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May 10, 2006

Our File No. 20939-0100-60

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MAY 10 2006

Federal Communications Commission
Office of Secretary

VIA HAND DELIVERY

Ms. Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

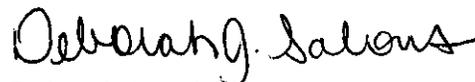
Re: **Reply to Opposition**
Amendment of Section 73.622(b)
Table of Allotments
Digital Television Broadcast Station
(Johnstown and Jeannette, Pennsylvania)
MB Docket No. 05-52
RM-10300

Dear Ms. Dortch:

Transmitted herewith on behalf of Larry L. Schrecongost, licensee of WLLS, Indiana, Pennsylvania, are an original and four copies of his Reply to Opposition in the above-referenced matter.

If there are any questions concerning this submission, please contact the undersigned directly.

Sincerely,


Deborah S. Salons

Enclosures
DSS:yg

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment of Section 73.622(b),)
Table of Allotments)
Digital Television Broadcast Stations)
(Johnstown and Jeannette, Pennsylvania))

MB Docket No. 05-52
RM-10300

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MAY 10 2006

To: Office of the Secretary
Attention: Chief, Video Division
Media Bureau

Federal Communications Commission
Office of Secretary

Reply to Opposition

Larry L. Schrecongost ("Schrecongost"), licensee of Class A Television Station WLLS, Indiana, Pennsylvania, hereby replies to the Opposition filed by Pittsburgh Television Station WPCW Inc. ("Viacom"),¹ licensee of WNPA,² with respect to a Petition for Reconsideration filed by Schrecongost in the above-captioned proceeding. Therein, Schrecongost conclusively demonstrated that the Commission's *Report and Order* of February 15, 2006 (the "*February 15 Report and Order*") resulted in a violation of the Community Broadcasters Protection Act of 1999 (the "CBPA"). In particular, the Petition for Reconsideration explained that the Commission, in relying upon the CBPA's "technical problem" exception to justify its failure to provide WLLS with the protection to which it is entitled, was inappropriate for two reasons. First, no "technical problem" in fact exists. The "technical problem" alluded to by the Commission arises solely because of the Commission's decision in this very proceeding to permit WNPA to relocate from a site at which it is co-located with first adjacent WWCP-DT to a site 35 miles away at which it will be co-located with another first adjacent station. If the Commission did not permit WNPA to effectuate such a move, no "technical problem" would exist. Second, Schrecongost pointed out that the CBPA clearly requires that, in order for the

¹ The proponent in the instant rule making has changed during the course of the proceeding. For the sake of consistency, the proponent will be referred to as "Viacom," which was the name used by the Commission in the *February 15 Report and Order* with respect to which Schrecongost is seeking reconsideration.

² WNPA recently changed its call sign to WPCW. For the sake of consistency with earlier pleadings, the station will be referred to as WNPA herein.

“technical problem” exception to be invoked, the full-service station must have filed a *maximization application by May 1, 2000 – something that Viacom failed to do.*

Viacom's Opposition is noteworthy for two admissions, either one of which by itself *requires* reversal of the *February 15 Report and Order*. First, Viacom acknowledges that there is no “technical problem” that would require WLLS to lose its protected status. Second, Viacom admits that it never filed a maximization application. Viacom's admission that it failed to file the statutorily-prescribed maximization application necessarily means that there has been a failure of the condition precedent to the invocation of the CBPA's “technical problem” exception – with the result that, even if a “technical problem” existed, the Commission's use of that exception is statutorily impermissible. As a result, the *February 15 Report and Order* must be reversed.

I. The Music has stopped and Viacom through its own Fault finds itself without a Chair.

In seeking to ensure that the public would be able to receive the benefits of high definition television as expeditiously as possible, the Commission established a series of deadlines to be met by any television station seeking to provide high definition service. Despite the Commission's meticulous attention to these deadlines, Viacom simply failed to observe any of them. WNPA should have filed a DTV application by November 1, 1999. Viacom acknowledged this requirement in its August 25, 1999 Petition for Rulemaking, but Viacom nevertheless failed to meet this deadline. WNPA-DT should have been constructed by May 1, 2002. Viacom failed to meet this deadline. Because of the importance of ensuring that digital facilities were constructed as quickly as possible, the Commission prescribed that the Chief, Media Bureau, was authorized to grant only two extensions of time to construct the required digital facilities and each extension could extend the construction deadline by no more than six months. Any television station that failed to construct its digital facilities within the second six month extension was required to file yet a third extension application and this extension application was to be acted upon by the Commission itself. Viacom, of course, failed to file *any*

such extension applications – with the result that the Commission has been deprived of the opportunity of determining whether Viacom has been diligent in attempting to construct its facilities and thus is entitled to continue to hold a DTV authorization.³

