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March 13, 2006

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Attention: Chief, Wireless Telecommunications Bureau

Re: WT Docket No. 06-18; Request by the State of New York for a Waiver of the Television Interference Rules to Implement a 700 MHz Public Safety Communications System

Dear Ms. Dortch:

This letter is written on behalf of Maranatha Broadcasting Company, Inc., licensee of NTSC television broadcast station WFMZ-TV, Channel 69, Allentown, Pennsylvania, in response to the FCC's *Public Notice*, "Wireless Telecommunications Bureau Seeks Comment on Request for Waiver of Television Interference Rules by the State of New York to Implement a 700 MHz Public Safety Communications System," DA 06-99, released January 26, 2006.

The State of New York ("New York") proposes construction of a communications system in the New York City metropolitan area utilizing the frequency bands from 764-766 and 994-806 MHz. Public safety licensees are required to protect co-channel and adjacent channel TV and DTV stations on those frequencies from interference pending the completion of the DTV transition. Mobile units and portable radios would operate on the frequencies from 804-806 MHz. Operating on TV Channel 69 (800-806 MHz), WFMZ-TV has a vested interest in the FCC's waiver determination and under Section 90.545 of the Rules.

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New York explains that it is in the process of implementing a state-of-the-art, integrated Statewide Wireless Network (“SWN”) for public safety and public service agencies, including (in the earliest stages) the Metropolitan Transportation Authority (MTA) Police Department and the New York State Police, and (presumably) other local agencies in the future. Implementation of the SWN will address imperative needs for improved coverage, reliability and interoperability between local agencies.

While the geographic area of the New York SWN would not overlap any portion of WFMZ-TV’s Grade B service contour, the projected mobile and portable operations are predicted – according to New York’s engineering analysis – to result in interference to off-air reception of WFMZ-TV to 0.01 percent of the total population within WFMZ-TV’s authorized service area. New York therefore asks for a waiver of the interference protection requirements as to WFMZ-TV “to the extent necessary.”

WFMZ-TV has reviewed the engineering studies submitted by New York and concludes that the operations described in the waiver request will not result in interference to a significant number of persons viewing WFMZ-TV. It appears, however, that the engineering studies are limited to the initial utilization of the SWN by the MTA and State Police and may, therefore, understate the interference that might result from the addition of other public safety agencies in the future. .

It is, undeniably, vital for first-responders and public safety agencies in the nation’s largest metropolitan area to be served with state-of-the-art, interoperable communications network facilities. WFMZ-TV has no interest in standing in the way of the achievement of that objective if it can be accomplished, as it appears from the limited scope of the waiver request, without significantly compromising the public’s important interest in being able to receive, off-air, the signals of television broadcast stations that, themselves, provide important service during times of local, regional and national emergencies. Therefore, to the extent WFMZ-TV’s interests are potentially affected over the near term, it supports granting New York’s waiver request

The New York proposal shows that improved, interoperable public safety communications service can, within the parameters outlined in the waiver request, co-exist with television broadcasters operating on Channel 69 pending completion of the transition from NTSC to digital broadcasting, and that there is no necessity for early termination and transition of NTSC television broadcasting in the 700 MHz band.

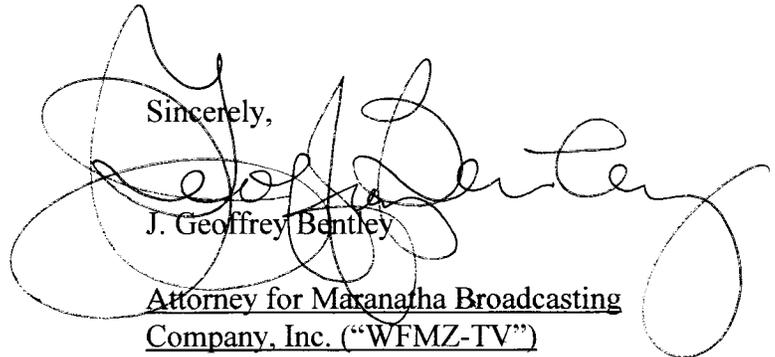
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At the same time, the minimal amounts of interference predicted to result from the New York SWN are no precedent for permitting other new or cumulative interference that would deprive significant numbers of the public of the free, over-the-air television service upon which they have justifiably come to rely, and which Congress has directed should be maintained pending completion of the switch-over to DTV within the next few years.

For the foregoing reasons, therefore, WFMZ-TV supports the State of New York's waiver request.

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Sincerely,

J. Geoffrey Bentley
Attorney for Maranatha Broadcasting
Company, Inc. ("WFMZ-TV")