

**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

**SUPPLEMENT TO PETITION FOR PARTIAL RECONSIDERATION**

WTVZ Licensee, LLC, licensee of WTVZ-TV, Norfolk, Virginia, through its attorneys and pursuant to Section 1.429 of the Commission's Rules, hereby supplements its pending Petition for Partial Reconsideration of the *Seventh Report and Order* in the above-captioned proceeding, released August 6, 2007 (the "*Seventh Report and Order*").<sup>1</sup>

In its Petition, the licensee requested that the Commission correct the FCC antenna identification number for WTVZ-DT set forth in the table of allotments information (the "DTV Table") provided in Appendix B to the *Seventh Report and Order* and adjust the effective radiated power ("ERP") for the facility set forth in the DTV Table based upon an appropriate interference analysis. However, because the interference analysis needed to determine the permissible ERP had not yet been completed, the licensee sought leave to file at a later date a supplemental technical statement to specify the appropriate adjustment to the ERP.

The interference analysis has now been completed. As set forth in the attached engineering statement, WTVZ-DT proposes to amend the DTV Table to reflect the station's use

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<sup>1</sup> See Petition for Partial Reconsideration of WTVZ Licensee, LLC, filed October 26, 2007 ("Petition").

of a non-directional antenna and to decrease the associated ERP from 905 kW to 675 kW. *See* Engineering Statement, at Exhibit 1. As shown in the attached Engineering Statement, the requested modifications to the DTV Table would allow WTVZ-DT to better serve the public without causing impermissible interference to any other allotments or operating stations or otherwise violating any Commission rule. Consequently, WTVZ-DT reiterates its request that the Commission partially reconsider the *Seventh Report and Order* and make the requested changes to the DTV Table.

Respectfully submitted,

**WTVZ Licensee, LLC**

By: /s/ \_\_\_\_\_

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Dated: January 16, 2008

**EXHIBIT 1**

**CARL T. JONES**  
**CORPORATION**

**SUPPLEMENTAL ENGINEERING STATEMENT  
OF JOHN E. HIDLE, JR., IN SUPPORT OF  
A PETITION FOR PARTIAL RECONSIDERATION  
OF THE DTV TABLE OF ALLOTMENTS  
WTVZ-DT - NORFOLK, VIRGINIA  
DTV - CH. 33, 675 kW, ERP; 375.6 M HAAT**

**Prepared for: WTVZ LICENSEE, LLC**

**DECEMBER, 2007**

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**SUPPLEMENTAL ENGINEERING STATEMENT  
OF JOHN E. HIDLE, JR., IN SUPPORT OF  
A PETITION FOR PARTIAL RECONSIDERATION  
OF THE DTV TABLE OF ALLOTMENTS  
WTVZ-DT - NORFOLK, VIRGINIA  
DTV - CH. 33, 675 kW, ERP; 375.6 M HAAT**

Prepared for: WTVZ LICENSEE, LLC

I am an Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission.

**GENERAL**

WTVZ Licensee, LLC licensee of WTVZ-TV, Channel 33, Norfolk, Virginia, and Licensee of the paired Digital Television Allotment for WTVZ-DT, Channel 38, has authorized this office to prepare this statement, and associated exhibits as part of a Petition For Partial Reconsideration of the DTV Table of Allotments. It is requested herein to correct the FCC antenna identification number to reflect the correct pattern for the WTVZ-DT facility on its post-transition channel, and to adjust the effective radiated power to 675 kW based upon an appropriate interference analysis utilizing the corrected antenna pattern on WTVZ-DT's approved post-transition channel, 33.