The required deadline for the filing of WNPA's digital application passed more than six and one-half years ago. The deadline by which Viacom was required to have commenced digital service passed four years ago. Despite these deadlines, Viacom, in defiance of all Commission rules, never even started the digital application process for WNPA.

Despite its unilateral decision not to abide by any of the Commission's deadlines for the construction of the WNPA-DT facilities, Viacom is now before this Commission asking that WLLS be forced to cease operation on Channel 49 despite the explicit protections provided to WLLS by the CBPA. Given Viacom's bullheaded refusal to adhere to any of the Commission's deadlines for the construction of the WNPA digital facilities, a refusal that has resulted in the denial of service to the residents of Jeannette for the last four years, the Commission should reject Viacom's unwarranted plea to the Commission to ignore the Congressional mandate requiring it to protect WLLS from interference by WNPA.

Indeed, Viacom can invoke no equities whatsoever on its behalf. Viacom knew exactly the risk that it was taking when it purchased WNPA. WNPA was a classic example of an attempt to perform a "move in" of a rural station to a major metropolitan area. Prior to the Commission's reallocation of WNPA to Jeannette, WNPA had been allocated to Johnstown, Pennsylvania, a community in the Johnstown-Altoona DMA, which is the 97th largest DMA in the country. Johnstown itself is more than 50 miles from Pittsburgh. Even after the reallocation of WNPA to Jeannette, the station was limited such that the reference coordinates for its DTV transmitter site were necessarily required to be the same as the coordinates of the analog facilities that WNPA had been using to serve Johnstown. Even so, when it purchased WNPA,

³ Indeed, Viacom's dilatory conduct raises a question as to whether its digital authorization has lapsed – with the result that it should be auctioned off to an entity that truly wishes to serve the people of Jeannette.

Viacom was betting that the statutory and regulatory environment would change in such a *fashion as to allow a successful transmitter move on into Pittsburgh*. Viacom, however, gambled at great risk and it lost that bet because of its own lack of diligence.⁴

II. In Passing the CBPA, Congress sought to Provide Certainty to Stations like WLLS.

Specifically, Viacom lost the bet when the CBPA became law. As was explained by Congress in passing the CBPA, it sought to provide regulatory certainty for low power television service by providing LPTV stations entitled to Class A status with protection from interference from full-service stations.⁵ Such protection was to attach upon the submission by Class A applicants of their license applications.⁶

In recognizing the need to provide regulatory certainty to LPTV stations, Congress was not unaware of the potential need for full service television stations to maximize their facilities. In order to accommodate both the needs of the LPTV stations and the needs of the full-service stations, however, Congress crafted a compromise. Under the terms of that compromise, a full-

⁴ Viacom appears not to understand the nature of the freeze that was in effect at the time that the Commission reallocated WNPA from Johnstown to Jeannette. Thus, at footnote 3 of its Opposition, Viacom criticizes Schrecongost's assertion that the Commission was precluded, at the time that it reallocated WNPA to Jeannette, from either changing the digital channel that was paired with the WNPA analog channel or changing the digital reference coordinates. Viacom thus belittles Schrecongost's assertion in this regard by claiming "Of course, any change in a station's frequency, transmitting site or other facilities will have an 'impact' on the Table of Allotments in the sense that it will change it; the relevant question, however, is whether that change will cause new interference, beyond what the Commission considers to be *de minimis*, to other DTV or NTSC allotments." That statement is simply incorrect. At the time of the reallocation of WNPA to Jeannette, a freeze was in place on rule making proposals seeking to add new NTSC allotments. In adopting that freeze, the Commission further stated that any pending petitions or open allocation rulemaking proceedings would be considered on case-by case basis taking into account the impact on the draft DTV Table. Thus, the rulemaking reallocation of WNPA to Jeannette could only be adopted by the Commission if it were not to have an effect on the draft DTV Table. In point of fact, the Commission explicitly held at the time that it reallocated WNPA to Jeannette that the allotment would "have no impact on the draft DTV allotment table because the proposal does not result in a new allotment but merely the reallocation of an existing allotment with no change in the transmitter site." 12 FCC Rcd 10300, 10301 (1997). In any event, Viacom's apparent assertion that the Commission could have changed WNPA's digital allotment at the time that it reallocated WNPA to Jeannette is nothing more than an academic exercise. Not only did the Commission not change either WNPA's DTV allotment or the WNPA DTV reference coordinates at the time of the reallocation of WNPA to Jeannette, but the Commission actually reconfirmed the allotment of Channel 30 for WNPA's digital operations and the use of the WNPA NTSC transmitter site coordinates as the reference coordinates for the WNPA DTV facilities in the *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket No. 87-268. See Petition for Reconsideration at 3-5.

