

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

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MAY 31 2006

Federal Communications Commission
Office of Secretary

In re Matter of)
)
Second Periodic Review of the Commission's)
Rules and Policies Affecting the Conversion to)
Digital Television)

MB Docket No. 03-15

TO: Marlene Dortch, Secretary
Federal Communications Commission
Attn: Media Bureau

OPPOSITION TO "REQUEST FOR SELECTION OF ALTERNATIVE TO CHANNEL 21 FOR WHRE'S POST-TRANSITION DIGITAL OPERATIONS"

Copeland Channel 21, LLC ("Copeland"), by its attorney, hereby respectfully opposes the "Request for Selection of Alternative to Channel 21 for WHRE's Post-Transition Digital Operations," filed in this proceeding by WBOC, Inc. ("WBOC") on May 26, 2006. In opposition thereto, it is alleged:

1. In its Request, WBOC alleges that Copeland's analog television station on Channel 21 in Virginia Beach, Virginia has been creating ducting interference to WBOC's digital television station in Salisbury, Maryland, on Channel 21. However, WBOC has totally failed to support its claims of interference.

2. Its claims are based solely on the Declaration of Rick Jordan ("Jordon"), the General Manager of WBOC-DT in Salisbury, Maryland. Jordon does not claim to have personally witnessed any interference, whatsoever. He states that some WBOC-DT viewers have complained of interference, but he does not identify the viewers and does not give the dates of their complaints.

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3. Instead, Jordon relies, entirely, upon hearsay. He states that the cable company, Comcast, has reported interference, but he does not state the dates upon which the alleged interference occurred, or the times when the alleged interference occurred. Furthermore, Jordon concedes that the interference presented no problems because “fiber feeds” were used, to entirely resolve the problem.

4. Even if interference occurred, however, (and it has not been demonstrated that there was any interference, whatsoever) WBOC is not entitled to protection from ducting interference. The Commission does not protect television stations from ducting interference because there is no way of predicting when and under what circumstances such interference will arise. *Digital Television Broadcast Stations (Honolulu, Hawaii)*, 19 FCC Rcd 23604 (Video Div. 2004). Furthermore, the Commission’s Television Rules and Policies contemplate that there will be a certain amount of interference and digital television facilities are not allocated on an interference-free basis. *Advanced Television Systems*, 13 FCC Rcd 7448 (1998); see also, *Boca Raton, Florida*, 17 FCC Rcd 23528 (Video Div. 2002).

5. Copeland paid over \$5,000,000.00 to the United States Government for its analog television facility in Virginia Beach. Unlike WBOC, who was awarded an analog television channel as a free gift from the United States Government and then was awarded a second digital channel, also as a free gift. Copeland was required to pay an enormous sum of money for just one television channel.

6. Virginia Beach, Virginia is situated on the water. Therefore, ducting interference can be expected to occur from time to time when weather conditions are right for that kind of interference. If Copeland were to select a different channel from

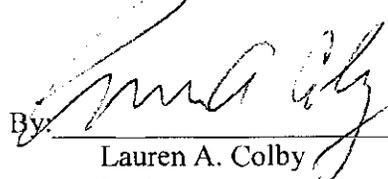
Channel 21 for its digital operations, Copeland might well face complaints from other digital television stations. As it happens, Copeland has chosen to stay on Channel 21. Copeland has had its Channel 21 digital proposal analyzed by competent engineers and was told that digital operation on Channel 21 can be conducted, in full compliance with all of the Commission's Rules and Regulations. WBOC has failed to show why the public interest or Copeland's private interests would be served by selecting a different channel.

May 31, 2006

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Respectfully submitted,

COPELAND CHANNEL 21, LLC

By: 

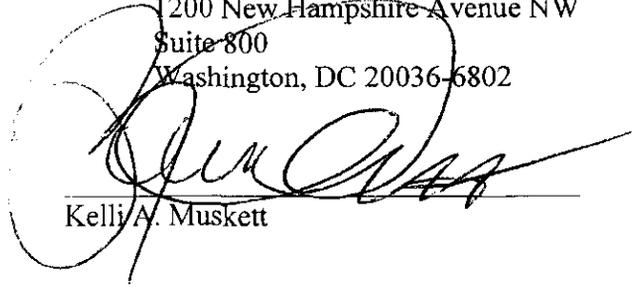
Lauren A. Colby
Its Attorney

CERTIFICATE OF SERVICE

I, Kelli A. Muskett, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 31st day of May, 2006, to the offices of the following:

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A handwritten signature in black ink, appearing to read 'Kelli A. Muskett', is written over a horizontal line. The signature is stylized and somewhat cursive.

Kelli A. Muskett