

LAW OFFICES

**COHN AND MARKS LLP**

**ORIGINAL**

**SUITE 300  
1920 N STREET N.W.  
WASHINGTON, D.C. 20036-1622**

OF COUNSEL  
MARCUS COHN (1913-2001)  
LEONARD H. MARKS (1916-2006)  
JOEL H. LEVY  
ELLEN MANDELL EDMUNDSON

ROBERT B. JACOBI  
ROY R. RUSSO  
RONALD A. SIEGEL  
LAWRENCE N. COHN  
RICHARD A. HELMICK  
J. BRIAN DE BOICE  
JEROLD L. JACOBS  
SUSAN V. SACHS

TELEPHONE (202) 293-3860  
FACSIMILE (202) 293-4827  
HOMEPAGE WWW.COHNMARKS.COM

DIRECT DIAL: 202/452-4823  
EMAIL ADDRESS: jerold.jacobs@cohnmarks.com

January 9, 2007

**VIA HAND DELIVERY**

**FILED/ACCEPTED**

**JAN - 9 2007**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Portals II, Filing Center, TW-A325  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

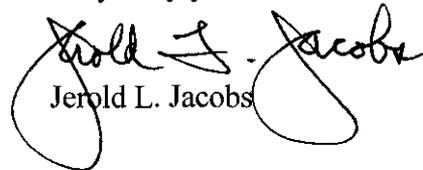
**Re: MB Docket No. 87-268  
(DTV Table of Allotments)**

Dear Ms. Dortch

Enclosed for filing, on behalf of our client, the Board of Trustees of Southern Illinois University, are an original and four (4) copies of its "**COMMENTS OF THE BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY**" in the above-referenced matter.

Please direct any communications or correspondence concerning this matter to the undersigned.

Very truly yours

  
Jerold L. Jacobs

Enc.

10.01.07 15:20:00  
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ORIGINAL

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

FILED/ACCEPTED

JAN - 9 2007

In the Matter of )  
)  
Advanced Television Systems )  
and Their Impact Upon the )  
Existing Television Broadcast )  
Service )

MB Docket No. 87-268

Federal Communications Commission  
Office of the Secretary

To: Secretary, Federal Communications Commission  
Att: The Commission

**COMMENTS OF**  
**THE BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY**

**THE BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY** ("SIU") (FRN 0005-9413-23), licensee of Noncommercial Educational Station WUSI-DT (Facility ID #4301), Olney, Illinois, by its attorneys, hereby comments on an inaccuracy in Appendix B of the *Seventh Further Notice of Proposed Rule Making in MB Docket No. 87-268* ("FNPRM"), 21 FCC Rcd 12100 (2006), concerning WUSI-DT's DTV parameters. For the reasons which follow, these Comments respectfully propose the following change in the DTV Table of Allotments:

**Fac. ID #4301, Olney IL      Change DTV ERP to 46 kW.**

1. Paragraph 16 of the *FNPRM*, 21 FCC Rcd at 12105-106, invited comments on inaccuracies or discrepancies in the proposed final DTV Table of Allotments. Station WUSI-DT's original DTV construction permit (File No. BNPEDT-20030605ABR) specified an ERP of 61 kilowatts, which is listed in Appendix B of the *FNPRM*, 21 FCC Rcd at 12166. However, in March 2006, SIU filed a Form 340 construction permit modification application (File No. BNPEDT-20060324AAU), in which it requested Commission approval for a reduction in ERP to 46 kilowatts for WUSI-DT. As

explained in Exhibit 34 – Statement A of the application, a copy of which is attached hereto, SIU originally intended to fully build out its WUSI-DT construction permit and so reported in its Form 381 pre-election certification (File No. BCERET-20041105AAF), filed on November 5, 2004. However, subsequently, it became clear that WUSI-DT could digitally more than replicate its analog facilities with the 46 kW ERP with which it was already operating pursuant to a DTV Special Temporary Authorization (“STA”) (File No. BDSTA-20030605AEW, as extended), instead of the 61 kW ERP authorized in its original construction permit. Operation at the STA ERP of 46 kW would permit WUSI-DT to avoid having to purchase and install an additional amplifier cabinet, which were important cost savings to SIU as a noncommercial educational television licensee. Hence, SIU specifically requested in Exhibit 34 – Statement A, p. 3, the Commission's approval to modify WUSI-DT's construction permit and the import of its Form 381 certification accordingly.

2. Most importantly, SIU demonstrated in Exhibit 34 – Statement A and Figure 2 that the proposed ERP of 46 kW for WUSI-DT would result in a coverage contour which *not only fully replicated, but extended beyond the Grade B contour of, the paired NTSC Channel 16 facility of WUSI-TV*. The Grade B 64 dBu contour of the NTSC WUSI-TV facility would encompass 226,469 persons (2000 U.S. Census), while the proposed 41 dBu DTV service contour for WUSI-DT would encompass 262,202 persons. Thus, WUSI-DT's proposed facilities would approximate “maximization” within the meaning of SIU's November 2004 Form 381 replication/maximization certification. See Exhibit 34 – Statement A, pp. 2-3.

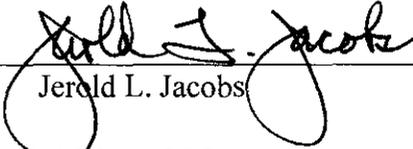
3. The Commission granted WUSI-DT's March 2006 construction permit modification application on June 15, 2006 and thereby also implicitly granted SIU's request that its modified/more-than-replicated DTV facilities be treated as consistent with its Form 381 certification

of “maximized facilities, as authorized by license or construction permit”. Although SIU had supplied its earlier BMPEDT-20030605ABR construction permit file number in its November 2004 Form 381 filing, that was superseded by the Commission’s grant of Permit File No. BMPEDT-20060324AAU. On June 19, 2006, SIU filed a Form 302-DTV license modification application to cover its constructed 46 kW ERP DTV facility (File No. BLEDT-20060619ABG), and that application was granted on July 13, 2006.