⁵ See Section-by-Section Analysis to S. 1948, the Act known as the "Intellectual Property and Communications Omnibus Reform Act of 1999," as printed in the Congressional record of November 17, 1999 at pages S 14708 - 14726 at S. 14724 - 14725.

⁶ See S. 14725.

service station would be entitled to maximization, despite the creation of interference to an LPTV station, *only if the full-service station filed a "bona fide application for maximization by May 1, 2000."*⁷

III. Viacom's Admission that There is no "Technical Problem" Requiring the Reallotment Requested by Viacom Undermines the *February 15 Report and Order*.

Confronted with the realities of the CBPA, Viacom seeks to rewrite the *February 15 Report and Order* and to assert a basis for the Commission's decision that the Commission itself does not even use in alleged justification of its forceful removal of WLLS from Channel 49.

Thus, faced with Schrecongost's explanation that no "technical problem" requiring the reallotment of Channel 49 to WNPA in fact exists, Viacom does not even claim that a "technical problem" exists, but instead urges that a "technical problem" was not a prerequisite to action by the Commission disregarding WLLS's CBPA Class A protection. Thus ignored by Viacom is the fact that the *February 15 Report and Order* explicitly relies upon the existence of a claimed "technical problem" to justify the removal of WLLS from Channel 49. With the acknowledgement by Viacom that no "technical problem" exists, the sole basis for the action taken in the *February 15 Report and Order* fails – with the result that the *February 15 Report and Order* can no longer stand.

Moreover, Viacom's claim that the Commission is able to deny protection to Class A stations whenever a full-service station seeks to maximize its facilities is simply incorrect. In making this claim, Viacom quotes at length an excerpt from Paragraph 53 of the *Class A Report and Order*.⁸ As that paragraph makes clear, however, the Commission's conclusion that Class A stations must protect full-service stations seeking to maximize facilities is based upon Section 336(f)(7) of the Communications Act. Significantly, however, that Section is a restriction on the ability of the Commission to grant a Class A license or a modification of a Class A license.

⁷ See S14725. Congress also required that the full-service station comply "with all applicable FCC rules regarding the construction of digital television facilities." *Id.* Viacom, however, has failed either to file a maximization application or to observe the Commission's construction deadlines.

⁸ *Establishment of Class A Television Service*, 15 FCC Rcd 6355, 6377 (2000).

WLLS is not seeking a license in the instant rulemaking. Indeed, WLLS's Class A license was granted more than four years ago,⁹ long before the adoption of the *February 15 Report and Order*.¹⁰ Once a Class A license is granted, Section 339(f)(1)(D), rather than Section 336(f)(7), applies. Section 339(f)(1)(D) provides that the Commission cannot permit a full-service station to maximize its facilities at the expense of a Class A station unless it first finds that a "technical problem" exists. In the present case, however, Viacom acknowledges that no such "technical problem" exists.¹¹

IV. Viacom's Admission that it Failed to File a Maximization Application also Requires the Reversal of the *February 15 Report and Order*.

Clearly, the *Class A Report and Order* language immediately succeeding the paragraph upon which Viacom relies specifically acknowledges that the CBPA specifies that any full-service television station seeking to maximize power must have "filed a bona fide application for maximization by May 1, 2000."¹² Although it seeks to skirt the fact, notably missing from Viacom's Opposition is any claim that it actually filed a maximization application.

