

**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 )  
 )

**COMMENTS OF HEARST-ARGYLE TELEVISION, INC.,  
KCWE LMA, INC. and WMOR-TV COMPANY**

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January 25, 2007

Hearst-Argyle Television, Inc. (“Hearst”), parent company of each of the licensees of each of the stations described below in Section I, and KCWE LMA, Inc. (“KCWE”) and WMOR-TV Company (“WMOR”), through their undersigned attorneys, file the following comments in response to the *Seventh Further Notice of Proposed Rule Making*, FCC 06-150 (Rel. Oct. 20, 2006) (“*Seventh Further Notice*”).

**I.**  
**Hearst-Argyle Television, Inc.**

**A. WGAL-DT, Lancaster, Pennsylvania (Facility ID No. 53930)**

Hearst submits these comments to propose a change in the certified technical parameters for WGAL-DT’s post-transition facility and a corresponding change to the data in Appendix B of the *Seventh Further Notice*. In its Form 381 for WGAL-DT (File No. BCERCT-1105ABI), Hearst certified to post-transition operation pursuant to its licensed DTV parameters. Hearst now requests to change its certification to specify replication parameters rather than its licensed DTV parameters.

The *Seventh Further Notice* contemplates that stations meeting certain criteria be allowed to change their certified facility where the station has already constructed or has received authorization to construct facilities on its tentative channel designation that provide service to areas that extend beyond that to which the station certified in Form 381 and which would not result in interference in excess of 0.1 percent to any licensee’s existing tentative channel designation. *See Seventh Further Notice*, ¶¶ 28-29. While Hearst’s only authorization for WGAL-DT is for its current licensed facility (FCC File No. BLCDT-20010621ABF) to which it certified in Form 381, Hearst could obtain authorization for replication parameters at any time in full compliance with the Commission’s current application freeze. (*See* WGAL-DT Engineering Statement, attached as Exhibit 1). In addition, the checklist replication facility could be granted

without prejudice to any other certified facility—as the attached engineering statement demonstrates, the proposed change in WGAL-DT’s certification complies with the 0.1 percent interference limit.

Accordingly, because there is no current bar to Hearst obtaining a replication authorization for WGAL-DT and because the proposed change does not result in interference in excess of 0.1 percent to any licensee’s existing tentative channel designation, Hearst submits that WGAL-DT satisfies the criteria set forth in paragraphs 28-29 of the *Seventh Further Notice*, and thus, the data in Appendix B should be changed to WGAL-DT’s replication facility as follows:

<b>Current Appendix B WGAL-DT Data (Licensed)</b>	<b>Correct WGAL-DT Data (Replication)</b>
393 meters HAAT	415 meters HAAT
13.4 kW ERP	5.36 kW ERP

Even if WGAL-DT did not satisfy the criteria for permitting a change in its Form 381 certification, WGAL-DT’s situation is unique and WGAL-DT should be permitted to change its Form 381 certification to its replication facility for the following reasons:

First, and most significantly, the public interest will be served by allowing Hearst to change its initial certification for the WGAL-DT facility. Change in the certified facility for WGAL-DT will result in nearly 800,000 more viewers being able to receive WGAL-DT’s signal. Based on the current Appendix B technical parameters, the service population would be 3,313,004; however based on replication technical parameters, the service population would be 4,104,353. Thus, the replication facility represents an increase in population coverage of 23.9 percent. And, notably, WGAL-DT’s licensed facility only matches 88 percent of if its current NTSC coverage, whereas the replication facility will match virtually all of the station’s NTSC

coverage. *See* WGAL-DT Engineering Statement. Accordingly, not only would WGAL-DT's replication facility result in service to more people than WGAL-DT's licensed facility, but absent WGAL-DT's ability to construct its replication facility, some viewers would lose access to WGAL's signal after the termination of the station's NTSC operation.

Second, as mentioned above and discussed further in the WGAL-DT Engineering Statement, changing the Appendix B data to reflect WGAL-DT's replication parameters will not result in any new interference to the tentative channel designation operations of any other stations. *See* WGAL-DT Engineering Statement. Accordingly, permitting WGAL-DT to change its Form 381 certification will not result in harm to any station or otherwise impede the Commission's finalization of the DTV table of allotments. Indeed, because Hearst was initially assigned an out-of-core digital channel (channel 58) for WGAL-DT, WGAL-DT's proposed "checklist" parameters could have caused up to 2% interference to other stations. That Hearst's proposed replication facility would cause less than the 0.1% interference counsels strongly in favor of permitting the proposed change in certified post-transition facilities for WGAL-DT.

Third, WGAL-DT is required to surrender channel 58, and as a practical matter, Hearst desires to transition its DTV operation to its non-directional top-mounted antenna that it currently uses for its Channel 8 NTSC operations. Hearst can do this only if WGAL-DT is permitted to "carry over" its replication technical parameters to Channel 8. Carrying its currently licensed DTV operation over to Channel 8 would require Hearst to acquire and install a new Channel 8 directional antenna. Avoiding the need to replace the antenna would save considerable financial resources, especially since Hearst has already invested considerable "sunk costs" in its temporary Channel 58 operation.

