.4	25.06
340	0.542	293.8	24.68
350	0.482	232.3	23.66

**Maxima**

Angle	Field	ERP (kW)	ERP (dBk)
60	1.000	1000.0	30.00
150	0.566	320.4	25.06
240	1.000	1000.0	30.00
330	0.566	320.4	25.06

**Minima**

Angle	Field	ERP (kW)	ERP (dBk)
5	0.405	164.0	22.15
115	0.405	164.0	22.15
185	0.405	164.0	22.15
295	0.405	164.0	22.15

Remarks: