

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

AUG 19 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.622(b),)
Table of Allotments,)
Digital Broadcast Stations)
(Athens, GA))
)

MB Docket No. 02-94
RM-10423

To: Chief, Video Division

PETITION FOR RECONSIDERATION

Gannett Georgia, L.P. ("Gannett"), licensee of television station WXIA-TV, Atlanta, GA, hereby files this petition for reconsideration of the Report and Order of the Video Division in the above-captioned proceeding released on July 19, 2002 (the "Order").¹ The underlying proceeding involved the request of Georgia Public Telecommunications Commission ("GPTC"), licensee of noncommercial station WGTV-TV, Athens, GA, to substitute DTV channel *12 for station WGTV-TV's assigned DTV channel *22.² The Order amends the DTV Table of Allotments consistent with GPTC's request.

Gannett does not oppose the proposed channel substitution *per se*. As set forth below, however, Gannett believes that the Commission's rules require the presence of a "c" in WGTV-

¹ *In re Amendment of Section 73.622(b), Table of Allotments, Digital Broadcast Stations (Athens, GA)*, Report and Order, DA 02-1687 (released July 19, 2002).

² *In re Amendment of Section 73.622(b), Table of Allotments, Digital Broadcast Stations (Athens, GA)*, Notice of Proposed Rulemaking, 17 FCC Rcd 755 (2002).

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DT's assigned channel to prevent interference to WXIA-TV's NTSC operations on Channel 11. Gannett urges the Commission, therefore, to amend the DTV Table of Allotments, 47 C.F.R. § 73.622(b), to substitute Channel *12c rather than *12, and to condition the proposed channel substitution on GPTC's reimbursing Gannett for the costs it will incur to accommodate the proposed substitution.

BACKGROUND

GPTC, the licensee of noncommercial educational television station WGTW-TV, Athens, GA, filed a petition for rulemaking asking the Commission to allot DTV Channel *12 at Athens, GA as a substitute for WGTW-TV's assigned DTV channel *22. GPTC claimed, and the Commission agreed, that allotting DTV Channel *12 in lieu of DTV Channel *22 would enable GPTC to minimize the modifications needed to convert station WGTW-TV's facilities for digital operation while improving the reception for viewers, and that DTV Channel *12 could be allotted to Athens, GA in compliance with the principal community coverage requirement of Section 73.625(a).³

Gannett's WXIA-TV is a major market, NBC network-affiliated television station, serving the needs of Atlanta and the surrounding area. WXIA-TV operates on NTSC Channel 11, the lower-adjacent channel to WGTW-TV's proposed DTV operations. Gannett's engineers concluded that WGTW-TV's proposed channel substitution would not cause more than *de minimis* interference to WXIA-TV, and therefore did not object to the proposal on those grounds. Gannett, submits, however, that the DTV Table of Allotments should have been amended in response to GPTC's proposal to substitute DTV Channel *12c, rather than DTV Channel *12.

³ Order at ¶12.

ARGUMENT

Gannett respectfully submits that the presence of the “c” in the new channel allotment is significant because:

DTV stations operating on a channel allotment designated with a “c” in paragraph (b) of [Section 73.622] must maintain the pilot carrier frequency of the DTV signal 5.082138 MHz above the visual carrier frequency of any analog TV broadcast station that operates on the lower adjacent channel and is located within 88 kilometers. This frequency difference must be maintained within a tolerance of ± 3 Hz.

47 C.F.R § 73.622(g)(1). The Commission adopted this requirement in order to prevent “interference from an upper-adjacent channel DTV signal to reception of an NTSC station that is related to the precise location of the DTV signal pilot carrier frequency.”⁴

The Order amends the DTV Table of Allotments for Athens, GA to permit WGTV-DT to operate on Channel *12, the upper-adjacent channel to WXIA-TV’s NTSC Channel 11 operations. The WGTV-TV transmitter site is only 18.2 kilometers (11 miles) from the WXIA-TV transmitter site. In such instances, the Commission typically requires that the DTV station transmitter’s pilot carrier frequency be set precisely to an offset of the analog station’s visual carrier frequency.

Gannett submits that WXIA-TV’s NTSC operations are, therefore, entitled to protection from DTV operations on adjacent channels in accordance with Section 73.622(g)(1), which requires that any allocation of Channel 12 be subject to the appropriate condition. The Order,

⁴ See *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Fifth Further Notice of Proposed Rulemaking, 11 FCC Rcd. 6235 (1996), at ¶57.

however, does not include the “c” in the proposed allotment of Channel 12.⁵ Because such a limitation is required under the Commission’s rules and GPTC has not demonstrated that there is any basis to waive the rule, Gannett respectfully requests that the Commission allot Channel *12c, rather than Channel *12, to Athens, GA, and assign it to WGTV-DT.

Further, although WGTV-TV bears the burden of maintaining its DTV pilot 5.082138 MHz \pm 3 Hz above WXIA-TV’s visual carrier compliance, WXIA-TV will be required to install an external precision frequency control (“PFC”) kit on its main and auxiliary exciters in order for WGTV-TV to maintain the offset required by the Commission’s rules. Gannett anticipates that upgrading the exciters will cost approximately \$1,000. Gannett should not be forced to bear the costs of another station’s proposed channel change, particularly when the Commission’s rules clearly impose upon the DTV station the responsibility for maintaining the precise offset. Indeed, as a general matter, the Commission requires applicants proposing to change channels to reimburse any other stations for the costs incurred to accommodate the channel change.⁶

CONCLUSION

For the foregoing reasons, Gannett urges the Commission to reconsider its Order to amend the DTV Table of Allotments for Athens, GA to substitute channel *12 for station WGTV-TV’s assigned channel *22, and to instead substitute channel *12c and assign it to

⁵ See Order at ¶3.

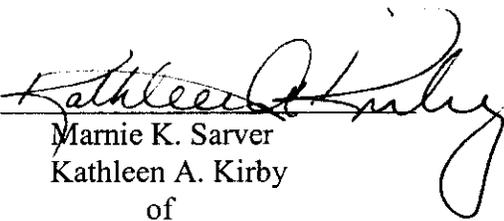
⁶ See, e.g., *In re Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Crandon, Wisconsin)*, 3 FCC Rcd. 6765 (1988) at n.3; *In re Amendment of Section 606(b), Table of Allotments, Television Broadcast Stations (Albany, Buffalo, Ilion and Utica, New York and Boston, Massachusetts)*, 3 FCC Rcd. 2208 (1988) at ¶ 5; *In re Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations, (George West, Pearsall and Victoria Texas)*, 15 FCC Rcd. 17307 (2000) at ¶ 4 (citing *In re Amendment of Section 73.202, Table of Allotments, FM Broadcast Stations (Circleville and Columbus, Ohio)*, 8 FCC 2d (1967).

GPTC, conditioned on GPTC's reimbursing Gannett for the costs associated with accommodating the proposed substitution.

Respectfully submitted,

GANNETT GEORGIA, L.P.

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August 19, 2002

CERTIFICATE OF SERVICE

I, Lisa Henry, do hereby certify that I have this 19th day of August, 2002, caused to be delivered by first class United States mail, postage prepaid, the foregoing PETITION FOR RECONSIDERATION OF GANNETT GEORGIA, L.P., to the following parties:

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A handwritten signature in cursive script that reads "Lisa Henry". The signature is written in black ink and is positioned above a solid horizontal line.

Lisa Henry

*PDF via e-mail