**TECHNICAL FACILITY AS REFLECTED IN THE DTV TABLE OF ALLOTMENTS**

The Seventh Report and Order and Eighth Further NPRM (MB Docket 87-268) includes the recently adopted DTV Table of Allotments, that identifies the specific technical facilities at which the Commission has proposed to allow DTV stations to operate after the DTV transition. The facilities included in the DTV Table of Allotments are those for which broadcasters were required by the Commission to certify a specific coverage area based upon their ability to “build out” to the level of checklist or maximized facilities as reflected in their FCC authorizations. WTVZ Licensee, LLC understands its obligations under the Commission’s policy that broadcasters’ final facilities must cover their certified coverage area as approved by the Commission. Further, the Licensee of WTVZ-DT wishes to avoid loss of any current coverage area of either its digital or analog facilities based on the inclusion of an incorrect antenna pattern or ERP in the DTV Table of Allotments.

WTVZ-DT, Norfolk, Virginia has an existing License, FCC File Number BLCDDT-20061207ABJ, to operate on Channel 38 at 590 kW ERP, 360.5 m HAAT on a directional transmitting antenna, FCC Antenna Identification Number 73200. However, because WTVZ-DT has selected its analog Channel 33 to be utilized by its ultimate post-transition facility, it is currently operating with a temporary facility pursuant to Special Temporary Authority from the Commission. The Seventh Further Notice shows WTVZ-DT as authorized to operate at 905 kW ERP at 361 m HAAT on Channel 33, utilizing a directional pattern indicated as FCC Antenna Identification Number 74698, which is a theoretical

pattern created by the Commission based upon dipole factor calculations. However, the license of the existing analog facility of WTVZ-TV reflects the use of a non-directional antenna. The Licensee of WTVZ-DT believes that on the statutory date of the DTV transition, it would be best to immediately switch to digital use of the antenna currently utilized by its analog facility, as this will be least likely to result in a potentially lengthy disruption of television service to the public which would be caused if the existing Channel 33 analog antenna, which was a new antenna purchased by the licensee less than five years ago to build out its recent analog TV authorization, FCC File number BLCT-20030415ACC, were removed from the tower so that a new Channel 33 antenna could be installed. Therefore, instead of reflecting the use of FCC Antenna Identification Number 74698 by WTVZ-DT on Channel 33, the Licensee of WTVZ-DT requests the Table be reconsidered to reflect the use of the existing non-directional antenna currently employed by WTVZ-TV's analog facility on channel 33, rather than a theoretical pattern based upon dipole factor calculations in regards to a directional antenna designed for use on a different, out-of-core channel.

#### **PROPOSED TECHNICAL FACILITIES**

The DTV Table of Allotments reflects the post-transition operation of the technical facilities of WTVZ-DT on Channel 33 at 905 kW ERP, 361 m HAAT on a directional transmitting antenna. The Commission has approved WTVZ-DT's selection of Channel 33 to

be utilized for the operations of its ultimate post-transition facility. WTVZ-DT's operating power of 905 kW ERP as reflected in the DTV Table of Allotments is a result of WTVZ-DT's protection requirements to other broadcast stations based on its pre-transition operation on Channel 38, which will be completely irrelevant to its operation on Channel 33. As discussed, *infra*, WTVZ-DT's protection requirements on Channel 33 will allow for operation at 675 kW ERP, using the existing non-directional antenna now employed by WTVZ-TV's analog facility. The Licensee of WTVZ-DT submits that it is in the public interest to allow for operation at 675 kW ERP using the existing analog antenna in order to avoid potential delays and expense associated with removal of the existing non-directional channel 33 antenna, and installation of a new directional antenna.

It is proposed to amend the DTV Table of Allotments to reflect WTVZ-DT's use of a non-directional antenna; and to decrease the associated ERP from 905 kW to 675 kW. The existing non-directional antenna is presently mounted on the antenna support structure, FCC antenna structure registration number 1057874, with the radiation centerline at 371.6 meters above ground level (AGL), 375.6 meters HAAT.

#### **PREDICTED COVERAGE CONTOURS**

The predicted coverage contours were calculated in accordance with the method described in Section 73.625 of the FCC's Rules, utilizing the appropriate F(50,90) propagation curves (47 CFR Section 73.699), power, and antenna height above average

terrain as determined for each profile radial. The average terrain on the eight cardinal radials from 3 kilometers to 16 kilometers from the site, the antenna site elevation and coordinates were determined from those reflected in FCC antenna structure registration number 1057874. As shown in Exhibit 1, the predicted 48 dBu, (F50,90) principal community contour completely encompasses the principal community of license as required by the Commission's rules. The predicted 41 dBu (F 50,90) "protected coverage contour" is also shown in Exhibit 1.