By failing to file any DTV application whatsoever, Viacom necessarily failed to file a maximization application. Faced with this fatal omission, Viacom now begs that an Amended Petition for Rulemaking that it filed on May 1, 2000, constituted the "bona fide application" required by the CBPA and the Commission's clear rules. Viacom cites no case in which the Commission has held that a rule making petition is the same as an application. The reason for Viacom's failure in this regard is apparent. There are no cases supporting Viacom's position.

⁹ Significantly, Viacom did not oppose the WLLS Class A application after that Class A application appeared on public notice.

¹⁰ Contrary to the implication fostered in Viacom's opposition, WLLS's Class A application correctly certified that its application complied with Section 73.6013. Section 73.6013 required Class A applicants to protect proposed facilities modifications by full-service stations only if the full service station had filed a maximization application by May 1, 2000. Because Viacom failed to file the requisite maximization application, WLLS's certification was correct and properly represented. Viacom has only itself to blame.

¹¹ Viacom, for example, does not claim that WNPA-DT cannot provide the requisite signal over Jeannette from its present site.

¹² 15 FCC Rcd at 6378.

As noted above, there are two sections of the CBPA dealing with protection of full-service stations by Class A stations. Section 336(f)(1)(D) provides that, after a Class A license has been granted to an LPTV station, the Commission may nevertheless modify a Class A station's license to resolve "technical problems" if the full-service station experiencing those "technical problems" has filed a "bona fide application for maximization by May 1, 2000." This subsection makes no mention whatsoever of rule making proceedings. By contrast, Section 336(f)(7) provides that the Commission cannot grant such a Class A license if it would cause interference (1) to the digital television service areas provided in the DTV Table of Allotments; (2) the areas protected by the Commission's digital television regulations; (3) the digital television service areas of stations granted by the Commission before the Class A application has been filed and (4) a station seeking to maximize power if such station has filed a bona fide maximization application by May 1, 2000. Unlike Section 336(f)(1)(D), this subsection makes a distinction between rule makings and applications. In order for the rule making to be protected, it must have been adopted and become part of the DTV Table of Allotments. Mere petitions for rulemaking are not afforded protection. Thus, even in the case where the Commission is considering a Class A application and thus has maximum flexibility to permit maximization of a full-service station even if such maximization would interfere with the Class A applicant, the Commission can only consider rule making proposals that have become part of the DTV Table of Allotments. It necessarily follows that, in implementing Section 336(f)(1)(D), which deals with the situation in which the Class A application has already been granted and which does not require a licensed Class A station to protect the maximized facilities of any full-service station unless that full-service station has filed a maximization application, the submission of nothing other than a rule making proposal in lieu of an application is woefully insufficient to permit that full-service station to interfere with a Class A station in the name of maximization.¹³

¹³ In a final last-gasp effort to justify its failure to file the requisite maximization application, Viacom claims at

The Commission explicitly recognized in the *Class A Report and Order* that a DTV applicant seeking to maximize its facilities must have filed an application by May 1, 2000, even if the applicant fully intends to change channels at some future point. Thus, in dealing with the situation of DTV stations that sought to eventually convert their DTV operations to their analog channel at the end of the transition or that sought to move from a non-core channel to a core channel, the Commission made it clear that such stations would be required to maximize their operations on their initial DTV channel in order to preserve their right to carry over that maximized service area. The Commission explicitly held that such stations “must have filed a notice of intent to maximize and must file an application to maximize within the deadlines established in the statute.”¹⁴ Although Viacom argues that such an approach is “pointlessly formalistic,” it is the approach that was adopted by Congress in the CBPA wherein Congress sought to provide certainty to LPTV stations and by the Commission as part of the *Class A Report and Order*. It had the advantage of permitting an expeditious provision of DTV service to the public inasmuch as it required the construction of facilities on the assigned DTV channel even if the licensee hoped to convert those DTV operations to another channel at some point in the future. Although Viacom may question the wisdom of the decision in this regard, it nevertheless was Congress’s and the Commission’s decision and Viacom failed to comply with it. Quite apart from the fact that the CBPA clearly required Viacom to submit a maximization

