

FILED/ACCEPTED

APR 21 2008

Federal Communications Commission
Office of the Secretary

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Advanced Television Systems and)
Their Impact Upon the Existing)
Television Broadcast Service)
)

MB Docket No. 87-268

To: The Commission

**Petition for Reconsideration
of WOOD License Company, LLC**

Wood License Company, LLC ("LIN") hereby petitions for reconsideration of the Commission's decision in Eighth Report and Order, *Advanced Television Systems and Their Impact Upon the Existing Television Service*, MB Docket No. 87-268 (rel. March 6, 2008) ("*Eighth Report and Order*"), with respect to the changes the Commission made in the Appendix B facilities specified for Station WPBN-DT, Traverse City, Michigan (Facility ID No. 21253).¹ Those facilities will result in high levels of post-transition interference to LIN's Station WOOD-DT, Grand Rapids, Michigan (Facility ID No. 36838).

LIN has also filed an Informal Objection to the Application for Construction Permit (FCC File No. BPCDT-20080321ACW) filed by Barrington Traverse City License LLC ("Barrington") on March 21, 2008. That Application seeks a permit to construct facilities similar

¹ The *Eighth Report and Order* was published in the *Federal Register* on March 21, 2008. 73 Fed. Reg. 15284. This petition for reconsideration is timely filed under Section 1.429(b) of the Commission's Rules, 47 CFR § 1.429(b).

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to those specified in the revised Appendix B. A copy of that Objection is attached and is hereby incorporated by reference.

In the *Eighth Report and Order*, the Commission granted a petition for reconsideration filed by Barrington to change the Appendix B facility for WPBN-DT to specify the location and channel used by WPBN for its analog transmissions. That location is 55.7 kilometers South of the location previously specified for WPBN and would result in two stations – WPBN and WOOD – operating on digital channel 7 in close proximity.

As explained in LIN's Informal Objection, the Commission's bare conclusion in the *Eighth Report and Order* that its "interference analysis shows no new interference from the revised Appendix B facilities for WPBN to WOOD,"² could only have been reached if the Commission took as a given the *pre-transition* interference from WPBN-TV's *analog* operations to WOOD-DT's *digital* service. For stations like WPBN that chose to change their post-transition channel, including pre-transition interference in evaluating post-transition operations is contrary to the Commission's established goal of achieving the maximum level of interference-free digital service,³ particularly where the station requesting a change that would result in high interference levels has not established that it has no other feasible choice for post-transition operations.

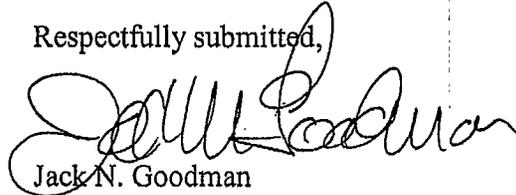
The change to Appendix B for WPBN in the *Eighth Report and Order* will result in permanently and substantially diminished digital television service for the viewers of both WOOD-DT and WPBN-DT. The public interest would be advanced by reconsideration.

² *Eighth Report and Order* ¶ 51.

³ See, e.g., Notice of Proposed Rulemaking, *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 22 FCC Rcd 9478, 9483 (2007).

For these reasons and the reasons set forth in LIN's Informal Objection, therefore, LIN requests that the Commission reconsider the changes specified in the *Eighth Report and Order* for the Appendix B facilities for WPBN-DT.

Respectfully submitted,



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April 21, 2008

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

_____)
)
In re Application of)
Barrington Traverse City License LLC)

) File No.
) BPCDT-20080321ACW
)

)
) For a)
) Minor Change in the Licensed Facility)
) For)
) WPBN, Traverse City, MI)
)
)
_____)

To: Office of the Secretary
Attn: The Media Bureau, Video Division

Informal Objection

Pursuant to Section 73.3587 of the Commission's Rules, 47 CFR § 73.3587, WOOD License Company, LLC ("LIN"), licensee of WOOD-TV/DT, Grand Rapids, Michigan (Facility ID 36838) (DTV Ch. 7) ("WOOD"), by counsel, hereby objects to the above-referenced Application for Construction Permit for Commercial Broadcast Station (FCC Form 301 – Minor Change in licensed facility)("Application") filed by Barrington Traverse City License LLC for its station WPBN-DT, Traverse City, Michigan (Facility ID 21253) (DTV Ch. 7) ("WPBN") on March 21, 2008. This application should be denied because of the high levels of interference and resulting loss of local DTV service that would be caused to viewers in the market served by WOOD-DT if granted.

