

ORIGINAL

October 9, 2007

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VIA HAND DELIVERY & ECFS

Marlene H. Dortch, Esq., Secretary
Federal Communications Commission
236 Massachusetts Ave., NE
Suite 110
Washington, DC 20002

FILED/ACCEPTED

OCT - 9 2007

Federal Communications Commission
Office of the Secretary

Re: MB Docket No. 87-268
Advanced Television Systems and their Impact Upon the Existing
Television Broadcast Service, FCC 07-138
Petition for Limited Reconsideration

Dear Ms. Dortch:

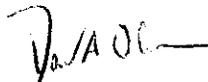
Transmitted herewith, on behalf of Radio Perry, Inc., are an original and four (4) copies of its Petition for Limited Reconsideration of the *Seventh Report and Order* issued on August 6, 2007 in the above-captioned proceeding.

An extra copy of the filing is enclosed. Please date-stamp the extra copy and return it to the courier.

Should you have any questions about this matter, please contact the undersigned.

Respectfully submitted,

HOLLAND & KNIGHT LLP



David A. O'Connor
Counsel for Radio Perry, Inc.

Enclosure
cc (via e-mail): Eloise Gore, FCC

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED

OCT - 9 2007

Federal Communications Commission
Office of the Secretary

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

To: Secretary, FCC
For: The Commission

PETITION FOR LIMITED RECONSIDERATION

Radio Perry, Inc., (“Radio Perry”), the licensee of analog television station WPGA-TV, Perry, Georgia, and the permittee of digital television (“DTV”) station WPGA-DT, Perry, Georgia, Facility ID No. 54728 (“WPGA-DT”), by its counsel and pursuant to Section 1.106 of the Commission’s rules, 47 C.F.R. § 1.106, hereby requests limited reconsideration of the Commission’s August 6, 2007 *Seventh Report and Order* (“*Order*”) in this proceeding.¹

The *Order* adopted a new DTV Table of Allotments for the television broadcast service (“the DTV Table”). For the reasons set forth below, Radio Perry respectfully request that the portion of the DTV Table applicable to WPGA-DT be corrected to reflect the operating parameters set forth in WPGA-DT’s construction permit issued on December 15, 2004 (the “Construction Permit”).²

Specifically, the Construction Permit authorizes operations with an effective radiated power of 100 kilowatts (“kW”) and an antenna height above average terrain (“HAAT”) of 185.7 meters. In contrast, the portion of the DTV Table applicable to WPGA-DT authorizes lesser

¹ FCC 07-138 (rel. Aug. 6, 2007) (“*Order*”). The *Order* was published in the *Federal Register* on September 26, 2007 and will become effective October 26, 2007. See 72 Fed. Reg. 54720 (Sept. 26, 2007). Therefore, this Petition for Limited Reconsideration is timely filed.

² A copy of the Construction Permit is attached hereto Exhibit 1 for the Commission’s reference. The Construction Permit expires on December 15, 2007.

facilities of 50 kW and an antenna HAAT of 247 meters.³ Radio Perry submits that the DTV Table is in error on both points and that the Construction Permit is correct. In fact, it would be impossible for WPGA-DT to operate at 247 meters HAAT because the WPGA-DT tower is not that high.

In addition, the Construction Permit contains the correct geographic coordinates for WPGA-DT's tower at 32° 45' 04" N Latitude, 83° 33' 27" W Longitude, while the DTV Table incorrectly provides geographic coordinates of 32° 45' 09" N Latitude, 83° 33' 35" W Longitude.

Radio Perry is unaware of the reason for the discrepancy between the Construction Permit and the DTV Table adopted in the *Order*, but submits that the Construction Permit, which was issued prior to the *Order*, should be controlling and that the *Order* should be revised to comport with the parameters set forth in the Construction Permit. These corrections potentially could alter WPGA-DT's area, population figures and interference percentage set forth in the DTV Table, and Radio Perry respectfully requests that those figures also be corrected by the Commission as needed.

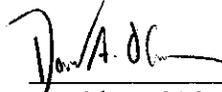
Radio Perry submits that the public interest would be served by a grant of this limited request for reconsideration, because it will help ensure the accuracy of the DTV Table and will advance the nation's transition to digital television. Radio Perry intends to complete construction of the facilities authorized in the WPGA-DT Construction Permit in the very near

³ *Order*, Appendix B, at 13. A copy of the relevant portion of the DTV Table adopted in the *Order* is attached hereto as Exhibit 2.

future, and therefore requests expedited consideration of this request.

Respectfully submitted,

RADIO PERRY, INC.



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Its Counsel

October 9, 2007

EXHIBIT 1

WPGA-DT
CONSTRUCTION PERMIT

United States of America
FEDERAL COMMUNICATIONS COMMISSION
DIGITAL TELEVISION BROADCAST STATION
CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

RADIO PERRY, INC.
1691 FORSYTH STREET
PERRY GA 31201

Clay C. Pendarvis
Associate Chief
Video Division
Media Bureau

Facility Id: 54728

Grant Date: December 15, 2004

This permit expires 3:00 a.m.
local time, December 15, 2007.

Call Sign: WPGA-DT

Permit File Number: BMPCDT-20041203ADW

This permit modifies permit no.: BMPCDT-20021004AAY

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: RADIO PERRY, INC.