**4. Thus, in view of the foregoing, SIU respectfully requests that the DTV specifications for WUSI-DT, Olney, Illinois, in Appendix B of the FNPRM be modified to show a DTV ERP of 46 kW, instead of 61 kW. Once the 46 kW facility is substituted in the listing, other changes (area, population, percent interference) should occur automatically.**

Respectfully submitted

THE BOARD OF TRUSTEES OF  
SOUTHERN ILLINOIS UNIVERSITY

By:   
Jerold L. Jacobs

Cohn and Marks LLP  
1920 N Street, N.W. Suite 300  
Washington, D.C. 20036-1622  
Tel. 202-293-3860

Its Counsel

Dated: January 9, 2007

Attachment: Exhibit 34 – Statement A of BMPEDT-20060324AAU

Exhibit 34 - Statement A  
**NATURE OF THE PROPOSAL,  
CHECKLIST CONSIDERATIONS &  
DTV CHANNEL ELECTION CERTIFICATION**  
prepared for  
**Board of Trustees Southern Illinois University**  
WUSI-DT Olney, Illinois  
Facility ID 4301  
Ch. 19 46 kW 284 m

The *Board of Trustees Southern Illinois University* (“SIU”) is the permittee of WUSI-DT Channel 19, Olney, Illinois (file number BMPEDT-20030605ABR). WUSI-DT is currently operating with the Construction Permit facility at reduced power pursuant to Special Temporary Authority (BDSTA-20030605AEW) with an effective radiated power (“ERP”) of 46 kW. The instant application is submitted to request a modification of the CP to specify the 46 kW ERP in use with the STA. The current DTV application “freeze” regarding contour extension proposals does not apply since the proposed facility does not exceed the WUSI-DT allotment facility.<sup>1</sup>

**“Checklist” Criteria**

The instant proposal does not require an interference study under the present requirement of 73.622(f)(2) of the Commission’s rules. Specifically:

Item 1 - (1a) the proposed DTV Channel 19 was established for this station under §73.622(b); (1b) the proposed facility will operate from a site within 5 km of the DTV reference site for WUSI-DT established under §73,622(d)(1); (1c) the proposed facility will operate with an ERP and antenna HAAT of 46 kW and 284 meters, which do not exceed the DTV reference ERP and HAAT combination established for this station (50 kW ERP and 283 meters HAAT) under §73.622(f)(1).

Item 2 - As discussed herein with **Exhibit 36, Statement B - Environmental Considerations**, the proposed facility will not have a significant environmental impact.

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<sup>1</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.

Exhibit 34 - Statement A  
**NATURE OF THE PROPOSAL, CHECKLIST CONSIDERATIONS  
& DTV CHANNEL ELECTION CERTIFICATION**  
(page 2 of 3)

Item 3 - As shown by **Exhibit 34 - Figure 1**, the proposed 48 dB $\mu$  F(50,90) principal community contour of WUSI-DT encompasses its community of license, Olney, Illinois.

Item 4 - The nearest FCC monitoring station is at Allegan, MI at a distance of 456.9 km from the proposed site. This exceeds by a great margin the threshold minimum distance specified in §73.1030(c)(3) that would suggest consideration of the monitoring station. The proposed site is also located outside the area specified in §73.1030(a)(1). Thus, notification of the instant proposal to the National Radio Astronomy Observatory at Green Bank, West Virginia, is not required.

Item 5 - The antenna structure in use by the instantly proposed facility has been registered by the Commission (ASR 1008851) and will not require any modification of the existing registration.

#### **DTV Channel Election Certification**

*SIU* originally intended to fully build out its WUSI-DT CP and so reported in its Form 381 pre-election certification (File No. BCERET-20041105AAF), filed on November 5, 2004. However, subsequently, it became clear that WUSI-DT could digitally replicate its analog facilities with its 46 kW STA ERP, instead of the 61 kW ERP authorized in its CP. Operation at the STA ERP of 46 kW will permit WUSI to avoid having to purchase and install an additional amplifier cabinet, which are important cost savings to *SIU* as a noncommercial educational television licensee.

*SIU* respectfully requests that the Commission permit WUSI-DT to use this slightly lower ERP which essentially meets the underlying DTV allotment. As shown by **Exhibit 34 - Figure 2**, the proposed ERP of 46 kW for WUSI-DT will result in a coverage contour which not only replicates but extends beyond the Grade B contour of the paired NTSC Channel 16 facility of WUSI(TV). The Grade B, 64 dB $\mu$  contour of the NTSC WUSI(TV) facility encompasses 226,469 people (2000 US Census). The proposed 41 dB $\mu$  DTV Service contour for WUSI-DT will

Exhibit 34 - Statement A  
**NATURE OF THE PROPOSAL, CHECKLIST CONSIDERATIONS  
& DTV CHANNEL ELECTION CERTIFICATION**  
(page 3 of 3)

encompass 262,202 people (2000 US Census). A grant of the proposal will still result in a DTV facility for WUSI which more than replicates the Channel 16 WUSI(TV).

As demonstrated herein, the instantly proposed "Checklist" operation of WUSI-DT with the facilities in use under its STA will comply with all pertinent requirements for permanent operation of WUSI-DT. Accordingly, *SIU* respectfully requests the Commission's approval to modify WUSI-DT's construction permit and its election certificate to reflect an ERP of 46 kW.



