

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

In the Matter of)
)
Amendment of Section 73.622(b))
Digital Television Table of Allotments)
(Wilmington, North Carolina))
)

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To: Chief, Video Division
Media Bureau

APR 23 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULEMAKING

Raycom America, Inc. ("Raycom America"), licensee of television station WECT(TV) (NTSC Ch. 6, DTV Ch. 54), Wilmington, North Carolina, (Fac. Id. 48666) hereby respectfully requests that the Commission promptly institute a rulemaking proceeding, pursuant to Section 73.623 of the Commission's rules, to amend Section 73.622(b), the DTV Table of Allotments, to substitute Channel 44 for Channel 54 as the DTV channel allotted to Wilmington, North Carolina, and assigned to WECT-DT.

Changing the WECT-DT allotment/assignment from Channel 54 to Channel 44 will serve the public interest because it will (1) facilitate the federal government's goal of clearing the out-of-core television spectrum; (2) meet all of the Commission's service requirements for digital television; (3) meet all applicable interference protection criteria; and (4) be consistent with the DTV build-out efforts made to date.

First, the proposed channel change will promote the federal government's policy of clearing channels 52-69 to make that spectrum available for new wireless and broadcast uses by auction winners. By permitting WECT-DT to commence its digital service on an in-core

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channel, the Commission also would eliminate the disruption in service, expense (e.g., purchasing an entire second DTV transmission system), and potential delay involved in relocating WECT-DT's facilities either pursuant to a band-clearing arrangement or at the end of the DTV transition period.

Second, the proposed channel change will assure that WECT-DT provides the requisite level of DTV service to the entire Wilmington community. (See Technical Exhibit¹, p. 1-2.) As shown in the Technical Exhibit, DTV Channel 44 can be substituted for WECT-DT's existing Channel 54 allotment/assignment, allotted to Wilmington, North Carolina, and assigned to WECT-DT in compliance with Section 73.623 of the Commission's Rules. (See Technical Exhibit, p.1.) The proposed Channel 44 allotment/assignment would have reference coordinates at WECT-DT's planned joint tower site with WUNJ-DT (34-19-16 N, 78-13-43 W) and would operate at a height of 290 m HAAT, with an effective radiated power of 33 kW. Upon allotment and assignment of DTV Channel 44 to WECT-DT, Raycom America will promptly file a modification to WECT-DT's construction permit and press forward to complete construction of its digital facilities as expeditiously as possible.²

Channel 44 became a workable DTV allotment/assignment for WECT-DT because of a DTV allotment change made by the Commission in a neighboring market. The Commission originally allotted and assigned Channel 44 to WUNM-TV, Jacksonville, North Carolina, for its

¹ *Technical Exhibit Prepared in Support of Petition for Rulemaking to Modify the DTV Allotment Table, Station WECT-DT, Wilmington, North Carolina*, prepared by Jonathan N. Edwards of du Treil, Lundin & Rackley, Inc. for WECT-DT ["Technical Exhibit"].

² Due to issues associated with securing a new DTV tower, Raycom American has sought an extension of the May 1, 2002, build-out deadline for WECT-DT.

digital operations.³ Last year, the Commission granted WUNM-TV's petition for rulemaking to change its digital channel allotment/assignment from Channel 44 to Channel 18 so that its digital channel would be adjacent to its analog Channel 19 operation.⁴ Because WUNM-DT currently is authorized for digital operation on Channel 18 (BPEDT-20010703AAQ), digital Channel 44 is now available for WECT-DT's use.

Third, this proposal will preserve the integrity of the public's digital and analog television service by ensuring coverage of the entire Wilmington community while complying with all applicable interference protection standards. The proposed Channel 44 DTV operations will fully comply with the Commission's *de minimis* interference requirements. (See Technical Exhibit, p. 2.) In addition, the proposal will result in no prohibited contour overlap with any Class A station. (See Technical Exhibit, pp. 2-3.)

