

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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

To: The Secretary

**PETITION FOR CLARIFICATION  
AND PARTIAL RECONSIDERATION**

Lambert Broadcasting of Burlington, LLC (“Lambert”) submits this Petition for Clarification and Partial Reconsideration of the Commission’s *Seventh Report and Order* in this proceeding.<sup>1</sup> Lambert respectfully requests that the Commission amend the post-transition facilities specified for WVNY-DT, Burlington, Vermont (facility ID 11259) (“the Station”) in Appendix B to the *Seventh Report and Order* in order to conform the Appendix B values to the Station’s authorized and constructed digital facilities. For the reasons set forth below, grant of this request would serve the public interest.

**I. BACKGROUND**

In the Third Periodic Review proceeding, the Commission included WVNY-DT in its list of stations believed to be “ready, or very close to ready,” to complete the digital

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<sup>1</sup> Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Seventh Report and Order and Eighth Further Notice of Proposed Rule Making*, MB Dkt No. 87-268, FCC 07-138 (rel. August 6, 2007) (“*Seventh Report and Order*”).

transition.<sup>2</sup> Lambert filed comments in that proceeding to affirm that the Station was at its final, post-transition facilities.<sup>3</sup> As noted in those comments, the facilities for the Station differ slightly from those specified in Appendix B to the *Seventh Report and Order*. Lambert has filed this Petition for the limited purpose of correcting the discrepancies previously noted in its Third Periodic Review comments and restated below.

## **II. CLARIFICATION AND PARTIAL RECONSIDERATION IS WARRANTED IN THIS CASE.**

Grant of this Petition would serve the public interest. The Petition satisfies the standards set forth in the *Seventh Report and Order*. WVNY-DT has been constructed and is licensed and operating within its allotted service contour set forth in Appendix B, which will not be expanded by the clerical adjustments proposed herein. *See* FCC File No. BLCDT-20061113ABH. Because grant of the requested relief would not cause interference to any other station it necessarily would satisfy the 0.1% interference criterion.<sup>4</sup> The minor adjustments

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<sup>2</sup> *See* Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *Notice of Proposed Rulemaking*, MB Dkt No. 07-91, 22 FCC Rcd 9478 (rel. May 18, 2007).

<sup>3</sup> *See* Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *Comments of Lambert Broadcasting of Burlington, LLC*, MB Dkt No. 07-91 (filed Aug. 15, 2007). A copy of the comments is attached hereto as Attachment 1.

<sup>4</sup> *See Seventh Report and Order* at ¶ 39. The engineering analysis attached as Attachment 2 confirms that this adjustment would not result in interference in excess of 0.1% to any other licensee's post-transition allotment. Lambert notes that the construction of WVNY-DT was long delayed by the local governmental review process. Once local approval was obtained – which did not occur until after the filing of the Station's Form 381 certification – Lambert sought a slight modification of its construction permit in order to conform the proposed facilities to the plans approved by the local authorities. *See* FCC File No. BMPCDT-20060221ACZ. In consideration of the fact that the Station ably serves the public with its existing facilities and in light of the uncertainty and delay inherent in seeking further local approvals, the relief sought herein is warranted.

delineated below merely will conform the Commission's records to the authorized and constructed facilities for the Station.

### III. SPECIFIC REQUEST FOR RELIEF

Lambert requests that the Commission clarify that the Station has satisfied its obligations with respect to post-transition digital operations. It also requests that the Commission (1) permit the Station to modify its certification and (2) amend the post-transition DTV Table of Allotments, originally published as Appendix B to the *Seventh Report and Order*, as follows, in order to conform to the Station's licensed digital facilities:

#### WVNY-DT, Facility ID 11259

	Antenna ID	HAAT (m)	Longitude (degrees-minutes-seconds)
From	60531	852	72-48-58
To	71724	831	72-48-57 <sup>5</sup>

\* \* \*

For the reasons discussed and in the manner described herein, Lambert respectfully requests that the Commission clarify and partially reconsider the *Seventh Report and Order*.

