

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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

To: The Commission

PETITION FOR LEAVE AND RECONSIDERATION

Davis Television Wausau, LLC (“Davis”), the licensee of WFXS(TV), Wittenberg, Wisconsin, by its attorneys, hereby respectfully submits this Petition for Leave and Reconsideration (“Petition”) in the above-captioned proceeding. Davis hereby requests that the Commission reconsider the channel and technical facility it assigned to WFXS-DT in Appendix B to the final digital table of allotments (“DTV TOA”) in connection with the Commission’s decision in *In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Seventh Report and Order and Eighth Further Notice of Proposed Rulemaking, 22 FCC Rcd 15581 (2007) (“*Seventh Report and Order.*”)

Notwithstanding that the deadline for filing formal petitions for reconsideration of the *Seventh Report and Order* has now passed, it is respectfully requested that the Commission grant Davis leave to file the instant request for reconsideration. The particular facts and circumstances underlying this petition make clear that its grant will serve the public interest by allowing Davis to better serve its viewing public, without offsetting considerations.

WFXS, which currently operates on out-of-core NTSC channel 55, was not allotted a paired digital channel. At the time of its DTV channel election, its requested and currently assigned high UHF DTV channel 50 offered WFXS-DT the best opportunity for future expansion of digital service. However, Davis has determined that operation of WFXS-DT on DTV channel 50 will be inadequate as it will not permit WFXS to replicate its current analog coverage area due to expansive foliage and tree cover that would adversely impact the WFXS-DT signal. As a consequence, Davis has endeavored to identify a lower UHF channel that is available for use by WFXS-DT at this time.

Davis hereby requests that the Commission substitute DTV channel 31 for DTV channel 50 for use by WFXS-DT. As more fully explained in the attached Engineering Statement prepared by Bernard R. Segal, P.E., Davis' consulting engineer, WFXS-DT may operate with a non-directional antenna at a height above average terrain of 325 meters on DTV channel 31 without exceeding the 0.1% interference standard.

Grant of this Petition and approving this request for an alternative channel assignment will advance the public interest by increasing the population that will receive an interference-free signal from WFXS-DT by 164,800 persons, and by increasing the station's service area by 13,329 square kilometers. Moreover, approving this alternative channel assignment at this time will eliminate the need for Davis to construct both its initial facilities on DTV channel 50 and then subsequently seeking approval for and then constructing a new facility on a lower UHF channel.

For the reasons set forth herein, the Commission should reconsider the WFXS-DT allotment in the DTV TOA and Appendix B and instead specify DTV channel 31 for the WFXS-DT post-transition digital facility.

Respectfully submitted,

DAVIS TELEVISION WAUSAU, LLC

A handwritten signature in black ink, appearing to read "John D. Poutasse", written over a horizontal line.

Dennis P. Corbett
John D. Poutasse

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Its Attorneys

December 20, 2007

BERNARD R. SEGAL, P. E.
CONSULTING ENGINEER
KENSINGTON, MARYLAND

ENGINEERING STATEMENT
PETITION FOR LEAVE AND RECONSIDERATION
SEVENTH REPORT AND ORDER AND
EIGHTH FURTHER NOTICE OF PROPOSED RULE MAKING
MB DOCKET NO. 87-268
PREPARED FOR
DAVIS TELEVISION WAUSAU, LLC

Davis Television Wausau, LLC (hereafter, Davis) is the licensee of analog television Station WFXS, Wittenberg, Wisconsin. Pursuant to an election by Davis, the FCC allotted Channel 50 for digital use for station WFXS in the Seventh Report and Order and Eighth Further Notice of Proposed Rule Making (hereafter, Seventh R & O). The allotment specifies an effective radiated power of 160 kW with a directional antenna, and antenna radiation center height of 327 meters above average terrain. A population of 378,000 persons in 18,272 square kilometers is listed as being served by the allotted facilities in Appendix B, DTV Table of Allotments Information, in the Seventh R & O.

Davis now seeks the substitution of Channel 31 for Channel 50 for WFXS-DT use in Appendix B. A non-directional antenna is proposed with a height of 325 meters above average terrain. After a review of the Appendix B post-transition allotments, it has been determined that WFXS-DT could operate on Channel 31, as proposed while, yet, not exceeding the 0.1 % interference caused constraint for Seventh R & O allotments.

The accompanying Figure 1 is the printout of results of the TV Interference and Spacing Analysis Program, which was conducted by the undersigned on a Sunblade computer. The program that was employed was with the 2000 Census and the Post-Transition database of Appendix B. The program is an implementation by Mr. William Meintel, who was the FCC's contractor for the program employed by the FCC. No changes were made to the standard settings used by the FCC. The undersigned has replicated FCC results many times in this fashion.

