

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

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OCT 28 2002
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WASHINGTON, D.C.

In re:)
)
AMENDMENT OF SECTION 73.622 (b))
TABLE OF ALLOTMENTS FOR)
DTV BROADCAST STATIONS)
CHRISTIANSTED, VIRGIN ISLANDS)

MM Docket No. 02-220
RM-10518

TO: Commission' Secretary,
Office of the Secretary
Federal Communications Commission
Washington, DC 20554

COMMENTS ON NOTICE OF AND PETITION FOR RULEMAKING

Virgin Blue, Inc. ,licensee of commercial station WCVI-TV ("WCVI"), Channel 27, Christiansted, Virgin Islands, the Petitioner herein, pursuant to the Commission's Rules, hereby comments on the rulemaking proceeding to amend CFR § 73.622(b) of its Rules to substitute DTV Channel 23 in lieu of DTV Channel 5 as WCVI's digital channel in Christiansted, Virgin Islands.

1. THIS SUBSTITUTION OF DIGITAL CHANNEL 23 FOR DIGITAL CHANNEL 5 WOULD SERVE THE PUBLIC INTEREST TO A GREATER DEGREE THAN WITHOUT THE SUBSTITUTION. WCVI is a local broadcast station operating as a primary affiliate of the United Paramount Network (UPN). WCVI has operated as a commercial station on analog Channel 27 in Christiansted, Virgin Islands since March 1, 2001, providing entertainment and informative programming, including children's programming to the Christiansted audience which had only one non-commercial (WTJX) and only one commercial broadcast TV station (WSVI) prior to the launching of WCVI. In the Memorandum Opinion and Order on

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and Order on Reconsideration of the Sixth Report and Order in MM Docket **87-268, FCC 98-24** (adopted January **29, 1998**), the Commission allocated Channel **5** as the digital channel for WCVI. WCVI now seeks to substitute DTV Channel **23** in lieu of DTV Channel 5. WCVI, as a broadcaster in a small, non-Nielsen rated, market, remains mindful of the costs of digital conversion and the substantial savings that are available by having a **UHF** digital channel (**23**) as compared to a VHF digital channel (5). The cost and physical size of **DTV** antennas for Channel 5 are both substantially greater than the cost and physical dimensions of DTV antennas for Channel **23**. WCVI is presently located on a tower which is only **70** feet tall. Tower rent on a different, and much taller tower, for a DTV antenna on Channel 5 will be substantially greater than for a much smaller DTV antenna on Channel **23**.

2. INTERFERENCE TO EXISTING ANALOG TELEVISION REPEATERS ON CHANNEL 5 WILL BE AVOIDED.

a The aforementioned “**other**” **commercial** TV station in Christiansted, WCVI, broadcasts its analog signal on Channel 5 and operates a low power analog translator (**WFIG LP**) in Charlotte Amalie, Virgin Islands on Channel 5. The distance between WCVI’s proposed digital transmitter site and **WFIG-LP’s** translator is less than **75** kilometers. **The** separation table in **CFR § 73,623** requires **273.6** Kilometers between co-channel analog and digital transmitters. While we understand that **WFIGLP** is a low power station and not technically entitled to interference protection, it makes no sense for the digital progress of WCVI to result in interference which impedes the ability of the viewing audience to receive the signal of **WSVI** via its low power translator **WFIGLP** in Charlotte **Amalie, Virgin** Islands. Interference with this signal would result in added expense to **WSVI** to replace their translator with one on another channel while, at least temporarily, decreasing the number of

households who previously received WSVI's signal via their channel 5 translator.

b. The only non-commercial TV station operating in the Virgin Islands is located in Charlotte Amalie and is affiliated with PBS and licensed as WTJX on analog channel 12. WTJX also operates a low-power analog translator (WOSAW) in the vicinity of Christiansted, Virgin Islands on Channel 5. The distance between WCVI's proposed digital transmitter site and WOSAW's translator is less than 6 kilometers. The separation table in CFR § 73.623 requires 273.6 Kilometers between co-channel analog and digital transmitters. Again, while we understand that WOSAW, as a low power station is not entitled to interference protection, it seems a great disservice to the public for the digital progress of WCVI to result in interference and impede the ability of the viewing audience to receive the signal of WTJX via its low power translator WOSAW in the area of Christiansted, Virgin Islands. This would also result in an additional expense to this public broadcast station to provide a translator on a different channel and also decrease the number of households who previously received WTJX's signal via their channel 5 translator.

3. COMMUNITY COVERAGE BY WCVI AND THE EXISTING ANALOG TV REPEATERS ON CHANNEL 5 WILL NOT BE ADVERSELY AFFECTED BY THE PROPOSED CHANGE IN DTV ALLOTMENTS DURING THE TRANSITION PERIOD TO DTV. The Proposed Change to the Table of Allotments Will Serve the Public Interest during the transition period from analog to DTV by preserving the public's ability to view both low power translators on Channel 5 as well as the new digital broadcasts.

a. Under CFR § 73.622(f)(5) of the Commission Rules, an existing licensee with a DTV allotment may seek a change in the station's channel if the licensee demonstrates that the change "complies with the technical criteria in CFR § 73.622(c), and thereby will not result

in new interference exceeding the de *minus* standard set forth in that section..” In accordance with these rules, WCVI requests that the Commission substitute DTV Channel 23 for DTV Channel 5.

b. The engineering statement which accompanied Petitioner’s filing demonstrated that the proposed operation of WCVI-DT on Channel 23 with ERP of .85 kW (utilizing an omnidirectional antenna) and HAAT of no greater than 130.2 meters would in fact result in no impermissible interference to any other station.

4. WCVI INTENDS, PENDING THE GRANTING OF REQUEST FOR A CHANGE IN THE TABLE OF ALLOTMENTS, TO PROMPTLY APPLY FOR A DTV CONSTRUCTION PERMIT ON CHANNEL 23 AND TO PROMPTLY CONSTRUCT ITS’ DTV TRANSMITTING OPERATIONS WITHIN THE PARAMETERS OF SUCH CONSTRUCTION PERMIT, WHEN ISSUED.

The undersigned, does hereby state that all information contained in these comments is accurate based on his own personal knowledge.

Respectfully submitted,
VIRGIN BLUE, INC. WCVI-TV

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