pages 12 to 13 that, because the Commission held in the *Class A Report and Order* that any new DTV allotment would be required to protect Class A stations, pending DTV allotment rulemakings proposing to change a station's DTV allotment would not be required to protect Class A stations. This is a logical error. Because the Commission ruled that one type of rulemaking proponent was required to protect Class A stations does not mean that the Commission held that all other rulemaking proponents would not be required to protect Class A stations. Indeed, in issuing its ruling with respect to new DTV allotments, the Commission explained that, although the CBPA set forth a mechanism for dealing with protection of currently-existing stations, it did not set forth a mechanism for dealing with new stations. 15 FCC Rcd at 6376. Thus, the Commission's sole purpose in addressing this apparent omission was to provide guidance as to the type of protection that Class A stations must provide in the case of new stations inasmuch as it was already clear that currently-existing stations must file a maximization application by May 1, 2000, if they were to be entitled to protection. Significantly, even in the case of new DTV stations, those stations would be entitled to protection from Class A stations only if they filed an application by November 29, 1999, and completed all processing short of grant as of that date. Thus, even new stations were required to file an application. If new stations were required to file an application, it only stands to reason that currently-existing stations that were statutorily required to file an application by May 1, 2000, should also file a “bona fide” application and not a rulemaking amendment masquerading as an application.

¹⁴ 15 FCC Rcd at 6380.

application by May 1, 2000, the fact is that Viacom refused to file any form of DTV application and any action by the Commission sanctioning that refusal is simply bad public policy.

V. Even if Viacom were Correct that Other Channels were Available for Use by WLLS, the Availability of such Other Channels would be Irrelevant.

Viacom claims that Schrecongost incorrectly claimed that LPTV stations cannot take advantage of the Commission's 0.5% rounding provision. In so arguing, Viacom misses the point. Although rounding may be permissible as a matter of application processing, it provides no protection from the fact that, as Viacom acknowledges, WLLS would be required to remedy any instances of interference that WLLS might cause as a result of the change of its channel or facilities. The real possibility thus exists that, if WLLS were forced to change channel, WLLS could then be forced off the air, or could be forced to reduce power, to eliminate the interference. WLLS would have invested substantially only to discover that it cannot serve the public that it now serves. The CBPA was specifically designed to prevent such uncertainty in the lives of LPTV stations. Given the lack of any "technical problem" requiring a change in WNPA's digital allocation and given Viacom's failure to file a maximization application, the CBPA requires that it be Viacom (if an unapplied for digital opportunity is indeed still available to it) – and not Schrecongost – that takes the risk of moving to a channel that may turn out to be unusable, just as Viacom has taken the risk of being ineligible for interference protection as a result of its failure to construct WNPA-DT and thus to abide by the July 1, 2006, replication/maximization interference protection deadline.¹⁵

¹⁵ Attached to Viacom's Opposition is an engineering statement in which several alternative arrangements are advanced whereby WLLS would decrease power or otherwise modify its coverage area in order to accommodate Viacom's proposed use of Channel 49. In proposing that WLLS change its coverage area, Viacom misses the point of the CBPA. The CBPA gives WLLS protected status. Any arrangement whereby WLLS would be required to change its coverage area denies WLLS that protected status to which it is entitled.

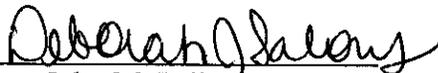
Although now acknowledging that Channel 31 is no longer available for use by WLLS unless WLLS decreases power, the Viacom engineering statement continues to claim that Channel 36 could be used by WLLS. As is explained in the attached Interference Analysis, however, that is not the case inasmuch as WLLS would cause prohibited interference if it were to operate on Channel 36.

CONCLUSION

Viacom has now admitted that there are no technical problems requiring the forced cessation of operations on Channel 49 by WLLS. It has also admitted that it did not file a maximization application by May 1, 2000. In passing the CBPA, Congress sought to provide certainty and stability to LPTV stations and set forth specific requirements necessary for any full service station seeking to modify its facilities if those facilities were to cause interference to a Class A station. Now that Viacom has admitted that the two fundamental factual predicates underlying the *February 15 Report and Order* were in error, the Commission has no choice but to reverse that decision and to terminate the above-captioned rulemaking proceeding.

Respectfully submitted,

LARRY L. SCHRECONGOST

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(202-965-7880)

Date: May 10, 2006

DC_DOCS:651941.1

Third Coast Broadcasting

Indiana, Pennsylvania Interference Analysis.

On behalf of Class A TV station WLLS-CA and in rebuttal of the Opposition to Petition for Reconsideration filed by WNPA (now WPCW), the following discussion and analysis is submitted.

