

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

In the Matter of )  
 )  
Advanced Television Systems ) MB Docket No. 87-268  
and Their Impact upon the )  
Existing Television Broadcast )  
Service )

To: The Commission

**COMMENTS**

LIN of Alabama LLC (“LIN”), licensee of WBPG, Gulf Shores, Alabama, respectfully files these Comments to request an amendment of the proposed final DTV allotment for WBPG.<sup>1</sup> As a single-channel analog-only station, WBPG was automatically assigned replication facilities. In order to provide digital television service to more members of the viewing public, LIN seeks an amendment to WBPG’s allotment in order to provide for maximized facilities.

**I. Background**

In the *Seventh FNPRM*, the Commission recognized that single-channel NTSC-only stations presented a special case in the certification process.<sup>2</sup> Such licensees were automatically assigned replication facilities. The Commission stated that it would permit these

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Seventh Further Notice of Proposed Rulemaking, MB Dkt. No. 87-268, FCC 06-150 (rel. Oct. 20, 2006) (“*Seventh FNPRM*”).

<sup>2</sup> *Id.* at ¶ 28.

licensees to “file comments proposing a change to their certification to specify maximized facilities for which they would have been allowed to certify.”<sup>3</sup>

WBPG was a single-channel analog-only station, and it files these comments to seek maximized facilities. Emmis Television Licensee LLC, the station’s previous licensee, certified on the FCC Form 381 for WBPG (FCC File No. BCERCT – 20041104BAW) that WBPG did not have a digital allotment and that it would operate post-transition based on its currently authorized analog facilities (citing FCC File No. BMLCT – 20021009AAA). The data in the proposed DTV Table of Allotments thus reflects replication facilities serving 932,000 people and an area of 15,544 square kilometers.

Pursuant to the policy described by the Commission in the *Seventh NPRM*, LIN hereby seeks to maximize WBPG’s post-transition digital operations. Specifically, it seeks to increase its maximum effective radiated power (“ERP”) from the proposed 64.5 kilowatts (“kW”) (directional) to 1000 kW (non-directional). It also seeks to operate from the transmitter site of sister station WALA-DT. This modification would not create impermissible interference and it would be in the public interest because it would enable the station to provide free, over-the-air digital television service to more members of the public.

## **II. The Modification Would Not Create Impermissible Interference**

Pursuant to the Commission’s statement in the *Seventh FNPRM* that licensees requesting a modification of their FCC Form 381 certifications demonstrate that the proposed facilities would not create interference exceeding 0.1 percent to any licensee’s existing tentative

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<sup>3</sup> *Id.* at ¶ 28.

channel designation (“TCD”),<sup>4</sup> LIN commissioned an engineering analysis from du Treil, Lundin & Rackley, Inc., attached hereto as Attachment 1.

As illustrated in the study, no existing TCDs will receive greater than 0.1 percent interference from the proposed modification. Indeed, the proposed modification (non-directional operation at 1000 kW and 381 meters HAAT from the WALA-TV site) is not predicted to cause *any* new interference.<sup>5</sup>

Although these facilities would exceed the default ERP/ HAAT limits, the Commission’s rules permit this power level. *See* 47 C.F.R. § 73.622(f)(5) (permitting ERP “up to that needed to provide the same geographic coverage area as the largest station within their market”). At least one other station in the market is licensed with larger facilities, and the maximum permissible ERP would not be exceeded. As the du Treil analysis notes, WEAR-DT, in Pensacola, is authorized at 1000 kW at a HAAT of 579 meters; its proposed allotment serves 47,474 square kilometers (well in excess of the 35,219 that would be served by WBPG’s proposed facilities).

### **III. The Modification Would Serve The Public Interest**

The Commission also should grant the proposed modification because it would enable WBPG to bring free, over-the-air digital television service to more members of the public.

The maximized facilities that LIN seeks here would enable service to 272,938 more viewers, as compared to the proposed replication facilities. The current proposed allotment

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<sup>4</sup> *Id.* at ¶ 29.

<sup>5</sup> The interference study has been prepared assuming operation at 381 meters height above average terrain (“HAAT”) at the WALA-DT transmitter site N 30-41-17, W 87-47-54.

reflects service to 932,000 viewers.<sup>6</sup> The proposed facilities would provide service to 1,204,938 viewers, an increase of 29 percent.

This significantly improved service, which is not offset by any impermissible interference, as noted above, warrants an amendment to the proposed allotment for WBPG. Further, as the Commission has recognized, “the use of common sites can . . . minimize environmental degradation” in addition to “minimizing potential local difficulties locating towers and eliminating the cost of building new towers.”<sup>7</sup> By transmitting from sister station WALA’s site, WBPG could reduce the risk of environmental, zoning, and financial problems. By amending the allotment for WBPG, the Commission would be “ensuring the best possible DTV service to the public.”<sup>8</sup>

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<sup>6</sup> See *Seventh FNPRM* at Appendix B.

<sup>7</sup> *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Report and Order and Further Notice of Proposed Rulemaking, MM Docket No. 00-39, 16 FCC Rcd 5946, ¶ 21 (2001).

<sup>8</sup> See *Seventh FNPRM* at ¶ 16.

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The Commission should modify the proposed DTV Table of Allotments and permit an amendment to the FCC Form 381 certification for WBPG in order to enhance the digital television service provided to the public.

Respectfully submitted,



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## **Attachment 1**