

**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 Commission

**PARTIAL OPPOSITION OF
PRIMELAND TELEVISION, INC.**

Pursuant to Section 1.429(f) of the Commission’s rules,¹ Primeland Television, Inc. (“Primeland”), licensee of WLFI-TV/DT, Lafayette, Indiana (Facility ID 73204) (DTV Ch. 11) (“WLFI”), by its attorneys, hereby opposes in part the Petition for Reconsideration (“Petition”) of the Seventh Report and Order (“*Seventh R&O*”)² in the above-captioned proceeding filed by Belo Corp., on behalf of its station WHAS-TV/DT, Louisville, Kentucky (Facility ID 32327) (DTV Ch. 11) (“WHAS”).³ The Petition proposes, among other things, to change certain technical parameters of the post-transition digital television (“DTV”) facilities of WHAS specified in Appendix B (“DTV Table”) of the *Seventh R&O*.⁴ The proposed

¹ 47 C.F.R. § 1.429(f).

² See *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Seventh Report and Order, 22 FCC Rcd 15581 (2007) (“*Seventh R&O*”).

³ See Petition for Reconsideration of Belo Corp., MB Docket No. 87-268 (filed Oct. 26, 2007) (“Petition”). The Petition was placed on public notice by Federal Register publication on November 16, 2007. See 72 Fed. Reg. 64628 (Nov. 16, 2007).

⁴ The Petition also proposes changes to the DTV facilities of Belo station KTVB-DT, Boise, Idaho (Facility ID 34858) (“KTVB”). Primeland takes no position with respect to the proposed changes to KTVB’s facilities.

changes to WHAS's channel 11 DTV facilities are premature and will create substantial interference to WLFI's post-transition operations on DTV channel 11, resulting in an aggregate service loss to WLFI of up to 133,795 persons or 6.57 percent of WLFI's post-transition service population.⁵ As a loss of this magnitude clearly is not in the public interest and exceeds the Commission's 0.1 percent interference standard, Primeland respectfully requests that the Petition be denied as it relates to WHAS.⁶

WHAS has been allotted DTV channel 11 in Louisville, Kentucky, for post-transition operation with a directional ERP of 15.7 kW at 370 meters HAAT.⁷ The Petition proposes to use WHAS's existing analog omnidirectional antenna in lieu of the directional antenna specified in the DTV Table; to decrease ERP from 15.7 kW to either 6.0 kW or 8.9 kW;⁸ and to increase HAAT from 370 meters to 392 meters. Primeland's station WLFI has been allotted, and currently is licensed on, DTV channel 11 in Lafayette, Indiana.⁹ WHAS's current 15.7 kW facilities cause unique interference to 13,112 persons or 0.64 percent of WLFI's interference-free service population.¹⁰ WHAS's proposed 6.0 kW facilities are predicted to cause unique interference to 91,278 persons or 4.48 percent of WLFI's

⁵ The Petition states that WHAS has contacted WLFI to discuss the possibility of negotiating an interference agreement. *See* Petition at 4. WLFI has declined to enter into such an interference agreement.

⁶ The Petition also should be dismissed as procedurally defective under Section 1.429(b) of the Commission's rules, as it relies on facts which were not, but could have been, previously presented to the Commission in the earlier stages of this proceeding. *See* 47 C.F.R. § 1.429(b).

⁷ *See Seventh R&O*, Appendix B.

⁸ It is unclear from the Petition and its accompanying engineering statement whether WHAS is requesting a decrease in ERP to 6.0 kW or 8.9 kW. *See* Petition at 3 and Engineering Statement. Primeland has evaluated both proposals out of an abundance of caution.

⁹ *See Seventh R&O*, Appendix B; *see also* File No. BLCDDT-20040520AIX (granted June 1, 2005).