#### **ALLOCATION CONSIDERATIONS**

An interference study was performed using the Commission's application analysis program, "TV-Process," to ensure that the proposed DTV facility is in compliance with the Commission's *de minimis* interference requirement contained in Section 73.623(c)(2) of the Commission's rules. The study was performed using 1km spacing at 0.5 km increments.

The TV-Process study was evaluated to determine if the proposed increase of WTVZ-DT's ERP to 675 kW on channel 33, utilizing a non-directional antenna, is predicted to cause any level of new prohibited interference to authorized DTV facilities, including DTV stations, DTV expansion construction permits, DTV allotments or pending DTV applications. The TV-Process study results indicate that the instant proposal is predicted to cause no unacceptable level of new interference to the populations served by any relevant DTV facility as compared to its facility as reflected in the recently adopted DTV Table of Allotments, with the exception of a minor increase to WMYV-DT, channel 33 in Greensboro, South Carolina, which has entered

into an agreement to accept the increase in predicted interference . The instant proposal to operate at 675 kW using a non-directional antenna is therefore in compliance with the *de minimis* interference criteria contained in Section 73.623(c)(2) of the Commission's Rules.

**Class A Television Allocation Considerations**

As required in Section 73.613 of the FCC's Rules, as established in the Report and Order establishing Class A Television Service, a study of interference contour overlap was performed, based on the WTVZ-DT facility proposed herein, to establish compliance with the protection requirements contained therein. The study indicates an area of existing contour overlap to WYSJ-CA channel 19, Yorktown, Virginia, measuring 99.11 km<sup>2</sup>. As shown in Exhibit 2, attached hereto, the study shows that the overall area of contour overlap is reduced to 99.05 km<sup>2</sup>, and therefore there will be no increase in the area of existing overlap as a result of the changes proposed herein. The results also indicate that no other area of prohibited contour overlap is predicted to occur with any other LPTV stations which have obtained Class A status. Therefore, the instant proposal is in compliance with Section 73.613 of the FCC's Rules.

**BLANKETING AND INTERMODULATION INTERFERENCE**

A number of broadcast and non-broadcast facilities are located within 10 km of the proposed WTVZ-DT transmitter/antenna site. The applicant recognizes its responsibility to

remedy complaints of interference created by this proposal in accordance with applicable Rules.

## **ENVIRONMENTAL CONSIDERATIONS**

### **RADIO FREQUENCY IMPACT**

Effective October 15, 1997, the FCC adopted guidelines and procedures for evaluating environmental effects of radio frequency (RF) emissions. The guidelines are generally based on recommendations by the National Council on Radiation Protection and Measurements (NCRP) in NCRP Report No. 86 (1986), and by the American National Standards Institute and the Institute of Electrical and Electronic Engineers, LLC (IEEE) in ANSI/IEEE C95.1-1992 (IEEE C95.1-1991). The guidelines provide a maximum permissible exposure (MPE) level for occupational or "controlled" situations that apply in cases that affect the general public. The FCC Office of Engineering and Technology's technical bulletin No. 65 entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields" (Edition 97-01, August 1997), provides assistance in the determination of whether FCC-regulated transmitting facilities, operations or devices comply with guideline limits for human exposure to radio frequency electromagnetic fields as adopted by the Commission in 1996. Bulletin No. 65 contains the technical information necessary to evaluate compliance with the FCC's policies and guidelines.