And finally, Hearst's mistaken certification to its licensed facility in its Form 381 filing was based on Hearst's desire to comply with the Commission's "use it or lose it" deadline. WGAL-DT was originally assigned an out-of-core digital channel (channel 58) and obtained its current digital license in 2001 (FCC File No. BLCDDT-20010621ABF), well in advance of the Commission's establishment of the "use it or lose it" deadline. While, as discussed above, WGAL-DT could apply for and receive a "checklist" replication facility, construction of such a facility is impractical prior to the end of the DTV transition for the following reasons:

- WGAL-DT's replication facility is based on its licensed NTSC Channel 8 facility in FCC File No. BLCT-19981009KE pursuant to which its NTSC antenna is top mounted at 415 meters HAAT.<sup>1</sup> Because WGAL's NTSC antenna will need to remain in operation during the DTV transition, it would be physically impossible for WGAL to construct its DTV top-mount replication facility until the top-mount NTSC antenna is removed.
- Any modifications to WGAL-DT's licensed facility prior to the end of the DTV transition would not be practical because WGAL-DT is ultimately required to move its DTV operation from channel 58 to an in-core channel (tentatively designated as WGAL's NTSC channel 8).

Consequently, because it is impractical to construct WGAL-DT's replication facility prior to the end of the DTV transition and in order to comply with the July 1, 2005, "use it or lose it" interference protection deadline, WGAL-DT certified to its current licensed DTV facility which only serves 88.2% of the population of the replication facility. Hearst now recognizes that its Form 381 election was made in error because, as discussed above, Hearst's Form 381 election

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<sup>1</sup> WGAL's 1997 baseline NTSC facility (File No. BLCT-2263) differed very slightly: 112 kW ERP at 415 meters HAAT.

will result in a loss of post-transition service to a significant number of viewers. As with other stations with a similar top-mount replication issue, Hearst desires to certify to its checklist replication facility and recognizes that a waiver of the use-it-or-lose-it deadline may be necessary. As discussed in the margin, grant of such a waiver would be in the public interest.<sup>2</sup>

The *Seventh Further Notice* recognizes that, in certain circumstances, the public interest is better served by allowing stations to change their certified facilities at this time. Hearst submits that WGAL-DT's unique case presents circumstances that warrant the requested change in the Form 381 certification and a corresponding change to the data in Appendix B.

**B. WPTZ-DT, North Pole, New York (Facility ID No. 57476)**

1. WPTZ-DT Community of License

In 1999, Hearst filed a Petition for Rule Making proposing to change the community of license of WPTZ from North Pole, New York, to Plattsburgh, New York. That Petition remains pending at the Commission in RM-9669, and because the Commission is considering the new digital table of allotments, now is the ideal time to dispose of the Petition.

In July 1999, the Commission issued a *Notice of Proposed Rule Making* (DA 99-1235) in MM Docket No. 99-238, RM-9669, which proposes the reallocation of NTSC Channel 5 and DTV Channel 14 from North Pole to Plattsburgh, New York. The *NPRM* recognizes that North

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<sup>2</sup> In the *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, 19 FCC Rcd 18,279 (2004) ("*DTV R&O*"), the Commission stated that it "will establish a limited waiver process and grant extensions of the applicable replication or maximization interference protection deadline on a six-month basis if good cause is shown." *DTV R&O*, at ¶ 87. Stations "that cannot build out for reasons beyond their control" may seek a waiver. *DTV R&O*, at ¶ 83. The instant case would present a circumstance beyond Hearst's control, as it would be physically impossible to top mount WGAL-DT's antenna until the end of the DTV transition at which time WGAL's top-mount NTSC antenna may be removed.

Grant of such a waiver would not undermine the digital transition and unwavering enforcement of the use-it-or-lose-it maximization/replication deadline against WGAL-DT would be inequitable and contrary to reason and the public interest. Absent a waiver, Hearst would be required to remove and relocate its NTSC antenna, which would likely require Hearst to purchase a side-mount antenna for WGAL's temporary NTSC operation. Not only would such modification to WGAL's NTSC facility involve a sunk cost in equipment that will only be useful until the DTV transition is complete, but such modification would likely involve a reduction of WGAL's NTSC height and power, and thus, result in a loss of NTSC service to some of WGAL's viewers.

Pole likely no longer qualifies as a community for allotment purposes, while on the other hand, Plattsburgh clearly qualifies as a community. The *NPRM* also recognizes that the proposal does not involve a change in Petitioner's transmitter site, and therefore, the proposal will not result in any loss of reception by anyone presently receiving WPTZ's signal.

Not only would the proposal not result in any change to the station's transmitter site, but the public's ability to access WPTZ's studios would not change either. While the station was constructed in 1954 with its city of license as North Pole, under the old "15 mile rule" WPTZ's main studio was constructed and continues to be located in Plattsburgh, NY. Regardless of the outcome of Hearst's request to change WPTZ's community of license, Hearst has no plans to relocate WPTZ's main studio.

Hearst filed its proposal for one simple reason. Presently, the station is required to use "North Pole" as the first community listed in its top-of-the-hour station identification required by Section 73.1201 of the Commission's rules. This requirement seemed anachronistic to Hearst since, as the Commission rightly noted in the *NPRM*, North Pole is not much more than a small, holiday novelty village. *NPRM*, ¶ 5. Given that WPTZ's main studios have long been located in Plattsburgh, it makes more sense to have WPTZ's community of license square with its main studio location.

Hearst hereby restates its present desire to change its community of license from North Pole to Plattsburgh, New York. Also, in support of the proposal, Hearst hereby incorporates the statements made in its Petition for Rule Making and comments filed in that proceeding (MM Docket No. 99-238, RM-9669).