Station Location: GA-PERRY

Frequency (MHz): 578 - 584

Channel: 32

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Antenna type: (directional or non-directional): Directional

Description: DIE, TLP-16J(C)

Beam Tilt: 1 Degrees Electrical

Major lobe directions 110 250
(degrees true):

Antenna Coordinates: North Latitude: 32 deg 45 min 04 sec

West Longitude: 83 deg 33 min 27 sec

Transmitter output power: As required to achieve authorized ERP.

Maximum effective radiated power (Average): 100 kW
20 DBK

Height of radiation center above ground: 207.2 Meters

Height of radiation center above mean sea level: 302.6 Meters

Height of radiation center above average terrain: 185.7 Meters

Antenna structure registration number: 1019967

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The grant of this construction permit is subject to the condition that, with ample time before commencing operation, you make a good faith effort to identify and notify health care facilities (e.g., hospitals, nursing homes, see 47 CFR 15.242(a)(1)) within your service area potentially affected by your DTV operations. Contact with state and/or local hospital associations and local governmental health care licensing authorities may prove helpful in this process. During this pre-broadcast period, you must provide all notified entities with relevant technical details of your operation, such as DTV channel, targeted on-air date, effective radiated power, antenna location, and antenna height. You are required to place in the station's public inspection file documentation of the notifications and contacts made and you may not commence operations until good faith efforts have been made to notify affected health care facilities. During this pre-broadcast period and for up to twenty (20) days after commencing operations, should you become aware of any instances of medical devices malfunctioning or that such devices are likely to malfunction due to your DTV operations, you must cooperate with the health care facility so that it is afforded a reasonable opportunity to resolve the interference problem. At such time as all provisions of this condition have been fulfilled, and either upon the expiration of twenty (20) days following commencement of operations or when all known interference problems have been resolved, whichever is later, this condition lapses.

*** END OF AUTHORIZATION ***

EXHIBIT 2
RELEVANT PORTION OF
DTV TABLE
ADOPTED AUGUST 6, 2007

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City ID	State and City		NTSC		DTV							
			Chan	Chan	ERP (kW)	HAAT (m)	Antenna ID	Latitude (DDMMSS)	Longitude (DDMMSS)	Area (sq km)	Population (thousand)	% Inter Recd
3867	GA	CORDELE	55	51	200	109		315335	834818	14405	356	
0825	GA	DALTON	23	16	300	425	28422	345707	852258	24445	1157	
3930	GA	DAWSON	25	8	6	313	44505	315615	843315	19618	471	
6991	GA	MACON	13	13	30	238		324510	833332	27301	820	
8262	GA	MACON	24	16	1000	216	77955	324458	833335	21248	676	
3847	GA	MACON	41	40	110	189		324512	833346	15105	538	
4618	GA	MACON	64	45	1000	223	60980	324551	833332	19160	655	
8058	GA	MONROE	63	44	700	303		334441	842136	25422	4531	
3917	GA	PELHAM	14	6	3.8	474	74339	304013	835626	30535	844	
4728	GA	PERRY	58	32	50	247	74842	324509	833335	15647	553	
1969	GA	ROME	14	51	1000	622	32746	341848	843855	35465	5192	
3947	GA	SAVANNAH	9	9	15.2	320	80230	320848	813705	28965	759	
590	GA	SAVANNAH	11	11	14.8	420	74380	320314	812101	28682	752	
7174	GA	SAVANNAH	22	22	166	436	74457	320330	812020	25120	667	
8662	GA	SAVANNAH	3	39	1000	442		320331	811755	37667	832	
1590	GA	THOMASVILLE	6	46	1000	619		304013	835626	45196	972	
3329	GA	TOCCOA	32	24	600	209		343644	832205	20917	1161	
8155	GA	VALDOSTA	44	43	50	253	40583	311018	832157	13316	328	
3929	GA	WAYCROSS	8	8	20	286		311317	823424	28624	426	
3937	GA	WRENS	20	6	30	436	74332	331533	821709	25555	782	
6914	HI	HILO	9	9	3.2	33	74970	194300	1550813	10655	79	
4146	HI	HILO	11	11	3.35	33	74440	194357	1550404	5336	78	
4544	HI	HILO	13	13	3.73	1	74413	194357	1550404	6703	79	
4846	HI	HILO	2	22	8	1	44792	194351	1550411	1638	64	
7103	HI	HILO	14	23	35	33	28420	194300	1550813	7064	78	
4144	HI	HONOLULU	2	8	7.2	1		211746	1575036	11570	817	
6917	HI	HONOLULU	9	9	7	33	74971	211746	1575036	9210	826	
1241	HI	HONOLULU	38	10	14.3	577	66350	212345	1580558	26942	812	
6431	HI	HONOLULU	11	11	3.2	637	74414	212403	1580610	22766	862	
4527	HI	HONOLULU	20	19	60.7	606	43104	212351	1580600	16294	788	
4445	HI	HONOLULU	5	23	1000	629	74843	212403	1580610	31295	852	
3246	HI	HONOLULU	26	27	262	580	45219	212345	1580558	14530	829	
6846	HI	HONOLULU	14	31	50	33	28782	211849	1575143	6227	746	
5395	HI	HONOLULU	32	33	49.6	1	77218	211849	1575143	5500	751	