Fourth, allotment/assignment of Channel 44 to WECT-DT would be consistent with the station's DTV build-out efforts to date. WECT-DT will be co-locating on a new 1000' tower that the University of North Carolina ("UNC") is constructing to house the digital facilities of its noncommercial television station, WUNJ-DT (FCC Registration No. 1014589). In requesting an extension of the Commission's May 1, 2002, DTV build-out deadline,⁵ Raycom America explained that engineering studies on Raycom America's existing tower showed that the tower could neither support the structural load of WECT's DTV antenna and transmission line nor be upgraded to support these additional loads. As a result, after investigating its alternatives,

³ *In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, FCC 98-24, MM Docket No. 87-268 (Feb. 23, 1998).

⁴ *In the Matter of Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Jacksonville, North Carolina)*, Report and Order, DA 01-858, MM Docket No. 01-3 (April 6, 2001).

⁵ File No. BEPCDT-20020228AAH, as amended April 12, 2002.

Raycom America entered a lease agreement with UNC for space on the new tower that UNC is building near the town of Delco in northeastern Columbus County and for the land necessary for the construction of WECT's accompanying site building. Raycom America's propagation models for a tower at the Delco site, which is about 25 miles southeast of WECT's existing tower site, proved to be most efficient for covering the Wilmington DMA as compared to two other sites that Raycom America also had considered for tower locations.⁶

WHEREFORE, Raycom America hereby respectfully requests that the Commission expeditiously issue a notice of proposed rulemaking incorporating the proposal set forth in this petition and, promptly after receiving comments and reply comments, adopt the proposed amendment to Section 73.622(b), the DTV Table of Allotments, by substituting Channel 44 for Channel 54 in Wilmington, North Carolina, as the DTV channel assigned to WECT-DT.

Respectfully submitted,



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⁶ In addition to negotiating and signing a lease with UNC for space on the new tower and land to be used for the construction of WECT-DT's equipment house, Raycom America also has ordered and received delivery of the DTV transmitter, encoder, and master control equipment for WECT-DT. If this rulemaking is conducted expeditiously, Raycom expects to finish construction and begin broadcasting as close as possible to the anticipated October 2002 tower completion date.

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULEMAKING TO
MODIFY THE DTV ALLOTMENT TABLE
STATION WECT-DT
WILMINGTON, NORTH CAROLINA

Technical Narrative

This Technical Statement and associated Figures have been prepared on behalf of digital television station WECT-DT, allocated to Wilmington, North Carolina. It is proposed to modify WECT-DT from channel 54 to channel 44.

The Federal Communication Commission (FCC) originally assigned channel 44 to station WUNM-TV (Jacksonville, NC) for its DTV allotment in the Memorandum Opinion and Order (MO&O) concerning reconsideration of the 6th Report and Order in MM Docket No. 87-268. However, WUNM has opted for channel 18 in order for its digital channel to be adjacent to its analog channel 19 operation. WUNM-DT is currently authorized for digital operation on channel 18 (BPEDT-20010703AAQ), thus allowing WECT-DT to use channel 44.

WECT-DT channel 44 can be substituted and allotted to Wilmington in compliance with the principal community coverage requirements of Section 73.625(a) at the following reference coordinates:

34° 19' 16" North Latitude
78° 13' 43" West Longitude

As indicated in Figure 1, the proposed 41 dBu (Noise-Limited) and 48 dBu (proposed City Grade) contours encompass all of Wilmington. The proposed DTV reference coordinates are the same as the authorized DTV operation for station WUNJ-DT (FCC registration number 1014589).

NTSC/DTV Allocation Concerns

In addition, operation on DTV channel 44 appears possible with an effective radiated power (ERP) of 33 kW utilizing a non-directional antenna radiation envelope and an antenna height above average terrain (HAAT) of 290 meters and an antenna radiation center of 304 meters above mean sea level. The proposed channel change is acceptable under the 2 percent criterion for *de minimis* impact applicable to DTV allotment modifications under Section 73.623(c)(2) (see Figure 1).