Hearst respectfully requests that the Commission complete the rulemaking, grant the Petition, and adopt a *Report and Order* reallocating NTSC Channel 5 and DTV Channel 14 from

North Pole to Plattsburgh, New York. Similarly, Hearst respectfully requests that the data in Appendix B and in the proposed digital table of allotments be changed to reflect Plattsburgh, New York, as WPTZ-DT's community of license.

2. WPTZ-DT Post-Transition Operating Parameters

Hearst also submits these comments to clarify certain data included in Appendix B to the *Seventh Further Notice* for WPTZ-DT (Facility ID No. 57476). In Appendix B, several of the data are incorrect for WPTZ-DT's post-transition facility.

Hearst's post-transition WPTZ-DT facility will operate at 845 meters HAAT, and the facility's geographic coordinates will be 44-31-32 N, 072-48-58 W. The Antenna ID will be 72521 (Hearst derived the Antenna ID from the Commission's CDBS database; Hearst is unable to confirm the accuracy of that antenna identification number). Indeed, these data are currently in the Commission's CDBS database, and are derived from Hearst's current construction permit for WPTZ-DT (File No. BMPCDT-20060403BHW).<sup>3</sup> These are not the data to which Hearst certified in Form 381 (File No. BCERCT-20051105AAP), but they are operating parameters which the Commission approved during the "freeze" and which only slightly modify the certified parameters. As such, Hearst respectfully requests that Appendix B be revised to account for the operating parameters set forth in the current WPTZ-DT construction permit.

Hearst respectfully requests that the Appendix B data be corrected to account for the modified and approved WPTZ-DT parameters as set forth in the table below:

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<sup>3</sup> On January 16, 2007, Hearst filed a license to cover application for the WPTZ-DT construction permit. *See* File No. BLCDDT-20070116ACW.

<b>Erroneous Appendix B WPTZ-DT Data</b>	<b>Correct WPTZ-DT Data</b>
842 meters HAAT	845 meters HAAT
Antenna ID 41544	Antenna ID 72521
44-31-33 N latitude (NAD 27)	44-31-32 N latitude (NAD 27)
72-48-54 W longitude (NAD 27)	72-48-58 W longitude (NAD 27)

**C. WLWT-DT, Cincinnati, Ohio (Facility ID No. 46979)**

Hearst notes that there is no Antenna ID listed in Appendix B for WLWT-DT. The Commission's CDBS database indicates that the Antenna ID for WLWT-DT's authorization in File No. BMPCDT-20041102AHZ is 68046, although Hearst is unable to confirm the accuracy of that identification number. File No. BMPCDT-20041102AHZ is the certified facility in the WLWT-DT Form 381 (File No. BCERCT-20041105ABB) and authorizes operation on WLWT-DT's tentative channel designation ("TCD").

**D. WCVB-DT, Boston, Massachusetts (Facility ID No. 65684)**

Hearst notes that there is no Antenna ID listed in Appendix B for WCVB-DT. The Commission's CDBS database indicates that the Antenna ID for WCVB-DT's operation pursuant to BLCDT-20020102AAH is 39982, although Hearst is unable to confirm the accuracy of that identification number. File No. BLCDT-20020102AAH is the certified facility in the WCVB-DT Form 381 (File No. BCERCT-20041105ABE) and authorizes operation on WCVB-DT's TCD.

**E. WXII-DT, Winston-Salem, North Carolina (Facility ID No. 53921)**

Hearst notes that there is no Antenna ID listed in Appendix B for WXII-DT. The Commission's CDBS database indicates that the Antenna ID for WXII-DT's authorization in File No. BPCDT-19991020ACD is 27907, although Hearst is unable to confirm the accuracy of that identification number. File No. BPCDT-19991020ACD is the certified facility in the WXII-DT Form 381 (File No. BCERCT-20041105ABR) and authorizes operation on WXII-DT's TCD.

**F. KHOG-DT, Fayetteville, Arkansas (Facility ID No. 60354)**

Hearst notes that there is no Antenna ID listed in Appendix B for KHOG-DT. The Commission's CDBS database indicates that the Antenna ID for KHOG-DT's operation pursuant to BLCDT-20020904AAX is 29481, although Hearst is unable to confirm the accuracy of that identification number. File No. BLCDT-20020904AAX is the certified facility in the KHOG-DT Form 381 (File No. BCERCT-20041105AAZ) and authorizes operation on KHOG-DT's TCD.

**G. KHBS-DT, Fort Smith, Arkansas (Facility ID No. 60353)**

Hearst notes that there is no Antenna ID listed in Appendix B for KHBS-DT. The Commission's CDBS database indicates that the Antenna ID for KHBS-DT's operation pursuant to BLCDT-20031121AMR is 44809, although Hearst is unable to confirm the accuracy of that identification number. File No. BLCDT-20031121AMR is the certified facility in the KHBS-DT Form 381 (File No. BCERCT-20041105AAY) and authorizes operation on KHBS-DT's TCD.

**H. KQCA-DT, Stockton, California (Facility ID No. 10242)**

Hearst notes that there is no Antenna ID listed in Appendix B for KQCA-DT. The Commission's CDBS database indicates that the Antenna ID for KQCA-DT's operation pursuant

to BLCDDT-20060623AAM is 65422, although Hearst is unable to confirm the accuracy of that identification number. File No. BLCDDT-20060623AAM covered File No. BMPCDDT-20020626AAA, and that latter file number is the certified facility in the KQCA-DT Form 381 (File No. BCERCT-20041105AAT) and authorizes operation on KQCA-DT's TCD.