As previously filed on March 22, 2006, the replacement channels, channel 31 and 36, were both analyzed to determine if either was usable as a substitute channel to replace the channel 49 which is jeopardized by the WNPA Jeanette move-in to Pittsburgh. In this analysis, it was shown that severe impermissible interference was created to LPTV station WWBP-LP, Freedom PA and to WGPT, Oakland MD. In their opposition, WNPA recognized that there was impermissible interference to WWBP-LP.

WNPA indicated that they had a superior method of analysis by using 1990 population data, 1 Km analysis squares and 1 Km Longley Rice distance points and that the use of this method would eliminate the interference. They further stated that such use was acceptable by the FCC and could be used as an alternative method of analysis. The March 22 Third Coast analysis used FCC default settings in the digital LPTV tv_process program and used the 2000 population database. We present this analysis to be considerably more accurate as it applies to the urbanized populations which have been shifting in the past 16 years since the 1990 database was created. However, we recognize that the FCC still accepts the 1990 population database and have done a re-analysis which matches the parameter changes which WNPA has made.

In their analysis, WNPA determined that if WLLS-CA were operated at 95% power (20.3 KW instead of 21.3 KW), that all of the interference¹ to co-channel WWBP-LP would go away. They also indicated a minus offset be used, and this was incorporated in the analysis as well. An analysis was run using the current (post freeze) database with no modifications other than the WLLS-CA channel number, power and offset and although the numbers were different, the results from this were identical. Neither channel can be used as a substitute for the present channel 49 facilities, even with the WNPA proposed reduced power. *Both channels were shown to have impermissible levels of interference.*²

In their discussion, WNPA alleges that we state in the analysis that there is no 0.5% rounding tolerance for class A. This is a complete misstatement of the facts. We very clearly state that the 0.5% rounding tolerance exists and that it is a rounding tolerance and is not a permissible interference level.³ The FCC policy for low power television and Class A television is very simple: Stations may not create interference. Either contour protection or Longley-Rice analyses may be used to show that there will be no interference and the FCC gives a 0.5% rounding tolerance when using Longley-Rice. In their footnote 34 which states "*Petitioner would indeed have to correct any instances of actual interference that occurred...*", WNPA seems to fully understand this prohibition of interference. Even if one

1 In the March 22 analysis, it was shown that the interference level to WWBP-LP was very severe at a level of 27.2 %. It is an amazing feat to eliminate this interference by turning the power down by 5%.

2 See Exhibits A and B.

3 WNPA states this on page 14 as well as numerous other places.

of these channels were tweaked and tuned to pass FCC application muster, which neither will now, and the antennas modified and exhibits massaged in such a way to be acceptable for filing and grant, WLLS-CA would still have to bear the expense, trouble and local ill will of curing perhaps hundreds of interference households, a fact that WNPA recognizes. It is very important to recognize that WNPA parsing the rounding tolerance into a "permissible interference ratio" does not change the reality that interference is impermissible, a fact recognized by WNPA.

In the attached analysis summary, it is clear that neither channel would be acceptable for filing, and we present that the two proposed channels are not useful as replacements for the currently licensed and operational channel 49 WLLS-CA.

Submitted May 10, 2006



Robert W. Fisher
Communications Consultant

Exhibit A WLLS-CA Channel 31 Analysis Summary

The following station failed the de minimis interference criteria.

31N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 1

31N PA FREEDOM BLTTL 20040909ABD
ERP 29.00 kW HAAT 169.0 m RCAMSL 389.0 m
Antenna CDB 0000000018062

Percent Service lost without proposal: 1.4 to BLTTL 20040909ABD
Percent Service lost with proposal: 12.1 to BLTTL 20040909ABD

The following station failed the de minimis interference criteria.

31N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 2

31N PA FREEDOM BLTTL 20040909ABD
ERP 29.00 kW HAAT 169.0 m RCAMSL 389.0 m
Antenna CDB 0000000018062

Percent Service lost without proposal: 3.0 to BLTTL 20040909ABD
Percent Service lost with proposal: 12.3 to BLTTL 20040909ABD

The following station failed the de minimis interference criteria.