Class A Allocation Concerns

There are only two Class A stations that appear to be located within a distance that may be an interference concern, WYBE-CA and WHOA-LP. WYBE-CA is a licensed Class A station on channel 44, at Pinehurst, NC (BLTTL-19990811JH). WYBE-CA is located 157 km north-northwest of the proposed WECT-DT site. The map in Figure 2 indicates that WECT-DT will not be involved in prohibited contours overlap with WYBE-CA.

Station WHOA-LP (Raleigh, NC) has multiple entries in the FCC's CDBS database for its operation. WHOA-LP is currently licensed on channel 60, but has applications on file to change to channel 44. Since channel 60 (N-16) is not an interference concern, this application will focus on WHOA-LP's channel 44 operation(s) only. WHOA-LP is authorized for operation on channel 44 with a maximum directional ERP of 100 kW (BPTTL-19991201AAO). WHOA-LP also has three pending LPTV applications for

operation on channel 44 and also a Class A channel 44 application pending. They are all summarized in the table below.

File Number	ERP, RCAMSL	Notes	Protect?
BPTTL-19991201AAO	CP 100 kW-DA, 207 M	Current Authorization	Translator that has been amended--Protection Not Required
BPTTL-20010423AAB	APP 50 kW-DA, 260 M	Amended/Superseded- Should be Archived Record	Translator that has been amended--Protection Not Required
BPTTL-20010423AAB	APP 50 kW-DA, 290 M	Amended/Superseded- Should be Archived Record	Translator that has been amended--Protection Not Required
BMPTTL-20010709AAA	APP 15 kW-DA, 205 M	Believed to be Correct Current Record (Accepted for Filing)	Most Recent Amendment Facilities Match Class A Application--Protection Required
BLTTA-20010712ABD	APP 15 kW-DA, 205 M	Class A Application (Accepted for Filing)	

The protected contour for the WHOA-LP Class A proposal (BMPTTL-20010709AAA) is also shown in Figure 2. No prohibited contour overlap will be caused to WHOA-LP from the proposed Channel 44 DTV facility. It is noted that even though it is not believed that protection is required towards the other superseded WHOA-LP operations, studies indicate that no prohibited contour overlap will occur to any of the other WHOA-LP applications. No other Class A television operations appear to be potentially impacted by the proposed Channel 44 facility.

Therefore, it is proposed to modify WECT-DT's authorization to specify operation on the alternate DTV channel with the following specifications:

State & City	DTV Channel	DTV ERP (kW)	Antenna Radiation Center	Antenna HAAT (m)
NC, Wilmington	44	33 kW	304 m AMSL	290 m
Reference Coordinates: 34° 19' 16" N. Latitude/078° 13' 43" W. Longitude				

Summary

It is proposed to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Wilmington, NC	54	44