**I. KETV-DT, Omaha, Nebraska (Facility ID No. 53903)**

Hearst notes that there is no Antenna ID listed in Appendix B for KETV-DT. The Commission's CDBS database indicates that the Antenna ID for KETV-DT's operation pursuant to BLCDDT-20041222AED is 66662, although Hearst is unable to confirm the accuracy of that identification number. File No. BLCDDT-20041222AED covered File No. BMPCDDT-20040325ABG, and that latter file number is the certified facility in the KETV-DT Form 381 (File No. BCERCT-20041105AAW) and authorizes operation on KETV-DT's TCD.

**J. KOCT-DT, Carlsbad, New Mexico (Facility ID No. 53908)**

KOCT is a full-power satellite station of commonly-owned KOAT-TV, Albuquerque, New Mexico. Hearst notes that there is no Antenna ID listed in Appendix B for KOCT-DT. The Commission's CDBS database indicates that the Antenna ID for KOCT-DT's operation pursuant to BPCDDT-19991101AEP is 29464, although Hearst is unable to confirm the accuracy of that identification number. File No. BPCDDT-19991101AEP is the certified facility in the KOCT-DT Form 381 (File No. BCERCT-20041105ACM) and authorizes operation on KOCT-DT's TCD.

**K. KOFT-DT, Farmington, New Mexico (Facility ID No. 53904)**

KOFT is a full-power satellite station of commonly-owned KOAT-TV, Albuquerque, New Mexico. Hearst notes that there is no Antenna ID listed in Appendix B for KOFT-DT. The Commission's CDBS database indicates that the Antenna ID for KOFT-DT's operation pursuant to BMPCDDT-20041028AGN is 67991, although Hearst is unable to confirm the accuracy of that

identification number. File No. BMPCDT-20041028AGN is the certified facility in the KOFT-DT Form 381 (File No. BCERCT-20041105ACS) and authorizes operation on KOFT-DT's TCD.

**L. KCRA-DT, Sacramento, California (Facility ID No. 33875)**

Hearst submits these comments to correct the geographic coordinates listed for KCRA-DT in Appendix B. Hearst intends to operate KCRA-DT post transition from a transmission location of 38-15-54.0 N latitude, 121-29-24.0 W longitude (NAD 27), and requests that these coordinates be substituted for the incorrect coordinates of 38-15-52.0 N latitude, 121-29-22.0 W longitude that are listed in Appendix B. The geographic coordinates were derived from the station's analog license as they existed prior to 2003. In 2003, Hearst corrected the coordinates for KCRA's analog facility. *See* FCC File Nos. BPCT-20031017ACP and BLCT-20040130AOW. Accordingly, Hearst now requests that the coordinates also be corrected for the digital replication facility.

<b>Erroneous Appendix B KCRA-DT Data</b>	<b>Correct KCRA-DT Data</b>
38-15-52.0 N latitude (NAD 27)	38-15-54.0 N latitude (NAD 27)
121-29-22.0 W longitude (NAD 27)	121-29-24.0 W longitude (NAD 27)

Additionally, Hearst is unable to confirm or deny the accuracy of the Antenna ID (74812) for KCRA-DT referenced in Appendix B.

**M. WDSU-DT, New Orleans, Louisiana (Facility ID No. 71357)**

WDSU-DT is currently off the air pursuant to Special Temporary Authority to remain silent which was most recently extended in FCC File Number BLESTA-20060919ABJ. WDSU-DT is silent due to damage sustained from Hurricane Katrina on August 29, 2005.

In its Form 381 for WDSU-DT (File No. BCERCT-20041105ABG), filed prior to Hurricane Katrina, Hearst certified to post-transition operation pursuant to its allotted replication facility. Following the hurricane damage, Hearst is now working on the design of a new transmission facility, which may involve the co-location of other New Orleans stations and require modifications to WDSU-DT's proposed operating parameters. Hearst's rebuilding project will assist in New Orleans' renewal as a community.

Accordingly, Hearst hereby notifies the Commission that, despite its Form 381 replication certification, Hearst will likely need to modify WDSU-DT's transmission facility as a result of damage caused by Hurricane Katrina.

**N. Additional Antenna ID Discrepancies**

For each of the following stations, Hearst is unable to confirm or deny the accuracy of the Antenna ID referenced in Appendix B:

<b>Station</b>	<b>Appendix B Antenna ID</b>
KSBW-DT, Salinas, CA Facility ID No. 19653	70343
KHVO-DT, Hilo, HI Facility ID No. 64544	74413
KMAU-DT, Wailuku, HI Facility ID No. 64551	75008
KCCI-DT, Des Moines, IA Facility ID No. 33710	74490
KMBC-DT, Kansas City, MO Facility ID No. 65686	74967
KOAT-DT, Albuquerque, NM Facility ID No. 53928	74445
KOVT-DT, Silver City, NM Facility ID No. 53911	74976
WBAL-DT, Baltimore, MD Facility ID No. 65696	74686
WMTW-DT, Poland Spring, ME Facility ID No. 73288	74574
WYFF-DT, Greenville, SC Facility ID No. 53905	74692

Station	Appendix B Antenna ID
WMUR-DT, Manchester, NH Facility ID No. 73292	74688

With the exception of WYFF-DT, each of the above stations has a TCD for its respective current analog channel. WYFF-DT's TCD is neither its current DTV nor its current analog channel. Hearst requests that the Commission ensure that all antenna identification numbers reflect accurate parameters. In addition, Hearst requests that Antenna ID's identified in Appendix B not be used by the Commission to limit or affect a digital facility's operating parameters.