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<sup>5</sup> See *Seventh Report and Order* at ¶ 35 (accepting coordinate corrections of three seconds or less, consistent with the policy that such corrections may be licensed without a construction permit).

Respectfully submitted,

**LAMBERT BROADCASTING OF  
BURLINGTON, LLC**

By: 

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October 26, 2007

# **Attachment 1**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Third Periodic Review of the ) MB Docket No. 07-91  
Commission’s Rules and Policies )  
Affecting the Conversion to Digital Television )  
 )

To: The Commission

**COMMENTS OF LAMBERT BROADCASTING OF BURLINGTON, LLC**

Lambert Broadcasting of Burlington, LLC (“Lambert”) submits these comments in response to the Commission’s commencement of the Third Periodic Review of the transition to digital television.<sup>1</sup> In Appendix D to the *NPRM*, the Commission has published a list of stations that it believes to be “ready, or very close to ready,” to make the transition. The Commission has asked licensees with stations on the list to respond as to whether the stations are in fact already prepared for the transition. Lambert is the licensee of WVNY-DT, Burlington, Vermont (facility ID 11259), which is identified on this list.<sup>2</sup> It submits these comments in order to affirm that this station is at its final, post-transition facilities. Lambert notes that the final, authorized facilities of WVNY-DT, while falling within the service contour of the allotment set

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<sup>1</sup> See *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Notice of Proposed Rulemaking, FCC 07-70 (rel. May 18, 2007) (“*NPRM*”).

<sup>2</sup> See *NPRM* at n.42 (explaining that the Appendix “includes those stations whose post-transition channel is the same as their pre-transition DTV channel and that have constructed their full, authorized DTV facilities”) and at Appendix D.

forth in the recently released DTV Table of Allotments,<sup>3</sup> differs in certain respects from the technical facilities specified in the DTV Table, as noted below.<sup>4</sup>

The FCC granted the license to cover the station's final DTV facilities in January of 2007. *See* FCC File No. BLCDDT – 20061113ABH. These facilities have certain discrepancies from the facilities in the recently released DTV Table of Allotments. Specifically, the actual height above average terrain (“HAAT”) is 831 meters, while the Commission has listed a HAAT of 852 meters in the DTV Table of Allotments. In addition, the station's antenna ID is 71724 and its longitude is 72-48-57 (degrees-minutes-seconds), while the Commission has specified an antenna ID of 60531 and a longitude of 72-48-58, respectively.<sup>5</sup>

\* \* \*

Accordingly, Lambert submits these comments to affirm that WVNY-DT has completed its digital build-out and is prepared for post-transition operation. It also notes certain differences between the facilities of WVNY-DT and the facilities in the recently released DTV Table of Allotments.

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<sup>3</sup> *See Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Seventh Report and Order and Eighth Further Notice of Proposed Rulemaking, MB Dkt. No. 87-268, FCC 07-138 (“*DTV Table Order*”) (rel. Aug. 6, 2007).

<sup>4</sup> The stations' licensed facilities are a matter of record in the Commission's CDBS database. The FCC approved these facilities in granting the digital licenses. Lambert notes that construction of WVNY-DT long was delayed by local review. Once these matters finally were resolved – which did not occur until after the filing of the Form 381 certification – Lambert requested slight modification of its construction permit on February 21, 2006 to conform the proposed facilities with the plans approved by local authorities. *See* FCC File No. FCC File No. BMPCDDT-20060221ACX.

<sup>5</sup> With respect to this difference of one second in longitude, Lambert notes that where a station's licensed or permitted coordinates differ from the coordinates in the DTV Table by three seconds or less, the Commission has accepted corrections to the Table, consistent with the policy that such corrections may be licensed without a construction permit. *See DTV Table Order* at ¶ 35.