BERNARD R. SEGAL, P. E.
CONSULTING ENGINEER
KENSINGTON, MARYLAND

Engineering Statement, Petition For Leave and Reconsideration
Seventh Report and Order and Eighth Further Notice of
Proposed Rule Making, MB Docket No. 87-268

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In Figure 1, the proposed WFXS-DT, Channel 31, operation is represented as "USERRECORD-01". The antenna radiation center height of 751 meters above mean sea level that was used reflects the height of the existing WFXS, Ch 55, analog antenna that will be replaced. Although the "percent allowed new interference" was set at 0.5 %, the results demonstrate that no station would receive interference that exceeds 0.1 %. Moreover, the proposed operation would provide net service to 542,817 (rounded to 542,800) persons in 31,601 square kilometers.

Relative to the Appendix B, Channel 50 allotment, the proposed Channel 31 allotment will permit the provision of interference-free service to 164,800 more persons in 13,329 more square kilometers.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 20, 2007.

Bernard R. Segal, P.E.

Bernard R. Segal, P. E.

Maryland License No. 25811

FIGURE 1

**CHANNEL 31 ALLOCATION STUDY
WFXS-DT, WITTENBERG, WISCONSIN**

Percent allowed new interference: 0.500
Percent allowed new interference to Class A: 0.500
Census data selected 2000

Post Transition Data Base Selected
/space/software/cdbs/tvdb.sff_B
TV INTERFERENCE and SPACING ANALYSIS PROGRAM

Date: 10-09-2007 Time: 10:31:59

Record Selected for Analysis

WFXS-DT USERRECORD-01 WITTENBERG WI US
Channel 31 ERP 1000. kW HAAT 325. m RCAMSL 00751 m
Latitude 045-03-22 Longitude 0089-27-54
Status APP Zone 2 Border
Last update Cutoff date Docket
Comments
Applicant

Cell Size for Service Analysis 2.0 km/side

Distance Increments for Longley-Rice Analysis 1.00 km

Facility meets maximum height/power limits

Azimuth (Deg)	ERP (kW)	HAAT (m)	41.0 dBu F(50,90) (km)
0.0	1000.000	314.6	98.5
45.0	1000.000	301.3	97.0
90.0	1000.000	304.9	97.4
135.0	1000.000	328.5	99.8
180.0	1000.000	356.9	102.3
225.0	1000.000	332.3	100.2
270.0	1000.000	335.7	100.5
315.0	1000.000	326.9	99.7

Evaluation toward Class A Stations

No Spacing violations or contour overlap to Class A stations

Class A Evaluation Complete

Proposed facility OK to FCC Monitoring Stations

Proposed facility OK toward West Virginia quite zone

Proposed facility OK toward Table Mountain

Proposed facility is within the Canadian coordination distance
Distance to border = 325.1km

Proposed facility is beyond the Mexican coordination distance

Proposed station is OK toward AM broadcast stations

Start of Interference Analysis

Channel	Proposed Station Call	City/State	ARN
31	WFXS-DT	WITTENBERG WI	USERRECORD01

Stations Potentially Affected by Proposed Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
30	WHLA-TV	LA CROSSE WI	205.3	LIC	BLEDT	-20040507AAC
31	WFLD	CHICAGO IL	382.7	CP	BPCDT	-20010604AAX
31	WRPT	HIBBING MN	372.5	CP	BNPEDT	-20030605AFB
32	WBUW	JANESVILLE WI	222.9	CP MOD	BMPCDT	-20040121ADB

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Analysis of Interference to Affected Station 1

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
30	WHLA-TV	LA CROSSE WI	BLEDT	-20040507AAC

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
29	WFTC	MINNEAPOLIS MN	197.1	LIC	BLCDT	-20011009ADF
30	WMBD-TV	PEORIA IL	383.1	LIC	BLCDT	-20061019ADD
31	WFXS-DT	WITTENBERG WI	205.3	APP	USERRECORD-01	

Proposal causes no interference

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Analysis of Interference to Affected Station 2

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
31	WFLD	CHICAGO IL	BPCDT	-20010604AAX

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
30	WMBD-TV	PEORIA IL	210.7	LIC	BLCDT	-20061019ADD
31	WANE-TV	FORT WAYNE IN	222.3	CP	BMPCDT	-20021002ACJ
31	WPXD	ANN ARBOR MI	299.1	CP	BPCDT	-19990812KH
32	WBUW	JANESVILLE WI	200.0	CP MOD	BMPCDT	-20040121ADB
31	WFXS-DT	WITTENBERG WI	382.7	APP	USERRECORD-01	