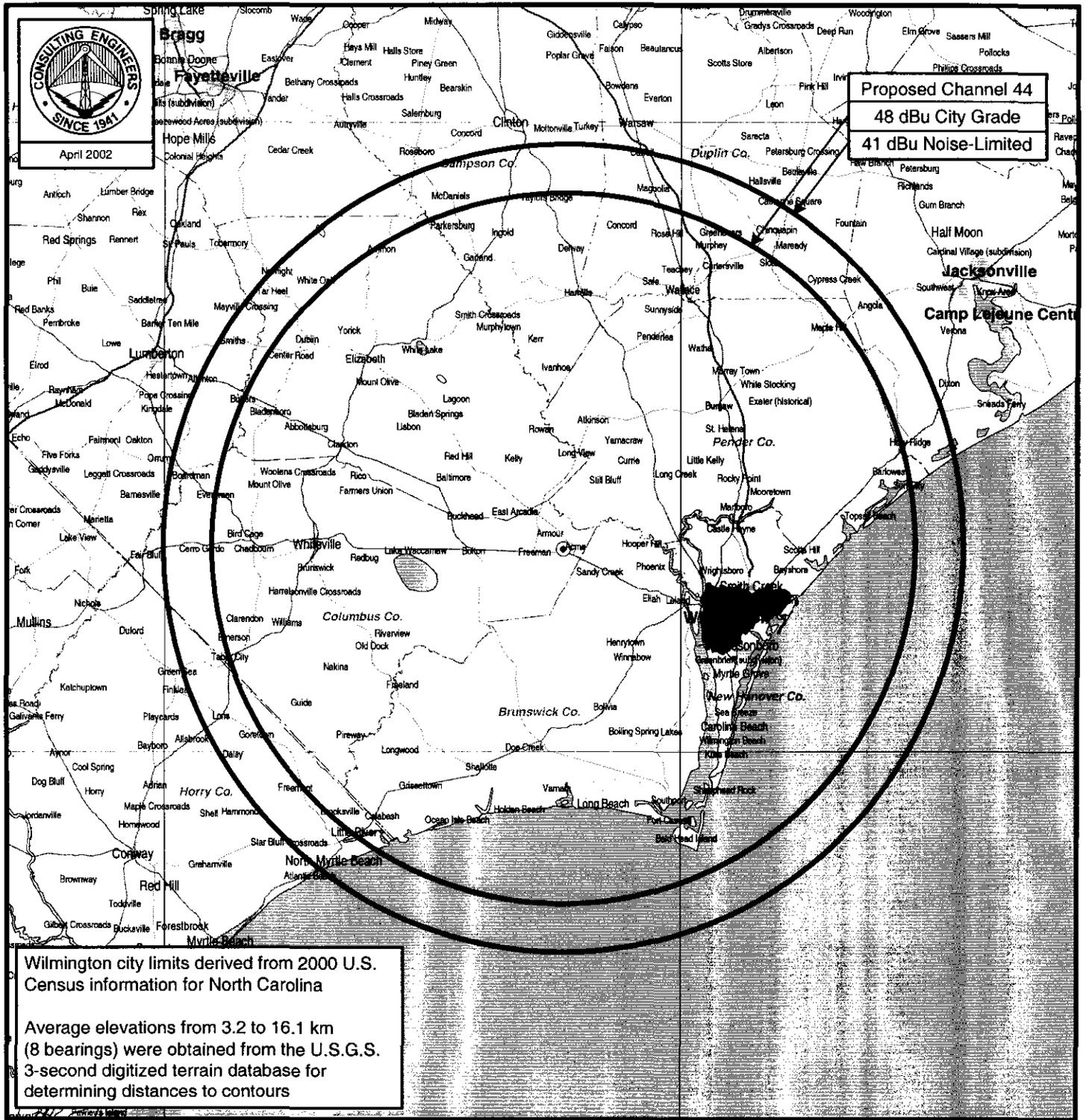


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Figure 1