Respectfully submitted,



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*Counsel for Lambert Broadcasting of  
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August 15, 2007

## **Attachment 2**

TECHNICAL EXHIBIT  
IN SUPPORT OF PETITION FOR RECONSIDERATION  
LAMBERT BROADCASTING OF BURLINGTON, LLC  
TELEVISION STATION WVNY-DT  
BURLINGTON, VERMONT  
MB DOCKET NO. 87-268

This Technical Exhibit was prepared on behalf of Lambert Broadcasting of Burlington, LLC in support of a Petition for Reconsideration in MB Docket No. 87-268. This exhibit supports the modification of the allotment for WVNY-DT, Burlington, Vermont (Channel 13) to reflect its licensed digital facility, as built and operating. It is demonstrated herein that WVNY-DT's 'Appendix B' allotment facility can be modified to reflect its licensed facility parameters within the FCC's interference requirements.

WVNY-DT is licensed for operation on Channel 13 with a maximum directional effective radiated power (ERP) of 10 kW with an antenna height above average terrain of 831 m (1253 m AMSL) and a directional antenna pattern ID of 71724. The geographic coordinates of the WVNY-DT licensed operation are 44-31-33 N. L. / 72-48-57 W.L. (NAD 27).\*

The FCC 'Appendix B' allotment facility for WVNY-DT specifies operation on Channel 13 with a maximum ERP of 10 kW with an antenna HAAT of 852 m (1275 m AMSL) with a directional antenna pattern ID of 60531. The geographic coordinates of the WVNY-DT 'Appendix B' facility are 44-31-33 N. L. / 72-48-58 W.L. (NAD 27).† The geographic coordinates for the WVNY-DT certified and construction permit facilities are different by only 1 second in longitude with a difference in site locations of less than 0.02 km.

Figure 1 is a summary data sheet that provides all the relevant technical specifications for the proposed WVNY-DT allotment facility.

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\* See FCC File No. BLCDDT-20061113ABH.

† See Appendix B of the *Seventh Report and Order and Eighth Further Notice of Proposed Rule Making* in MB Docket No. 87-268, Released: August 6, 2007, FCC 07-148.

An engineering analysis was conducted to determine the predicted interference to all other licensee's potentially affected 'Appendix B' allotment facilities from the proposed WVNY-DT facility. The analysis calculated net new predicted interference according to the procedures outlined by the FCC in the *Second DTV Periodic Report and Order*<sup>‡</sup> and related Public Notices. The analysis results are summarized as follows:

**Analysis of Channel 13, WVNY-DT, Burlington, VT (10 kW-DA, 1,253 m AMSL)**

Channel 13 WNYA-DT, Pittsfield, MA  
*Proposal causes no interference.*

Channel 13 WHAM-DT, Rochester, NY  
*Proposal causes no interference.*

Channel 13 WPRI-DT, Providence, RI  
*Proposal causes no interference.*

Based on the foregoing, it is concluded that the proposed 'Appendix B' allotment facility for WVNY-DT as described above and in the attached Figure 1 would comply with the FCC 0.1% interference requirement.

In keeping the present FCC policy, the proposed WVNY-DT allotment will not result in any extension of the predicted 36 dBu, f(50,90) contour relative to the current WVNY-DT 'Appendix B' allotment facility.

It is also noted that the licensed WVNY-DT facility has been coordinated with the Canadian administration. Therefore, the proposed WVNY-DT allotment facility will not require coordination with Canada.

The service baseline population for the WVNY-DT proposed allotment facility is calculated to be 588,000 (32,170 sq. km) according to the FCC procedure. The

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<sup>‡</sup> *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 03-15, Report and Order, 19 FCC Rcd 18279, 18281 (2004).

service baseline population for the present WVNY-DT allotment facility is 586,000  
(32,388 sq. km).