¹⁰ *See* Engineering Exhibit, attached hereto.

interference-free service population, an increase of 78,166 persons and 3.84 percent.¹¹

WHAS’s proposed 8.9 kW facilities are predicted to cause unique interference to 133,795 persons or 6.57 percent of WLFI’s interference-free service population, an increase of 120,683 persons and 5.93 percent.¹² These differences are summarized in the following chart:

WHAS-DT Louisville, KY DTV Ch. 11	ERP (kW)	HAAT (meters)	Antenna ID	Interference to WLFI-DT, Lafayette, IN DTV Ch. 11
Current DTV Table Facilities	15.7	370	74625	0.64% 13,113 persons
Proposed DTV Table Facilities (1)	<u>6.0</u>	<u>392</u>	<u>Omni- Directional</u>	4.48% 91,278 persons
Proposed DTV Table Facilities (2)	<u>8.9</u>	<u>392</u>	<u>Omni- Directional</u>	6.57% 133,795 persons

The relief requested in the Petition should be denied because the proposed changes to WHAS’s current DTV Table facilities will cause more than 0.1 percent unique interference to WLFI’s post-transition service population, resulting in a loss of digital service to tens of thousands of WLFI viewers. In the *Seventh R&O*, the Commission affirmed that the applicable interference standard for the DTV channel election process is 0.1 percent.¹³ As demonstrated above, both of the proposals to change the facilities of WHAS exceed this

¹¹ See *id.*

¹² See *id.*

¹³ See *Seventh R&O*, ¶ 31, citing *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, 19 FCC Rcd 18279, ¶ 56 (2004) (“[T]he 0.1 percent standard, as adopted in the *Second DTV Periodic Report and Order*, was appropriate for the channel election process, which was establishing post-transition operations. The Commission determined that, in the context of the channel election process, interference conflict would constitute an impermissible violation of a station’s responsibility to protect other stations if new interference exceeded 0.1 percent.”).

standard by a wide margin and will result in a substantial service loss to WLFI.¹⁴ The Petition contends that the interference caused to WLFI's digital facilities from the proposed changes to WHAS's digital facilities represents a reduction from the level of interference currently caused to WLFI by WHAS's analog facilities.¹⁵ This comparison, however, is irrelevant. Because the facilities specified in the DTV Table concern the *post*-transition operations of WHAS and WLFI, any masking of the interference described above caused by WHAS's analog facilities should be disregarded. As of the transition date, when analog broadcasts cease, the interference caused by WHAS's DTV facilities to WLFI will be unique and substantial.

The relief requested in the Petition also should be denied because WHAS's proposal to modify its post-transition facilities is premature and speculative. In the *Seventh R&O*, the Commission dismissed similar premature and speculative requests to change the post-transition facilities of stations that will operate on a different channel from their current DTV channel.¹⁶ Like these stations, WHAS has elected to revert to its analog VHF channel for post-transition operation.¹⁷ Although the Commission has acknowledged that stations in this situation may need to request different operating parameters from those currently specified in the DTV Table, it also has given clear direction on this issue. Specifically, stations should apply to modify their post-transition facilities in their applications for their post-transition

¹⁴ The Commission has proposed to increase the interference standard for post-transition modifications to DTV facilities to 0.5 percent. *See Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Notice of Proposed Rulemaking, 22 FCC Rcd 9478, ¶ 104 (2007) ("*Third Periodic NPRM*"). This proposal has not yet been adopted, and the proposed changes to WHAS's post-transition facilities clearly cause more than 0.5 percent interference to WLFI.

¹⁵ *See* Petition at 4.

¹⁶ *See Seventh R&O*, ¶ 87.

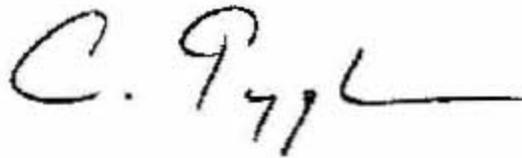
¹⁷ *See* Petition at 2.

facilities.¹⁸ Thus, WHAS will have an opportunity at a later date to modify its post-transition facilities in accordance with the standards that will be adopted in the Third DTV Periodic Review proceeding.¹⁹

In sum, the relief requested in the Petition proposes premature changes to WHAS's DTV facilities that will result in substantial and impermissible unique interference to the post-transition service population of WLFI. The loss of digital service to 91,278 or 133,796 of WLFI's viewers resulting from WHAS's proposal plainly disserves the public interest. For the foregoing reasons, Primeland respectfully requests that the Petition be denied to the extent it proposes changes to the post-transition facilities of WHAS.

Respectfully submitted,

PRIMELAND TELEVISION, INC.



By: _____

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December 3, 2007

¹⁸ See *Seventh R&O*, ¶ 87.

¹⁹ See *id.*; see also *Third Periodic NPRM*, ¶ 93.