The FCC's Maximum Permitted Exposure (MPE) level for "uncontrolled" environments is 0.2 milliwatts per centimeter squared ( $\text{mW}/\text{cm}^2$ ) when applied to broadcast facilities

STATEMENT OF JOHN E. HIDLE, JR.  
WTVZ-DT – NORFOLK, VIRGINIA  
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operating between 30 MHz and 300 MHz, and for broadcast facilities operating between 300 MHz and 1500 MHz, primarily UHF TV stations, is derived from the formula, (frequency/1500). The MPE level for "controlled" environments is 1.0 milliwatts per centimeter squared ( $\text{mW}/\text{cm}^2$ ) for operations between 30 MHz and 300 MHz, and for broadcast stations operating between 300 MHz and 1500 MHz in a "controlled" environment is derived from the formula, (frequency/300).

The predicted emissions of WTVZ-DT, Channel 33, must be considered, along with the predicted emissions of other facilities also located at the authorized site that will be operating at the time the proposed facility would commence operations. For WTVZ-DT, which will operate on Channel 33 (587 MHz), the MPE level for "uncontrolled" environments is  $0.391 \text{ mW}/\text{cm}^2$ , and for "controlled" environments is  $1.955 \text{ mW}/\text{cm}^2$ .

The proposed WTVZ-DT facility, Channel 33, will operate with a maximum ERP of 675 kW from a horizontally polarized directional transmitting antenna with a centerline height of 371.0 meters above ground level (AGL). Considering a very conservative vertical plane relative field factor of 0.3, the WTVZ-DT facility produces a predicted power density at two meters above ground level of  $0.01490 \text{ mW}/\text{cm}^2$ , which is 3.81 % of the FCC guideline value for "uncontrolled" environments, and 0.762% of the FCC guideline value for "controlled" environments.

As shown in Appendix A, the total predicted percentage of the MPE value at WTVZ's site, considering the cumulative predicted radiation of all broadcast facilities at the site, is only 27.88% of the limit for "uncontrolled" environments, and 5.576% of the limit for "controlled"

environments. The site would therefore be in compliance with the FCC's Maximum Permitted Exposure guidelines.

### **OCCUPATIONAL SAFETY**

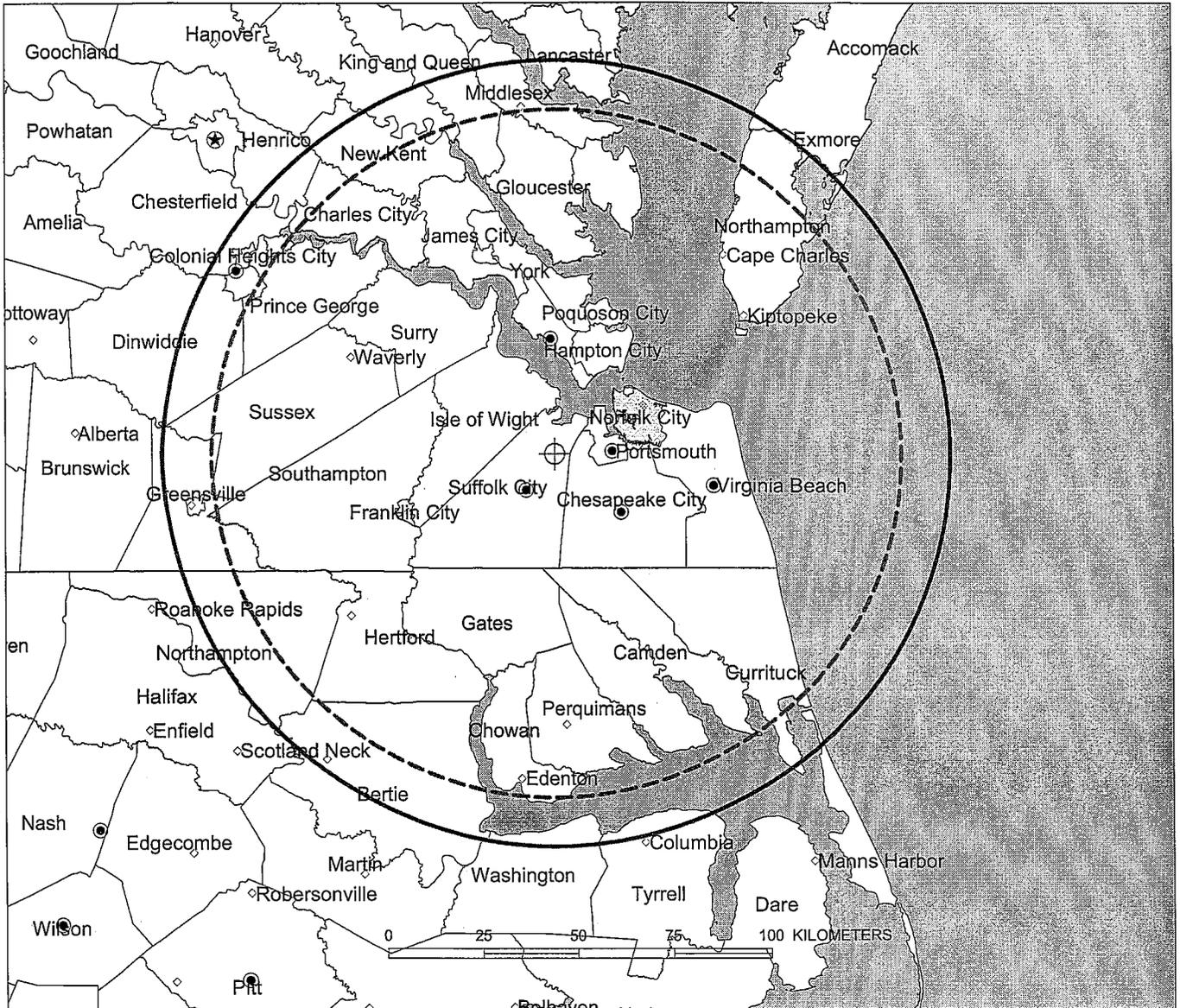
The Licensee of WTVZ-DT is committed to the protection of station personnel and/or tower contractors working in the vicinity of the WTVZ-DT antenna. The applicant is committed to reducing power and/or ceasing operation during times of service or maintenance of the transmission systems, when necessary, to ensure protection to personnel. In light of the above, the proposed modification of the WTVZ-DT facility should be categorically excluded from RF environmental processing under Section 1.1307(b) of the Commission's Rules.

