

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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

To: Office of the Secretary

**PETITION FOR PARTIAL RECONSIDERATION OF TRI-STATE PUBLIC
TELEPLEX, INC.**

By its attorneys and pursuant to Section 1.429 of the Commission's Rules,¹ Tri-State Public Teleplex, Inc. ("Tri-State"), licensee of noncommercial educational station WNIN-DT (Evansville, Indiana) (the "Station"), hereby respectfully requests that the Commission reconsider certain specific parameters of the allotment for station WNIN-DT in the Final DTV Table of Allotments in the *Seventh Report and Order* in the above-captioned proceeding.²

The Commission originally assigned WNIN-DT interim DTV Channel 54 in the *Fifth Report and Order*, but subsequently granted Tri-State's petition to change its DTV allotment to an interim Channel 12. WNIN-DT has operated on the interim DTV Channel 12 since April, 2003. Post-transition, WNIN-DT plans to move to Channel 9, its current analog channel.

Tri-State petitions for revision of the Station's allotment set forth in the *Seventh Report and Order*. Specifically, Tri-State requests WNIN-DT be permitted use the existing WNIN-TV

¹ 47 C.F.R. § 1.429 (2006).

² In the Matter of Advanced Television Systems and Their Impact Upon Existing Television Broadcast Service, *Seventh Report and Order*, MB Docket No. 87-268, FCC 07-138 (rel. Aug. 6, 2007). The *Seventh Report and Order* was published in the Federal Register on September 26, 2007. See 72 Fed. Reg. 54720. Accordingly, this petition is timely filed. See 47 C.F.R. §§ 1.429(d), 1.4(b).

non-directional antenna and HAAT of 304 meters, as listed in the current analog license.³ At that tower height, WNIN-DT could replicate its analog service area at the reduced power of 14 kW consistent with all interference considerations.⁴

These changes to the DTV Table of Allotments for ERP and HAAT would allow WNIN-DT to more closely replicate its analog coverage area by utilizing its current antenna technology. In addition to better replicating its service area, the costs would be lower for this public television station.

Pursuant to this Petition, the DTV Table of Allotments would be changed from:

Facility ID	State and City		NTSC		DTV				
			Ch	Ch	ERP kW	HAAT (m)	Antenna ID	Latitude (DDMMSS)	Longitude (DDMMSS)
67802	IN	EVANSVILLE	9	9	30	285	74975	375901	871613

To:

Facility ID	State and City		NTSC		DTV				
			Ch	Ch	ERP kW	HAAT (m)	Antenna ID	Latitude (DDMMSS)	Longitude (DDMMSS)
67802	IN	EVANSVILLE	9	9	14	304	Blank	375901	871613

Tri-State thus requests the Commission amend the DTV Table of Allotments to allow WNIN-DT to utilize a HAAT of 304 meters, consistent with WNIN’s current analog license, and a non-directional antenna with an ERP of 14 kW.

No party would be prejudiced by this revision of the Table. As demonstrated in the attached Technical Exhibit,⁵ this change satisfies the standard in the *Seventh Further Notice of*

³ See License No. BLET-20030423ABK.

⁴ In the facility certification stage leading up to the final channel allotments, the Commission gave stations the choice of “certifying” to maximization or replication. For WNIN, the choices were the same at the time because it could only select its authorized and operating DTV facility on Channel 12 with its highly directional antenna. At this time, WNIN-DT seeks to replicate its analog service area on Channel *9 post-transition.

⁵ See Technical Exhibit, attached as Exhibit A.

Proposed Rulemaking that modifications to the Table not cause interference in excess of 0.1 percent to other allotments.⁶

Amending the DTV Table of Allotments as described above would permit the Station after the end of the DTV transition to best replicate the analog service area at a lower expense for the Commission and the licensee. It would also significantly facilitate an orderly and timely transition by allowing the use of an antenna system already in place. Tri-State accordingly believes that consideration and grant of this instant petition is in the public interest.⁷

For these reasons, Tri-State petitions for revision of the WNIN-DT allotment to include the current analog HAAT and a decreased ERP.

Respectfully submitted,

TRI-STATE PUBLIC TELEPLEX, INC.

By _____

Todd D. Gray

Margaret L. Miller

Barry S. Persh

Joshua N. Pila, Law Clerk

DOW LOHNES PLLC

1200 New Hampshire Avenue, NW, Suite 800
Washington, DC 20036
202-776-2000

Its Attorneys

Dated: October 26, 2007

⁶ Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Seventh Further Notice of Proposed Rulemaking*, 21 FCC Rcd 12100 (2006).

⁷ See 47 C.F.R. § 1.429(b)(3).