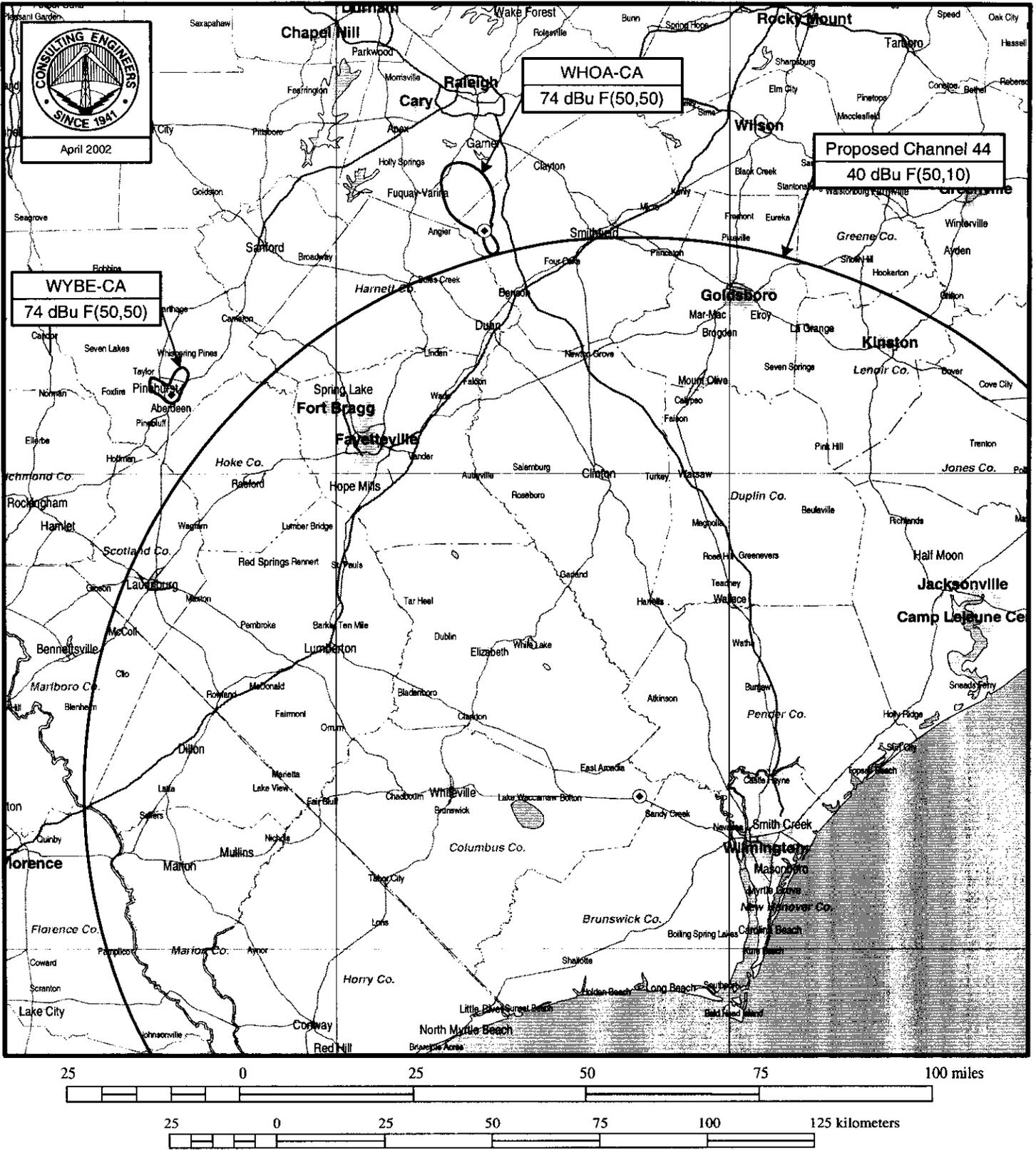
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STATION WEST-DT