**II.  
KCWE LMA, Inc.**

KCWE LMA, Inc., licensee of KCWE-DT, Kansas City, Missouri (Facility ID No. 64444), notes that there is no Antenna ID listed in Appendix B for KCWE-DT. The Commission's CDBS database indicates that the Antenna ID for KCWE-DT's operation pursuant to BLCDT-20051014ABT is 41769, although Hearst is unable to confirm the accuracy of that identification number. File No. BLCDT-20051014ABT covered File No. BMPCDT-20011127AAT, and that latter file number is the certified facility in the KCWE-DT Form 381 (File No. BCERCT-20041104AFZ) and authorizes operation on KCWE-DT's TCD.

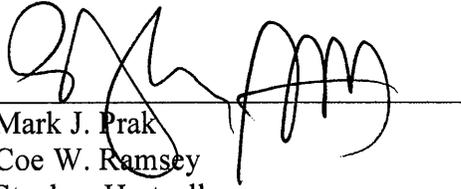
**III.  
WMOR-TV Company**

WMOR-TV Company, licensee of WMOR-DT, Lakeland, Florida (Facility ID No. 53819), notes that there is no Antenna ID listed in Appendix B for WMOR-DT. The Commission's CDBS database indicates that the Antenna ID for WMOR-DT's operation pursuant to BLCDT-20050726ABO is 43395, although Hearst is unable to confirm the accuracy

of that identification number. File No. BLCDDT-20050726ABO covered File No. BMPCDDT-20012201AAK, and that latter file number is the certified facility in the WMOR-DT Form 381 (File No. BCERCT-20041105ABN) and authorizes operation on WMOR-DT's TCD.

Respectfully submitted,

**HEARST-ARGYLE TELEVISION, INC.,  
KCWE LMA, INC., and WMOR-TV  
COMPANY**

A handwritten signature in black ink, appearing to read 'Mark J. Prak', is written over a horizontal line. The signature is stylized and cursive.

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Exhibit 1  
(WGAL-DT Engineering Statement)

**Engineering Statement**  
in support of  
**COMMENTS in MB DOCKET 87-268**  
prepared for  
**WGAL Hearst-Argyle Television, Inc.**  
WGAL(TV) Lancaster, Pennsylvania  
Facility ID 53930

This engineering statement has been prepared on behalf of *WGAL Hearst-Argyle Television, Inc.* (“*Hearst-Argyle*”), licensee of WGAL(TV) (Facility ID 53930, Lancaster, PA) in support of *Comments* being filed in the Seventh Further Notice of Proposed Rulemaking (“FNPRM”), Media Bureau Docket 87-268.<sup>1</sup> The subject docket sets forth a proposed new digital television (“DTV”) allotment table for the post-transition period. A Tentative Channel Designation (“TCD”) is listed in Appendix B of the FNPRM for each eligible television station. *Hearst-Argyle* requests herein that alternative technical parameters be employed for the WGAL TCD.

The FNPRM (§ 28-29) allows qualifying licensees to propose a change in their certified technical parameters. *Hearst-Argyle* herein proposes that replication parameters be employed in place of maximized parameters for WGAL’s TCD.

**Discussion - Background**

The licensed WGAL analog facility is on Channel 8 (BLCT-19981009KE) and its digital operation is licensed on Channel 58 (BLCDT-20010621ABF). The present digital channel is not within the core (Ch. 2-51). *Hearst-Argyle* successfully elected WGAL’s analog Channel 8 in the first round of channel elections (see BFRECT-20050210ALN).

The technical parameters for the current Channel 8 TCD are based upon *Hearst-Argyle*’s pre-election certification on Form 381 (BCERCT-20041105ABI). The certification specifies that the post-transition DTV facility will be operated at maximized facilities as authorized by its current Channel 58 facility license (BLCDT-20010621ABF). The licensed facility involves an effective radiated power (“ERP”) of 907 kW with a directional antenna at 393 meters height above average terrain (“HAAT”). The licensed Channel 58 antenna is side-mounted on the same tower as the

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<sup>1</sup>*Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MB Docket No. 87-268, FCC 06-150, released October 20, 2006.

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analog WGAL facility. The underlying “replication” allotment for WGAL’s digital Channel 58 provides for 382.7 kW ERP at 415 meters antenna HAAT (the top-mount antenna location).

The current TCD “carries over” to Channel 8 the licensed DTV operation on Channel 58 including the side-mount antenna height and the cardioid directional pattern. The TCD’s ERP is 13.4 kW at 393 meters antenna HAAT. These parameters are based on *Hearst-Argyle’s* pre-election certification of the maximized WGAL facility.

If a “replication” facility had been carried over, the ERP would be 5.36 kW at 415 meters HAAT, based on the top-mount antenna position of the 1997 analog baseline facility. Since that 1997 facility was non-directional, a “replication” allotment to DTV operation on Channel 8 would specify a fairly non-directional antenna pattern (there would be minor variations due to the 90 percent availability factor in the FCC’s propagation curves for DTV).

