

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73 622(b),) MM Docket No. 00-233
Table of Allotments,) RM-9996
Digital Television Broadcast Stations.)
(Fort Walton Beach, Florida))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 13, 2003

Released: November 19, 2003

By the Chief, Video Services Division.

1 At the request of Television Fit-For-Life, Inc. ("WFGX"), licensee of station WFGX(TV), NTSC channel 35, Fort Walton Beach, Florida, the Commission has before it the Notice of Proposed Rule Making, 15 FCC Rcd 22365 (2000), proposing the substitution of DTV channel 50 for station WFGX(TV)'s assigned DTV channel 25. Rainbow 58 Broadcasting, Inc. ("Rainbow"), licensee of WAWD(TV), Channel 58, and permittee of WAWD-DT, channel 49, both licensed to service the community of Fort Walton Beach, Florida, filed comments in opposition to WFGX's proposal. WFGX filed reply comments.

2. Rainbow filed comments stating that its engineering analysis indicates that the technical study submitted by WFGX used the wrong methodology in conducting the interference studies prescribed in OET Bulletin 69. Rainbow states that WFGX's interference studies were based upon the NTSC Grade B (65.6 dBu) contour instead of noise limited (42.9 dBu) contour of WAWD(TV). Consequently, Rainbow claims that WFGX's DTV operation on channel 50 will generate new interference to 6.3% of the benchmark DTV service value (6671 persons) for the allotment of the WAWD-DT's protected service contours. Rainbow claims that this amount of interference would facially violate the 2%/10% *de minimis* criteria.

3. In reply, WFGX states that Rainbow comments are incorrect because Rainbow's assumption is based upon digital interference protection beyond its analog service area. WFGX submits that the studies presented in its proposal were conducted exactly in accordance with the FCC calculations in the in the *Sixth R&O*, the subsequent *MO&Os*, and the *Processing Guidelines*¹

4. Based upon our review, we find Rainbow's technical analysis of WFGX's proposal

¹ See Sixth Report and Order, ("*Sixth R&O*") in MM Docket No. 87-268, 12 FCC Rcd 14588 (1987), on recon., Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, 13 FCC Rcd 7418 (1998), on further recon., Second Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, ("*MO&Os*"), 14 FCC Rcd 1348 (1998), and Additional Application Processing Guidelines for Digital Television ("*Processing Guidelines*"), released August 10, 1998.

to be flawed. Section 73.622(e)(2) of the Commission's rules and the *Sixth R&O* state that during the transition period, the Grade B contour of an analog television station, authorized on April 3, 1997, shall be used instead of the noise-limited contour of the DTV station in determining the DTV station's service area. Using this method, our independent engineering study indicates that no impermissible interference would result to station WAWD-DT from station WFGX-DT operating on channel 50. Since we find that WFGX's proposal meets all of the Commission's technical requirements, we find that the public interest would be served by adopting WFGX's channel substitution since it would enable station WFGX(TV) to replicate 100 percent of its service area. In addition, adoption of the channel substitution will provide future flexibility for WFGX to upgrade its DTV facility by eliminating the protection requirements imposed by use of DTV channel 25. DTV channel 50 can be allotted to Fort Walton Beach, Florida, as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates 30-24-12 N. and 86-59-34 W. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station WFGX-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
FL Fort Walton Beach	50	1000	221	567

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective January 5, 2004, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Fort Walton Beach, Florida	40, 49, 50

6. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Television Fit-For-Life, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 50 in lieu of DTV Channel 25 for station WFGX(TV).

7 IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Services Division
Mass Media Bureau