31N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 3

31N PA FREEDOM BLTTL 20040909ABD
ERP 29.00 kW HAAT 169.0 m RCAMSL 389.0 m
Antenna CDB 0000000018062

Percent Service lost without proposal: 2.5 to BLTTL 20040909ABD
Percent Service lost with proposal: 12.2 to BLTTL 20040909ABD

The following station failed the de minimis interference criteria.

31N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 4

31N PA FREEDOM BLTTL 20040909ABD
ERP 29.00 kW HAAT 169.0 m RCAMSL 389.0 m
Antenna CDB 0000000018062

Percent Service lost without proposal: 3.5 to BLTTL 20040909ABD
Percent Service lost with proposal: 12.4 to BLTTL 20040909ABD

Exhibit B WLLS-CA Channel 36 Analysis Summary

The following station failed the de minimis interference criteria.

36N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 1
36N MD OAKLAND BLET 19940415KE
ERP 245.00 kW HAAT 216.0 m RCAMSL 983.0 m
Antenna CDB 0000000024054

Percent Service lost without proposal: 1.2 to BLET 19940415KE
Percent Service lost with proposal: 2.2 to BLET 19940415KE

The following station failed the de minimis interference criteria.

36N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 2
36N MD OAKLAND BLET 19940415KE
ERP 245.00 kW HAAT 216.0 m RCAMSL 983.0 m
Antenna CDB 0000000024054

Percent Service lost without proposal: 1.2 to BLET 19940415KE
Percent Service lost with proposal: 2.2 to BLET 19940415KE

The following station failed the de minimis interference criteria.

36N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 3
36N MD OAKLAND BLET 19940415KE
ERP 245.00 kW HAAT 216.0 m RCAMSL 983.0 m
Antenna CDB 0000000024054

Percent Service lost without proposal: 1.2 to BLET 19940415KE
Percent Service lost with proposal: 2.2 to BLET 19940415KE

The following station failed the de minimis interference criteria.

36N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 4
36N MD OAKLAND BLET 19940415KE
ERP 245.00 kW HAAT 216.0 m RCAMSL 983.0 m
Antenna CDB 0000000024054

Percent Service lost without proposal: 1.2 to BLET 19940415KE
Percent Service lost with proposal: 2.2 to BLET 19940415KE

The following station failed the de minimis interference criteria.

36N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 1
36N MD OAKLAND BPET 20000502ABG
ERP 245.00 kW HAAT 301.0 m RCAMSL 1068.0 m
Antenna CDB 0000000033506

Percent Service lost without proposal: 1.5 to BPET 20000502ABG
Percent Service lost with proposal: 2.3 to BPET 20000502ABG

The following station failed the de minimis interference criteria.
36N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 2
36N MD OAKLAND BPET 20000502ABG
ERP 245.00 kW HAAT 301.0 m RCAMSL 1068.0 m
Antenna CDB 0000000033506

Percent Service lost without proposal: 1.5 to BPET 20000502ABG
Percent Service lost with proposal: 2.3 to BPET 20000502ABG

The following station failed the de minimis interference criteria.
36N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 3
36N MD OAKLAND BPET 20000502ABG
ERP 245.00 kW HAAT 301.0 m RCAMSL 1068.0 m
Antenna CDB 0000000033506

Percent Service lost without proposal: 1.5 to BPET 20000502ABG
Percent Service lost with proposal: 2.3 to BPET 20000502ABG

The following station failed the de minimis interference criteria.
36N PA INDIANA BLTTL 19961230JA
ERP 20.30 kW HAAT 238.0 m RCAMSL 585.0 m
Antenna CDB 0000000024168

Due to interference to the following station and scenario: 4
36N MD OAKLAND BPET 20000502ABG
ERP 245.00 kW HAAT 301.0 m RCAMSL 1068.0 m
Antenna CDB 0000000033506

Percent Service lost without proposal: 1.5 to BPET 20000502ABG
Percent Service lost with proposal: 2.3 to BPET 20000502ABG

Certificate of Service

I, Yvette J. Graves, hereby certify that on this 10th day of May, 2006, copies of the foregoing "Reply to Opposition" have been served by U.S. first-class mail, postage prepaid to the following:

Howard Jaeckel, Esq.
CBS Broadcasting, Inc.
1515 Broadway, 49th Floor
New York, NY 10036

*Pamela Blumenthal
Federal Communications Commission
445 12th Street, S.W., Room 2-A762
Washington, D.C. 20554


Yvette J. Graves

*Via Hand Delivery