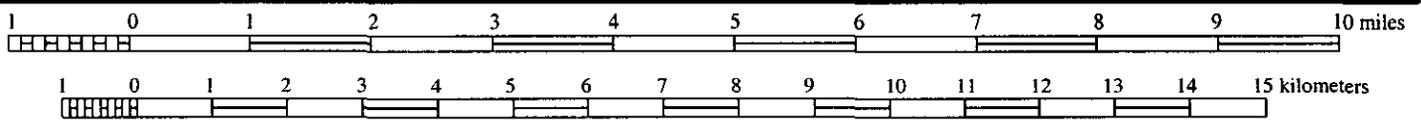
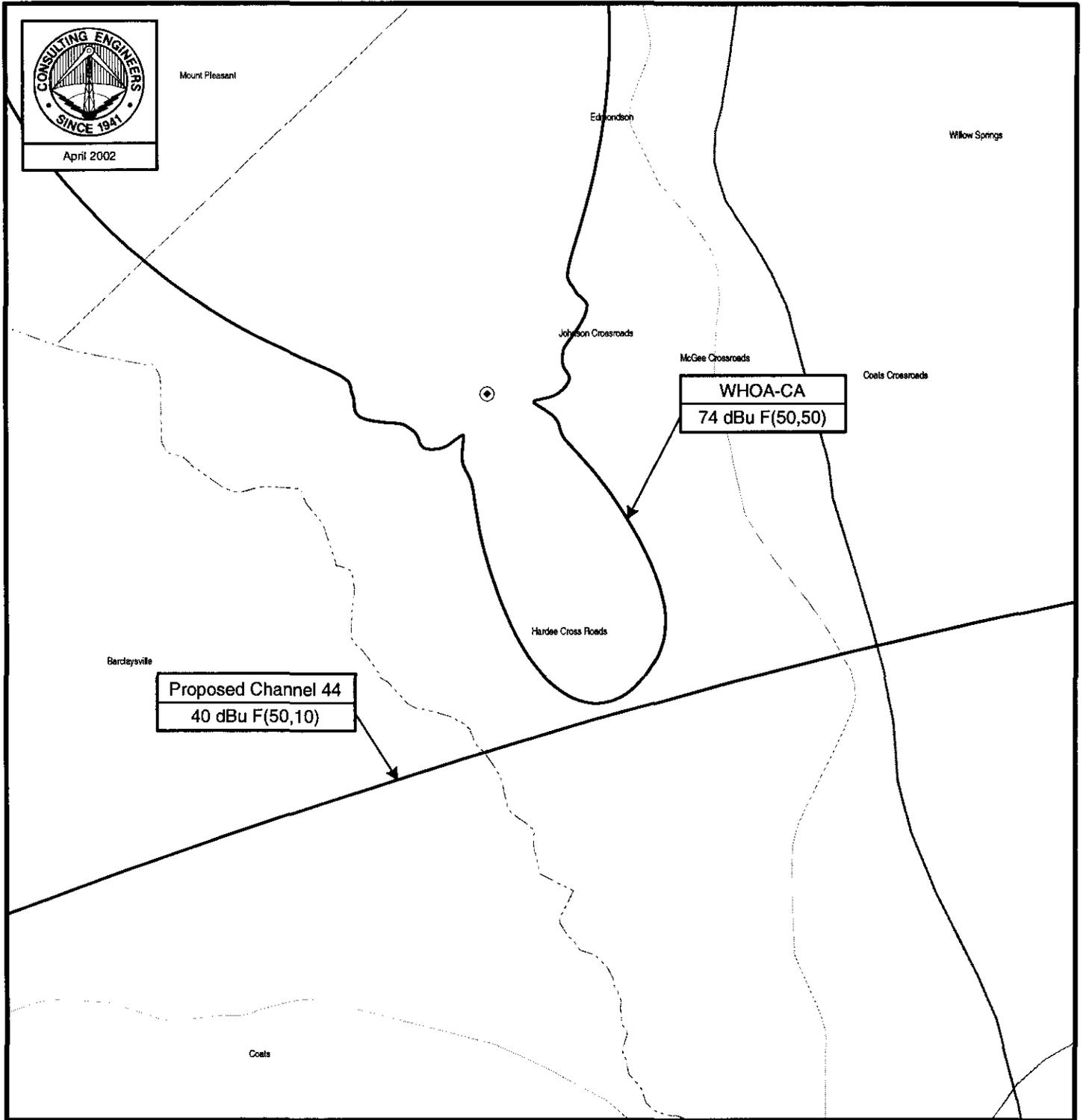
WILMINGTON, NORTH CAROLINA

CH 44 33 KW 290 M

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CLASS A OVERLAP STUDY
STATION WECT-DT
WILMINGTON, NORTH CAROLINA
CH 44 33 KW 290 M
 du Treil, Lundin & Rackley, Inc Sarasota, Florida



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