Total scenarios = 2

Result key: 1
Scenario 1 Affected station 2
Before Analysis

Results for: 31A IL CHICAGO BPCDT 20010604AAX CP
HAAT 475.0 m, ATV ERP 690.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	9726777	38285.9
not affected by terrain losses	9723730	38209.7
lost to NTSC IX	0	0.0
lost to additional IX by ATV	12221	329.1
lost to ATV IX only	12221	329.1
lost to all IX	12221	329.1

Potential Interfering Stations Included in above Scenario 1

31A IN FORT WAYNE	BMPCDT	20021002ACJ	CP
31A MI ANN ARBOR	BPCDT	19990812KH	CP

After Analysis

Results for: 31A IL CHICAGO BPCDT 20010604AAX CP
HAAT 475.0 m, ATV ERP 690.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	9726777	38285.9
not affected by terrain losses	9723730	38209.7
lost to NTSC IX	0	0.0
lost to additional IX by ATV	14350	349.2
lost to ATV IX only	14350	349.2
lost to all IX	14350	349.2

Potential Interfering Stations Included in above Scenario 1

31A IN FORT WAYNE	BMPCDT	20021002ACJ	CP
31A MI ANN ARBOR	BPCDT	19990812KH	CP
31A WI WITTENBERG	USERRECORD01		APP

Percent new IX = 0.0219%

Result key: 2
Scenario 2 Affected station 2
Before Analysis

Results for: 31A IL CHICAGO BPCDT 20010604AAX CP
HAAT 475.0 m, ATV ERP 690.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	9726777	38285.9

not affected by terrain losses	9723730	38209.7
lost to NTSC IX	0	0.0
lost to additional IX by ATV	12221	329.1
lost to ATV IX only	12221	329.1
lost to all IX	12221	329.1

Potential Interfering Stations Included in above Scenario 2

31A IN FORT WAYNE	BMPCDT	20021002ACJ	CP
31A MI ANN ARBOR	BPCDT	19990812KH	CP

After Analysis

Results for: 31A IL CHICAGO BPCDT 20010604AAX CP
 HAAT 475.0 m, ATV ERP 690.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	9726777	38285.9
not affected by terrain losses	9723730	38209.7
lost to NTSC IX	0	0.0
lost to additional IX by ATV	14350	349.2
lost to ATV IX only	14350	349.2
lost to all IX	14350	349.2

Potential Interfering Stations Included in above Scenario 2

31A IN FORT WAYNE	BMPCDT	20021002ACJ	CP
31A MI ANN ARBOR	BPCDT	19990812KH	CP
31A WI WITTENBERG	USERRECORD01		APP

Percent new IX = 0.0219%

Worst case new IX 0.0219% Scenario 1

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Analysis of Interference to Affected Station 3

Analysis of current record

Channel	Call	City/State	Application Ref. No.
31	WRPT	HIBBING MN	BNPEDT -20030605AFB

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist (km)	Status	Application Ref. No.
31	WFXS-DT	WITTENBERG WI	372.5	APP	USERRECORD-01

Proposal causes no interference

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Analysis of Interference to Affected Station 4

Analysis of current record

Channel	Call	City/State	Application Ref. No.
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32 WBUW JANESVILLE WI BMPCDT -20040121ADB

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
31	WFLD	CHICAGO IL	200.0	CP	BPCDT	-20010604AAX
32	WTJR	QUINCY IL	375.0	CP	BDTV	-00000219
32	WCCO-TV	MINNEAPOLIS MN	367.5	LIC	BLCDT	-20010921ABB
33	WITI	MILWAUKEE WI	129.2	CP	BDTV	-00000224
31	WFXS-DT	WITTENBERG WI	222.9	APP	USERRECORD-01	

Proposed station is beyond the site to nearest cell evaluation distance

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Analysis of Interference to Affected Station 5

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
31	WFXS-DT	WITTENBERG WI	USERRECORD-01	

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
30	WHLA-TV	LA CROSSE WI	205.3	LIC	BLEDT	-20040507AAC
31	WFLD	CHICAGO IL	382.7	CP	BPCDT	-20010604AAX
31	WRPT	HIBBING MN	372.5	CP	BNPEDT	-20030605AFB
32	WBUW	JANESVILLE WI	222.9	CP MOD	BMPCDT	-20040121ADB

Total scenarios = 1

Result key: 3
Scenario 1 Affected station 5
Before Analysis

Results for: 31A WI WITTENBERG USERRECORD01 APP
HAAT 325.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	543644	31891.1
not affected by terrain losses	542874	31609.1
lost to NTSC IX	0	0.0
lost to additional IX by ATV	57	8.1
lost to ATV IX only	57	8.1
lost to all IX	57	8.1

Potential Interfering Stations Included in above Scenario 1

31A IL CHICAGO BPCDT 20010604AAX CP

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