The attached **Figure 1** provides a contour comparison map of the “maximization” (13.4 kW / 393 meter) and the “replication” (5.36 kW / 415 meter) facilities. The “maximization” facility contour extends beyond the “replication” contour over approximately half of the service area (to the northwest), while it falls short of replication to the southeast. Contour extension by the maximized Channel 58 facility could not be achieved in some directions due to interference protection requirements to other stations. Plots inset on the map depict the directional antenna patterns.

In its FCC Form 381 pre-election certification, *Hearst-Argyle* selected “maximization” based principally on the “use it or lose it” criteria discussed in MB Docket 03-15<sup>2</sup>. WGAL is a network affiliate (NBC) in a top 100 market (Harrisburg-Lancaster, PA). The “use it or lose it” criteria would have required WGAL to achieve a 100 percent population match with its Channel 58 facility in order to maintain interference protection to, and carry-over of, the full replication facility (FCC 04-192, ¶ 78). Although “maximized,” as shown in following table the WGAL-DT licensed Channel 58 facility provides 88.2 percent population match and therefore falls short of the 100 percent

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<sup>2</sup> *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket 03-15, FCC 04-192, released September 7, 2004.

## Engineering Statement

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requirement for full carry-over of its replication facility. Thus, *Hearst-Argyle* selected the licensed “maximized” facility for the basis of its post-transition operation.

### WGAL-DT Population Match Determination<sup>3</sup>

<u>WGAL(TV) Facility</u>	<u>ERP/HAAT</u>	<u>Interference-Free Service Population (2000 Census)</u>	<u>Percent match of Target</u>
NTSC Ch. 8 (1997 baseline facility)	112 kW / 415 m	3,098,722	--
DTV Ch. 58 Allotment	383 kW / 415 m	3,189,067	--
DTV Ch. 58 Licensed (maximized)	907 kW / 393 m	2,734,508	88.2%

### **Proposed Change in Certified Facilities**

A directional antenna on Channel 8 would have to be obtained in order to fulfill the current TCD parameters. As a practical matter, *Hearst-Argyle* seeks to employ the existing non-directional top-mounted Channel 8 antenna for its post-transition digital facility. Avoiding the need to replace the antenna would save considerable financial resources as *Hearst-Argyle* will already be forced to abandon its Channel 58 facilities which are not in the core. Use of the replication parameters for carry-over to Channel 8 would facilitate a final digital allotment that is nearly non-directional and could easily be fulfilled with the current non-directional Channel 8 antenna system.

The FNPRM states that a change in certified facilities may be sought by those stations who have received authorization to extend their service beyond their certified areas. Here, a replication facility is contemplated for which *Hearst-Argyle* could obtain authorization as a “checklist” facility at any time in full compliance with the Commission’s August 3, 2004 “freeze” concerning expansion in service area.<sup>4</sup> As shown in **Figure 1**, the replication parameters would extend service beyond the area which was certified. Thus it is believed that WGAL does qualify for the change in certification facility.

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<sup>3</sup>Interference-free service population is population within contour less population subject to terrain blockage and interference per FCC OET Bulletin 69. Target population for “Percent Match” is the smaller of the 1997 NTSC facility and DTV allotment.

<sup>4</sup>Public Notice “Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes,” DA 04-2446, released August 3, 2004.

**Engineering Statement**  
(page 4 of 6)

Technical parameters sought herein are summarized in the attached **Schedule B** ("Tech Box") of FCC Form 383 (conflict decision facility data).<sup>5</sup> In compliance with the FNPRM, the proposed change in certification does not result in interference in excess of 0.1 percent to any other licensee's TCD. The results of an engineering interference analysis per OET Bulletin 69<sup>6</sup> are supplied in **Table 1**, and demonstrate that interference does not exceed the 0.1 percent limit.

The engineering analysis was conducted using the same methodology that the Commission's staff employed to identify conflicts during the three election rounds, as described in the following text from the FNPRM (§ 21):

"New interference to post-transition DTV operations was defined as interference beyond that caused by existing analog and DTV operations, as set forth in the certification database information. . . . In performing conflict analyses, the staff applied the standard that an interference conflict exists when it was predicted that more than 0.1 percent new interference would be caused to another station."

Although the instant proposal complies with the 0.1 percent limit, it is noted that the Commission's channel election procedure contemplates allowing stations with no core DTV channel to create more than 0.1 percent interference. In the first round, these stations seeking replication on their NTSC core channel (such as WGAL) were permitted to cause up to 2.0 percent interference to other stations. Thus, it is believed that the proposed change in WGAL certification facility easily complies with the interference criteria.

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<sup>5</sup>These parameters should correspond closely to replication parameters which might be computed by Commission Staff. If necessary, Commission Staff's replication parameters can be employed in lieu of these values. Note that "replication" antenna make and model data, as well as beamtilt information, for the proposed TCD parameters are provided as generic in the Tech Box since final data will be provided at the Construction Permit "application" stage.

<sup>6</sup>FCC Office of Engineering and Technology Bulletin number 69, *Longley-Rice Methodology for Evaluating TV Coverage and Interference*, February 6, 2004 ("OET-69"). The implementation of OET-69 for this study followed the guidelines of OET-69 as specified therein. A standard cell size of 2 km was employed with 2000 Census data. Comparisons of various results of this computer program (run on a Sun processor) to the Commission's implementation of OET-69 show excellent correlation.

**Engineering Statement**

(page 5 of 6)

It is acknowledged that in seeking the modified parameters, *Hearst-Argyle* will accept interference from any other TCD already approved. The service and interference statistics for the present and proposed WGAL Channel 8 TCD are summarized below. As a matter of public interest, the WGAL-DT post-transition interference-free service population will increase by 23.9 percent to 4,104,345 persons.