### **SUMMARY**

It is submitted that the proposal described herein complies with the Rules and Regulations of the Federal Communications Commission. This statement and the attached exhibits were prepared by me or under my direct supervision and are believed to be true and correct to the best of my knowledge and belief.

**Dated: December 7, 2007**

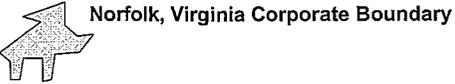
  
John E. Hidle, Jr.

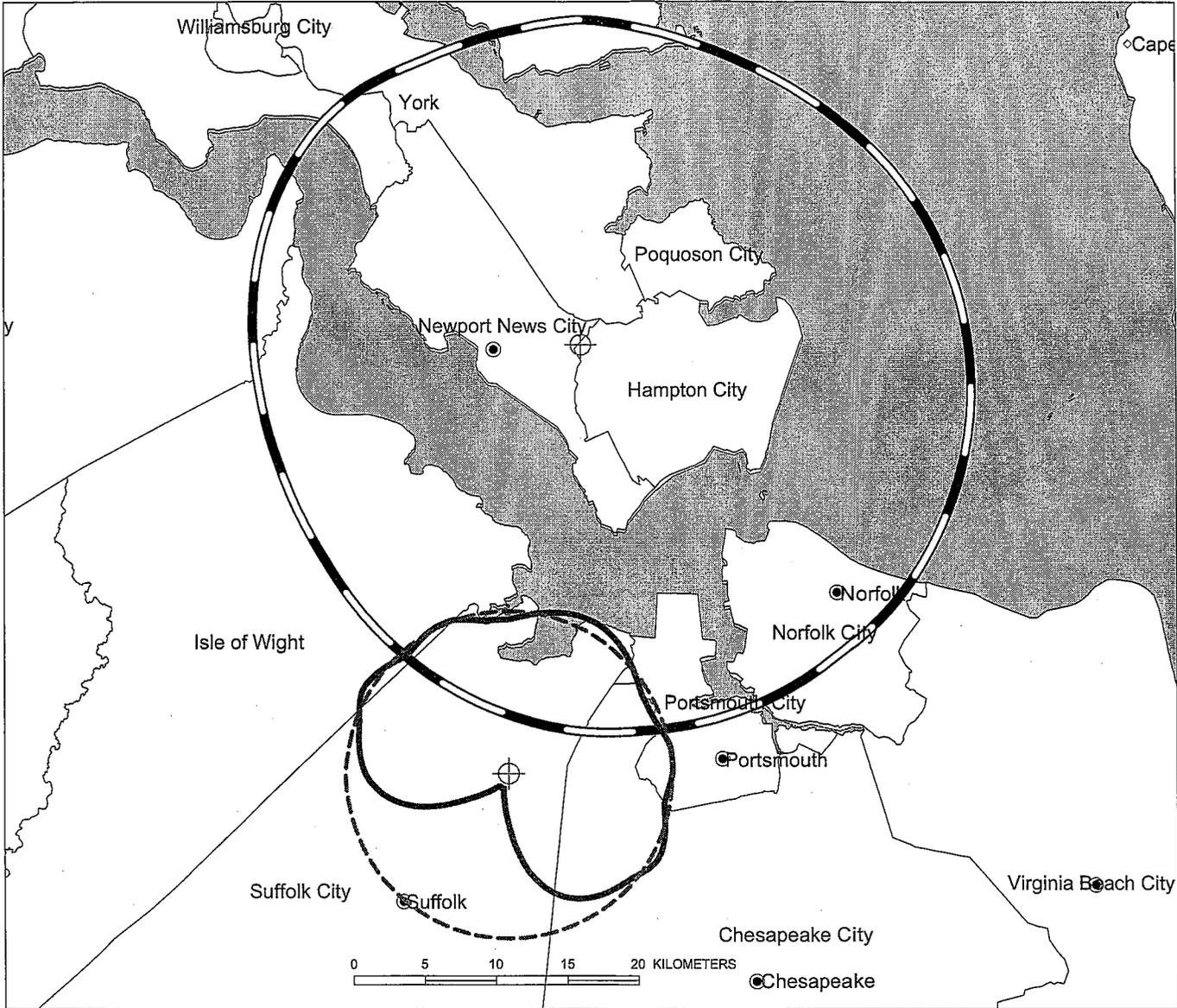


**COVERAGE CONTOURS OF PROPOSED FACILITY**

**WTZV-DT, NORFOLK, VIRGINIA  
ANALYSIS AT 675 KW ERP  
W/ EXISTING ANALOG NON-D ANTENNA  
DECEMBER 2007**

- WTZV-DT Channel 33, Proposed Facility  
Protected Coverage Contour  
675 kW ERP, 375.6 m HAAT, 41 dBu, F(50,90)  
Existing Analog Non-D Antenna
- WTZV-DT Channel 33, Proposed Facility  
Community Coverage Contour  
675 kW ERP, 375.6 m HAAT, 48 dBu, F(50,90)  
Existing Analog Non-D Antenna





**ANALYSIS OF CONTOUR OVERLAP WITH CLASS A TV**

**WTVZ-DT, NORFOLK, VIRGINIA  
ANALYSIS AT 675 KW ERP  
W/ EXISTING ANALOG NON-D ANTENNA  
DECEMBER 2007**

- **WTVZ-DT Channel 33, Authorized Facility**  
**Defined Interference Contour**  
 905 kW ERP, 361.0 m HAAT, 107 dBu, F(50,10)  
 Directional Antenna; FCC ID No. 74538  
 Overlap Area = 99.11 km<sup>2</sup>
- **WTVZ-DT Channel 33, Proposed Facility**  
**Defined Interference Contour**  
 675 kW ERP, 375.6 m HAAT, 107 dBu, F(50,10)  
 Existing Analog Non-D Antenna  
 Area Inside Contour = 99.05 km<sup>2</sup>
- **WYSJ-CA Channel 19, Authorized Facility**  
**Protected Coverage Contour**  
 150 kW ERP, 96.9 m RCL-AMSL, 74 dBu, F(50,50)  
 Directional Antenna