TECHNICAL EXHIBIT
IN SUPPORT OF A FORMAL OBJECTION TO
WHAS-DT'S PETITION FOR RECONSIDERATION
LOUISVILLE, KENTUCKY

Technical Exhibit

This technical exhibit has been prepared on behalf of Primeland Television, Inc. in support of a formal objection to the Petition for Reconsideration filed by Belo Corp., to change the post transition allotment of DTV station WHAS-DT on channel 11 at Louisville, Kentucky. The proposed changes to WHAS-DT's post transition allotment will adversely effect the post transition allotment of station WFLI-DT on channel 11 at Lafayette, Indiana, and therefore this technical exhibit has been prepared.

In the Seventh Report and Order and Eighth Further Notice of Proposed Rule Making, TV station WHAS-DT was allotted a DTV operation on channel 11 with a maximum directional ERP of 15.734 kilowatts, and an RCAMSL of 565 meters. This facility was allotted based on the Pre-Election Certification (FCC Form 381, BCERT-20041102ADE) filed by WHAS-DT, which certified that WHAS-DT would operate post transition at maximized facilities as authorized by its licensed (BLCDT-20020503AAT) DTV operation on channel 55. As WHAS-DT chose to maximize its post transition based on this licensed directional UHF facility, it was allotted a post transition facility based on a theoretical directional antenna pattern. However, WHAS-DT has elected its current VHF analog channel 11 for its post transition operation and plans to employ its currently licensed non-directional analog antenna. Thus, WHAS-DT is petitioning to change its post transition allotment by specifying the use of its non-directional analog antenna. WHAS-DT is also proposing to operate with either an ERP of 6 kilowatts or 8.9 kilowatts, and to increase its antenna radiation center height above mean sea level (RCAMSL) from 565 meters to 585 meters.¹

A post transition OET-69 interference analysis was conducted to determine how much unique interference the WHAS-DT

¹ It is unclear whether the WHAS-DT petition is proposing a non-directional ERP of 6 kilowatts or 8.9 kilowatts. However, either facility will increase the predicted unique interference caused to WFLI-DT by more than 0.1%.

post transition allotment causes to WLFI-DT's post transition allotment, and how much additional interference the non-directional proposals would cause to the WLFI-DT allotment. It is noted that the post transition interference analysis considers Appendix B facilities only.² Results of our interference analysis are shown below.

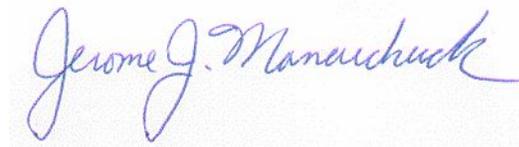
WHAS-DT Facilities	Unique Interference Caused to WLFI-DT's Post Transition Allotment (Ch. 11, ERP-30 kW (DA), RCAMSL-440 m)
WHAS-DT's Post Transition Allotment (Ch. 11, ERP-15.734 kW (DA), RCAMSL-565 m)	13,112 persons (0.64%)
WHAS-DT's Proposed Facility (Ch. 11, ERP-6 kW (Non-D), RCAMSL-585 m)	91,278 persons (4.48%)
WHAS-DT's Proposed Facility (Ch. 11, ERP-8.9 kW(Non-D), RCAMSL-585 m)	133,795 persons (6.57%)

As shown above, the WHAS-DT post transition allotment causes 0.64% unique interference to WLFI-DT allotment. However, the 6 kW and 8.9 kW proposals would increase the unique interference caused to WLFI-DT by 3.84% and 5.93% respectively.

Figure 1 is a coverage map showing the FCC Predicted 36 dBu noise-limited contour for WLFI-DT's post transition allotment. In addition, the predicted points of unique interference caused by WHAS-DT's post transition allotment facility and proposed 8.9 kilowatt nondirectional facility are both shown for comparison. Figure 2 is a coverage map showing the FCC predicted 36 dBu noise-limited contour for WLFI-DT's post transition allotment and the predicted points of unique interference caused by WHAS-DT's post transition allotment facility and proposed 6 kilowatt nondirectional facility.

² The post transition interference analysis does not consider the masking from analog facilities.

If there are any questions regarding this technical exhibit please contact the office of the undersigned.