	<u>Present TCD</u>	<u>Proposed TCD</u>
Service Area (sq. km)	23,701.7	24,465.1
Service Population (2000 census)	3,313,004	4,104,345
Interference	2.55 %	3.54 %

**Class A Station Protection**

No new interference to any authorized Class A Television station will result from this proposal.

**Conclusion**

WGAL's "replication" technical parameters are proposed to be substituted in lieu of "maximization" parameters. Interference to other stations does not exceed 0.1 percent.

**Engineering Statement**

(page 6 of 6)

**Certification**

The undersigned hereby certifies that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief.



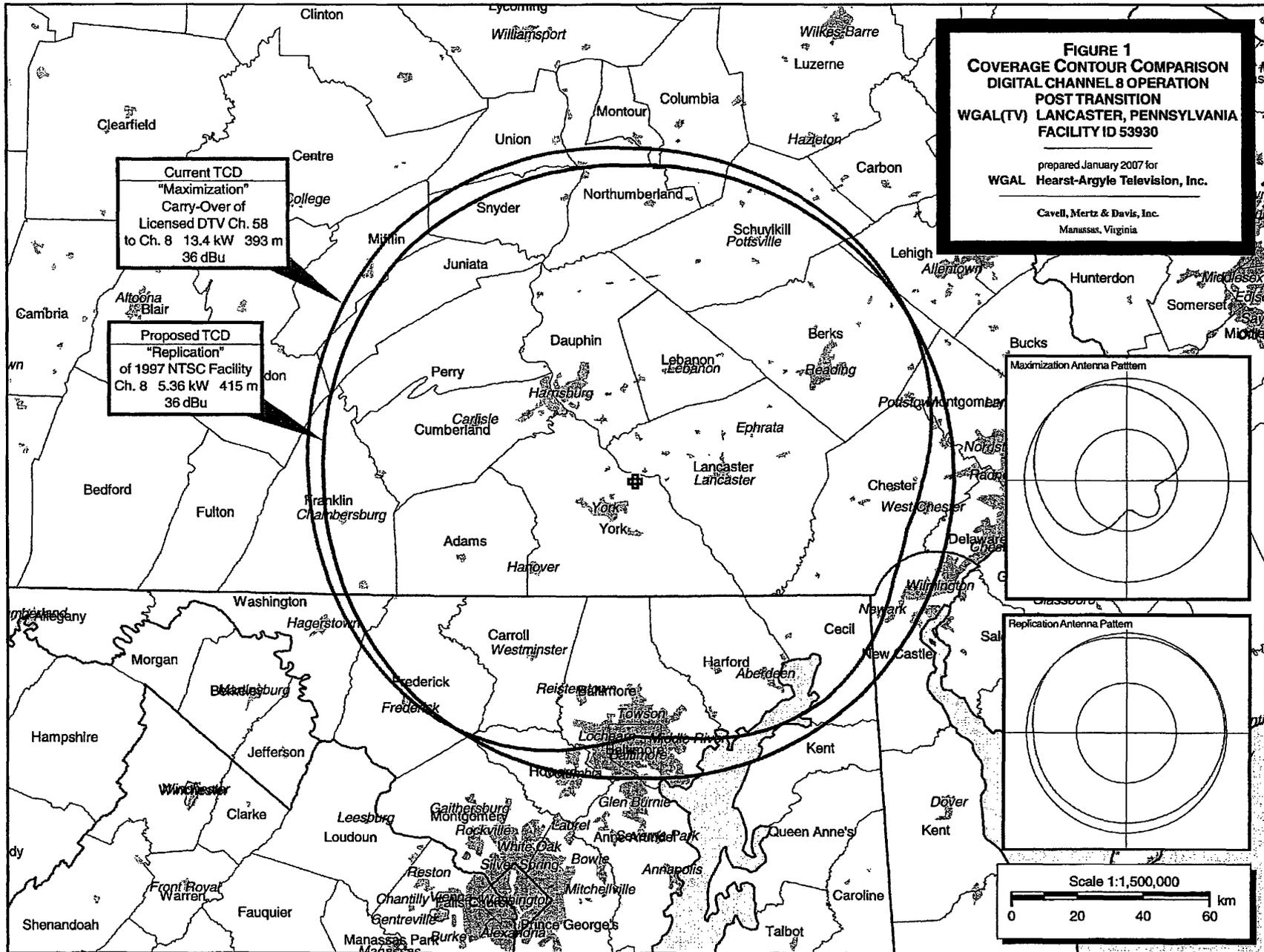
Joseph M. Davis, P.E.

January 4, 2007

Cavell, Mertz & Davis, Inc.  
7839 Ashton Avenue  
Manassas, VA 20109  
703-392-9090

**List of Attachments**

Figure 1	Coverage Contour Comparison
Schedule B	Proposed TCD Facility Technical Parameters
Table 1	Interference Analysis Results Summary



**FCC 383**

**CONFLICT DECISION FORM SCHEDULE B**

**SCHEDULE FOR DTV ENGINEERING DATA**

Licenses seeking to resolve an interference conflict by reducing or otherwise modifying facilities must complete this Schedule. The purpose of this Schedule is for licensees/permittees to demonstrate how they will eliminate their interference conflict(s).