**SUMMARY OF RADIOFREQUENCY  
RADIATION STUDY  
WTVZ-DT, NORFOLK, VIRGINIA  
CHANNEL 33, 675 kW ERP, 375.6 m HAAT  
DECEMBER, 2007**

<u>CALL</u>	<u>SERVICE</u>	<u>CHANNEL</u>	<u>FREQUENCY</u>	<u>POLARIZATION</u>	<u>ANTENNA HEIGHT ** mAGL</u>	<u>ERP (kW)</u>	<u>VERT. RELATIVE FIELD FACTOR</u>	<u>PREDICTED POWER DENSITY (mW/cm<sup>2</sup>)</u>	<u>FCC UNCONTROLLED LIMIT (mW/cm<sup>2</sup>)</u>	<u>PERCENT OF UNCONTROLLED LIMIT</u>
WTVZ-DT	DT	33	587	H	369	675.000	0.300	0.01490	0.391	3.81%
WHRO-DT	DT	16	485	H	354	950.000	0.300	0.02279	0.323	7.05%
WTKR-DT	DT	40	629	H	371	950.000	0.300	0.02075	0.419	4.95%
WPXV-DT	DT	46	665	H	354	1000.000	0.300	0.02399	0.443	5.41%
WHRV(FM)	FM	208	89.5	H & V	344	8.800	1.000	0.00497	0.200	2.48%
WHRO-FM	FM	212	90.3	H & V	344	8.800	1.000	0.00497	0.200	2.48%
WJCD(FM)	FM	299	107.7	H & V	183	1.700	1.000	0.00339	0.200	1.70%

**TOTAL PERCENTAGE OF ANSI VALUE= 27.88%**

\*\* The antenna heights indicated above are 2 meters less than the actual antenna heights so that the predicted power densities consider the 2 meter human height allowance.

\*\*\*Includes the proposed station and all stations within 315 meters.

**Interference Agreement**

This Agreement is made this 7th day of December 2007 by and between WTVZ Licensee, LLC (hereinafter "WTVZ"), a Maryland limited liability corporation, and WUPN Licensee, LLC (hereinafter "WMYV"), a Maryland limited liability corporation.

WHEREAS, WTVZ is the licensee of Station WTVZ-DT, Norfolk, Virginia which currently operates on DTV Channel 38 and, at the end of the DTV transition, will operate on DTV Channel 33; and

WHEREAS, WUPN is the licensee of Station WMYV-DT, Greensboro, North Carolina which operates on DTV Channel 33; and

WHEREAS, WTVZ-DT intends to operate at 675 kW using the existing non-directional antenna employed by WTVZ-TV's analog facility with a radiation centerline of 371.6 m. AGL, 375.6 m. HAAT; and

WHEREAS, WTVZ and WMYV (hereinafter "the Parties") are commonly controlled by Sinclair Broadcast Group, Inc., have examined the potential interference between the stations as a result of WTVZ-DT's channel change to Channel 33 using the non-directional antenna and have determined that such potential interference is *de minimis* and would not affect the operations of their respective facilities.

NOW THEREFORE, in consideration of the mutual covenants contained in this Agreement and intending to be mutually bound hereby, the Parties agree as follows:

1. WMYV-DT hereby agrees to accept any and all interference that may be caused by the operation of WTVZ-DT on Channel 33 at Norfolk, Virginia.
2. The Parties agree to cooperate with respect to obtaining any FCC approvals necessary for the operation of WTVZ-DT on Channel 33 using the antenna for WTVZ-TV's analog facility.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year written above.

WTVZ Licensee, LLC

By: \_\_\_\_\_

David Amy, Secretary of Sole Member

WUPN Licensee, LLC

By: \_\_\_\_\_

David Amy, Secretary of Sole Member