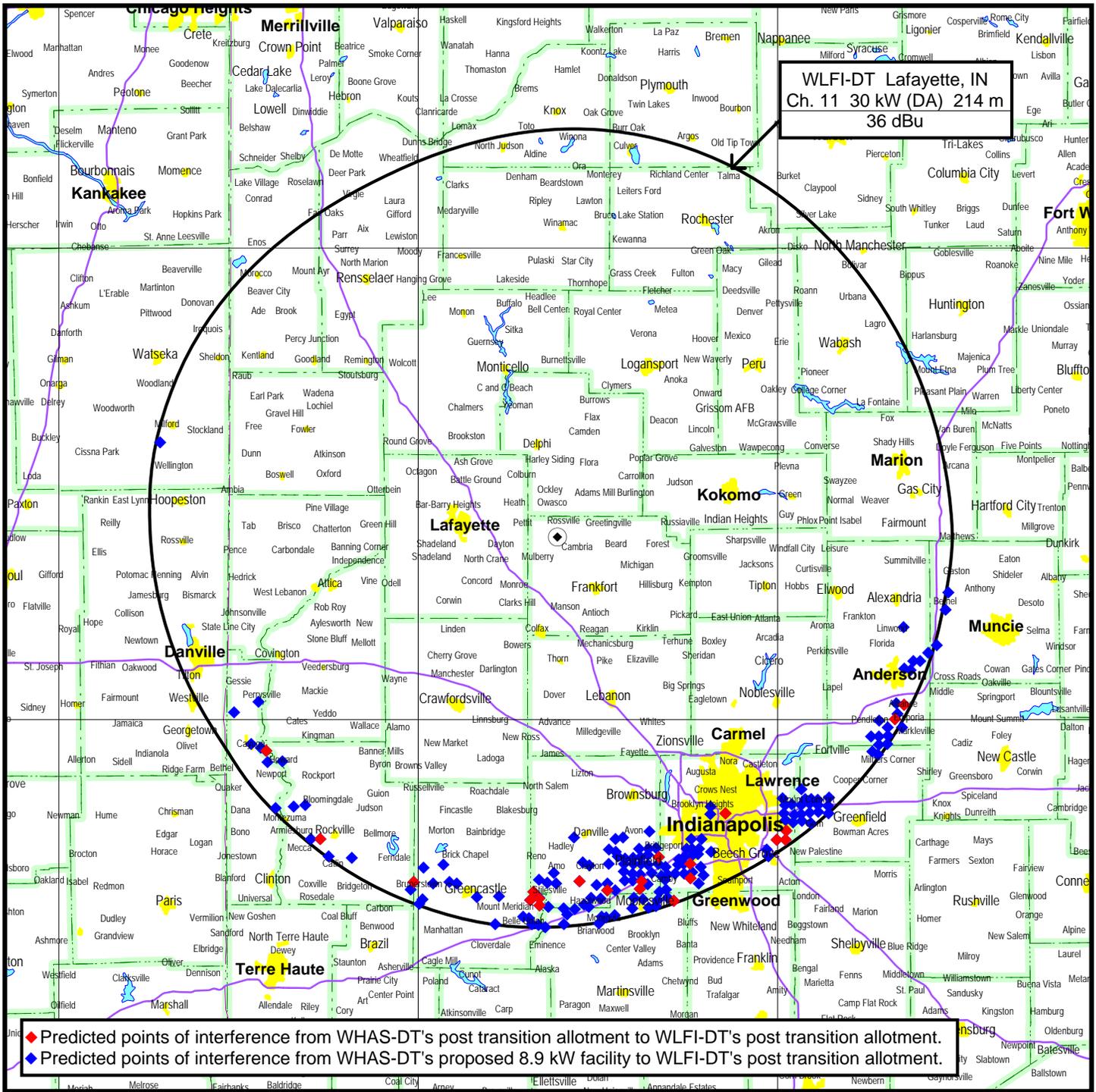


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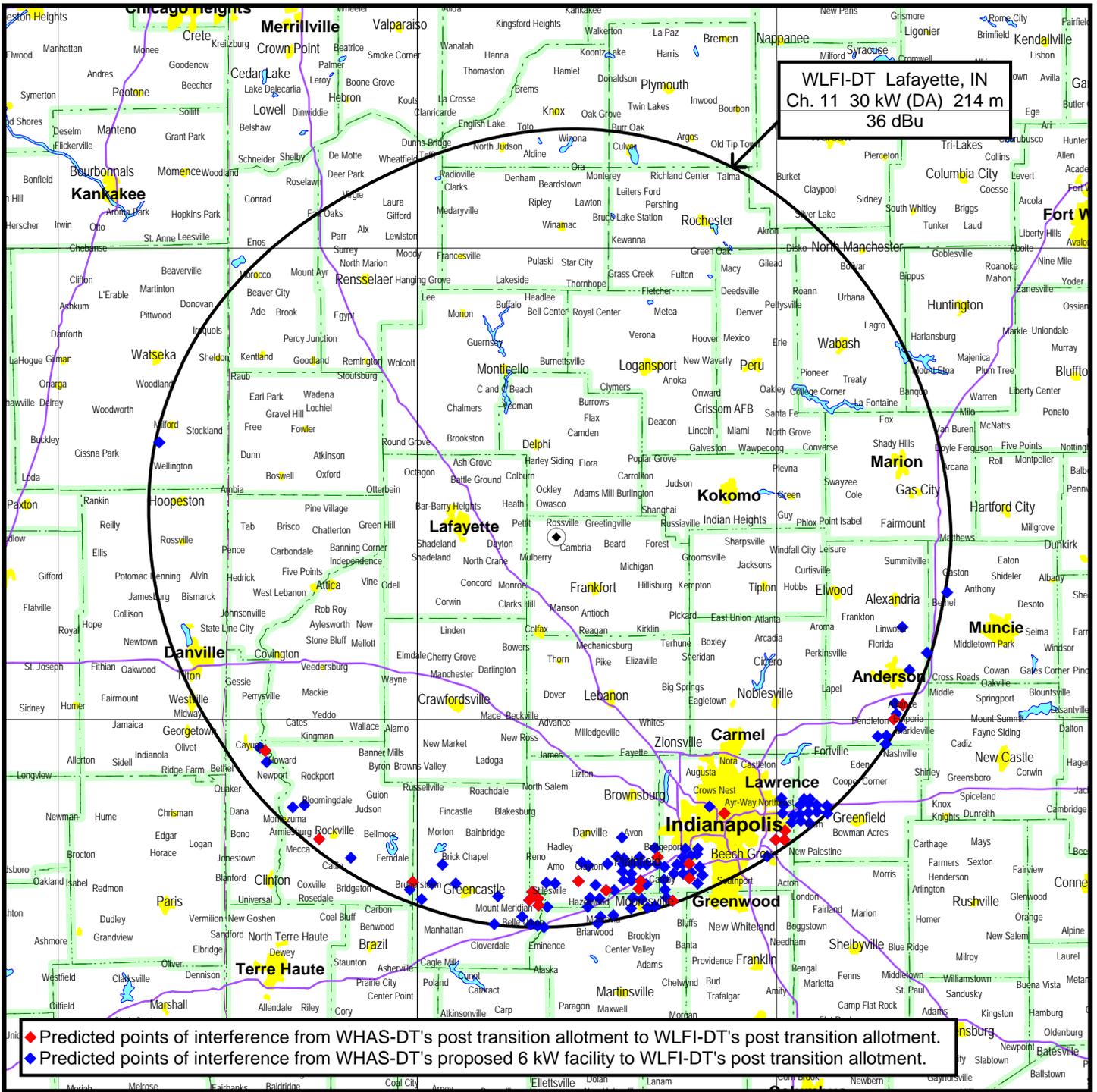
November 30, 2007

Figure 1



Predicted Interference to WLFY's Post Transition Allotment from WHAS-DT

Figure 2

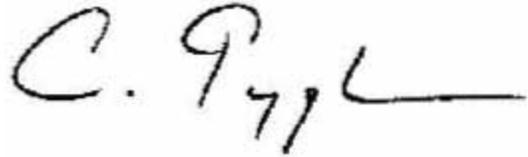


Predicted Interference to WLFY's Post Transition Allotment from WHAS-DT's Post Transition Allotment and 6 kW Proposal

CERTIFICATE OF SERVICE

I, Christopher G. Tygh, hereby certify that on December 3, 2007, a copy of the foregoing Partial Opposition of Primeland Television, Inc., was sent via first class mail, postage prepaid, and a courtesy copy sent via electronic mail to the following:

John M. Burgett
Joan Stewart
Wiley Rein LLP
1776 K Street, N.W.
Washington, DC 20006
Counsel to Belo Corp.

A handwritten signature in black ink, appearing to read "C. Tygh", with a horizontal line extending to the right from the end of the signature.

Christopher G. Tygh