**TECHNICAL SPECIFICATIONS**

Ensure that the specifications below are accurate. All items must be completed. The response "on file" is not acceptable.

**TECH BOX**

1. Channel Number: 8

2. Zone:  I       II       III

3. Antenna Location Coordinates: (NAD 27)

40 ° 02 ' 04 "  N       S Latitude  
76 ° 37 ' 08 "       E       W Longitude

4. Antenna Structure Registration Number: 1031756

Not applicable       FAA Notification Filed with FAA

5. Antenna Location Site Elevation Above Mean Sea Level: 318 meters

6. Overall Tower Height Above Ground Level: 228 meters

7. Height of Radiation Center Above Ground Level: 234 meters

8. Height of Radiation Center Above Average Terrain: 415 meters

9. Maximum Effective Radiated Power (average power): 5.36 kW

10. Antenna Specifications:

Manufacturer	REP	Model	Replication WGAL

a.  Not Applicable

b. Electrical Beam Tilt: \_\_\_\_\_ degrees  Not Applicable

c. Mechanical Beam Tilt: \_\_\_\_\_ degrees toward azimuth      \_\_\_\_\_ degrees True  Not Applicable

Attach as an Exhibit all data specified in 47 C.F.R. Section 73.685. Exhibit No.

d. Polarization:  Horizontal       Circular       Elliptical

**TECH BOX**

e. Directional Antenna Relative Field Values:  Not applicable (Nondirectional)

Rotation: \_\_\_\_\_ °  No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	0.948	60	0.982	120	0.943	180	0.895	240	0.920	300	0.985
10	0.957	70	0.980	130	0.932	190	0.899	250	0.924	310	0.999
20	0.965	80	0.979	140	0.918	200	0.901	260	0.928	320	1.000
30	0.974	90	0.977	150	0.907	210	0.905	270	0.932	330	0.991
40	0.982	100	0.965	160	0.903	220	0.910	280	0.949	340	0.978
50	0.984	110	0.954	170	0.899	230	0.918	290	0.969	350	0.964
Additional Azimuths											

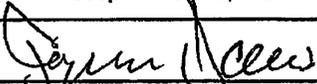
If a directional antenna is proposed, the requirements of 47 C.F.R. Sections 73.682(a)(14) and 73.685 must be satisfied. **Exhibit required.**

Exhibit No. \_\_\_\_\_

**PREPARER'S CERTIFICATION MUST BE COMPLETED AND SIGNED.**

**PREPARER'S CERTIFICATION**

I certify that I have prepared Schedule B-DTV Engineering Data on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name Joseph M. Davis, P.E.		Relationship to Applicant (e.g., Consulting Engineer) Consulting Engineer	
Signature 		Date January 4, 2007	
Mailing Address Cavell, Mertz & Davis, Inc. 7839 Ashton Avenue			
City Manassas		State or Country (if foreign address) Virginia	ZIP Code 20109-2883
Telephone Number (include area code) (703) 392-9090		E-Mail Address (if available) jdavis@cmdconsulting.com	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Table 1  
**INTERFERENCE ANALYSIS RESULTS SUMMARY**  
**PROPOSED CHANNEL 8 PARAMETERS**

prepared for  
**WGAL Hearst-Argyle Television, Inc.**  
**WGAL(TV) Lancaster, Pennsylvania**  
**Facility ID 53930**

Ch	Call Sign Service	City/State File Number	Fac. ID	Latitude Longitude	Power HAAT	Distance Bearing	Baseline Population	New Interference Population	Percent
7	WJLA-TV DT	WASHINGTON, DC BPCDT-19990706KE	1051	38 57 01 77 04 47	14.979 254	126.7 198.3	7,044,041	0	0.00
8	WNJB DT	NEW BRUNSWICK, NJ BMPEDT-20000425AAM	48457	40 37 17 74 30 15	20.2 212	191.2 69.3	16,186,875	0	0.00
8	WWCP-TV DT	JOHNSTOWN, PA BFRCT-20050815ABA	20295	40 10 53 79 09 05	6.5 352	216.5 275.2	2,491,029	0	0.00
8	WICZ-TV DT	BINGHAMTON, NY BDTV-	62210	42 03 22 75 56 39	3.2 375	231.6 13.9	727,576	0	0.00
9	WBPH-TV DT	BETHLEHEM, PA BMPCDT-20030522ADF	60850	40 33 52 75 26 24	3.2 284	116.2 59.1	2,917,973	0	0.00
9	WUSA DT	WASHINGTON, DC BLCDT-20040206AAS	65593	38 57 01 77 04 47	17.016 254	126.7 198.3	7,079,245	0	0.00

**Certificate of Service**

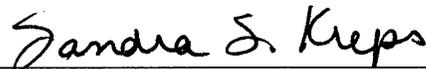
The undersigned, of the law firm of Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., hereby certifies that s/he has caused a copy of the foregoing **COMMENTS OF HEARST-ARGYLE TELEVISION, INC., KCWE LMA, INC. and WMOR-TV COMPANY** to be placed in the U.S. Mail, first-class postage prepaid, addressed as follows:

Mt. Mansfield Television, Inc.  
William R. Richardson, Jr.  
Wilmer Hale  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006

Roy Stewart  
Chief  
Office of Broadcast License Policy  
Media Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 2-C347  
Washington, D.C. 20554

Clay Pendarvis  
Associate Chief  
Video Division  
Media Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 2-A662  
Washington, D.C. 20554

This the 25th day of January, 2007.

  
\_\_\_\_\_