Louis R. du Treil, Jr., P.E.

du Treil, Lundin & Rackley, Inc.  
201 Fletcher Ave.  
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October 22, 2007

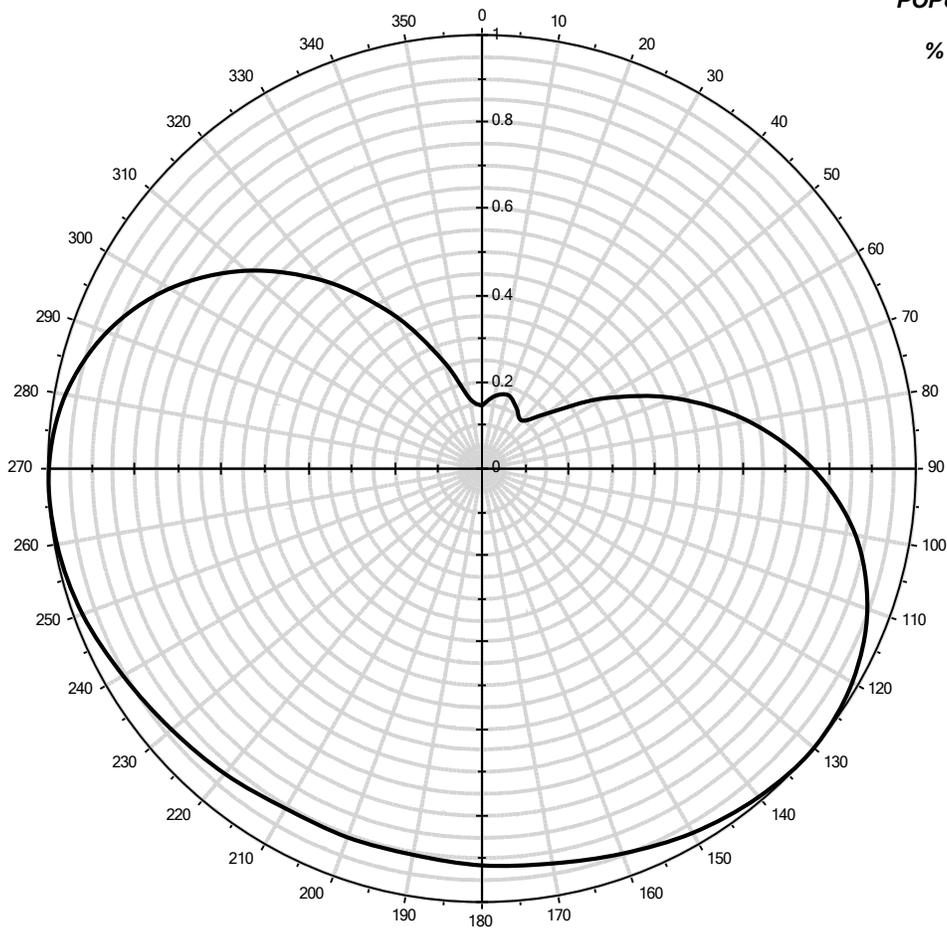
# DA Inquiry

du Treil, Lundin, & Rackley, Inc., Sarasota, Florida



**Antenna Pattern:** Antenna ID: 71724

**WVNY-DT PROPOSED ALLOTMENT**  
**CHANNEL 13, 10 KW (MAX-DA)**  
 831 M HAAT, 1253 M AMSL  
 44-31-33 NL / 72-48-57 WL  
**ANTENNA ID 71724**  
**POPULATION = 588,000**  
**AREA = 32,170**  
**% IX RECEIVED = 0.1**



**Note:** display reflects rotation of 0.00°

**Antenna Details:**

0°	0.145	60°	0.324	120°	0.985	180°	0.915	240°	0.955	300°	0.831
10°	0.170	70°	0.475	130°	1.000	190°	0.905	250°	0.980	310°	0.710
20°	0.180	80°	0.625	140°	0.990	200°	0.905	260°	0.995	320°	0.565
30°	0.160	90°	0.763	150°	0.970	210°	0.905	270°	0.998	330°	0.411
40°	0.145	100°	0.873	160°	0.945	220°	0.920	280°	0.975	340°	0.267
50°	0.200	110°	0.945	170°	0.925	230°	0.935	290°	0.920	350°	0.165

**Antenna Make:** RFT

**Standard Pattern:**

**Antenna Model:** TPV-6-5629-STACK

**Last Change Date:**