Background

WOOD-TV operates on analog channel 8, transmitting from an antenna near its community of license in Grand Rapids. WPBN's community of license is Traverse City, located north of Grand Rapids. WPBN-TV operates on analog channel 7 using an omnidirectional antenna, with its transmitter located between Traverse City and Grand Rapids. WOOD was allotted DTV channel 7 as its transition channel, and it chose to remain on channel 7 after the transition. This transition-phase allocation resulted in significant interference between WOOD's digital channel 7 and WPBN's analog channel 7. Indeed, WOOD-DT presently suffers interference to six percent of its service population from WPBN-TV.¹ Although this level of interference to pre-transition service was certainly undesirable, the difficulties of finding second channels for all stations, while protecting Canadian allotments, left the Commission and the stations with little choice.

WPBN was allotted DTV channel 50 as its transition channel, and constructed DTV facilities at a site near its studio location in Traverse City, 55.7 kilometers north of its analog transmitter location. WPBN elected to return to channel 7 for post-transition operation.² In the

¹ Application, Attachment 44, Comprehensive Technical Exhibit, at 5. LIN elected to keep channel 7 as WOOD's post-transition channel in reliance on WPBN's certification that it planned to use channel 50 at its pre-transition location for its permanent DTV facility. See note 2 *infra*. The Commission required certifications to be filed in advance of DTV channel elections "so that all licensees will be able to consider the *commitments* of other licensees in their channel elections." Report and Order, *Second Periodic Review of the Commission's Rules and Practices Affecting the Conversion to Digital Television*, 19 FCC Rcd 18279, 18296 (2004) ("*Second Periodic Review*") (emphasis added). Had LIN been aware that WPBN would seek to use its analog channel 7 antenna as its post-transition digital facility, it could have considered alternatives for WOOD's post-transition facility.

² In its 2004 certification of its planned post-transition operations, WPBN told the Commission that it would operate using its existing DTV facility near Traverse City. FCC File No. BCERCT-20041103AHR. It certified that it would operate its post-transition DTV station pursuant to FCC File No. BLDCT-20030721ACJ, the license for its pre-transition facility on channel 50.

Seventh Report and Order, the Commission tentatively allotted channel 7 to WPBN for post-transition operations at the Traverse City location as it requested, using the antenna, transmitter location and power levels on which WPBN-DT had been broadcasting.³ That facility was predicted to cause unique interference to only 33 persons within WOOD-DT's post-transition service population, well below any prohibited levels of interference. *See* Statement of Jerome J. Manarchuck, attached hereto as Appendix A, at 2.

WPBN filed a Petition for Reconsideration, seeking to change the location of its post-transition digital transmitter south to its existing analog location.⁴ WPBN stated its intention to apply for a permit to operate a 500-watt digital station at that location, using its pre-existing analog antenna. LIN opposed the petition, demonstrating that the proposed facility would result in interference to 0.52 percent of WOOD-DT's post-transition service population.⁵ That level of interference would have exceeded the Commission's 0.1 percent new interference threshold for stations proposing to return to their analog channels.⁶ WPBN filed a reply in which it did not contest WOOD's interference calculations, but argued that the resulting interference would be no greater than that WOOD-DT was receiving pre-transition from WPBN's analog broadcasts.⁷

³ *See* *Seventh Report and Order, Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, 22 FCC Rcd 15581, 15625 & Appendix B (2007) ("*Seventh Report and Order*"). The allocation for WPBN was and remains tentative, subject to further international coordination. *Id.*

⁴ Petition for Reconsideration, filed by Barrington Traverse City License LLC, MB Docket No. 87-268, Oct. 26, 2007.

⁵ Opposition of WOOD License Company, LLC, MB Docket No. 87-268, Dec. 3, 2007 ("*WOOD Opposition*").

⁶ *Second Periodic Review*, 19 FCC Rcd at 18302.

⁷ Reply to Opposition, filed by Barrington Traverse City License LLC, MB Docket No. 87-268, Dec. 21, 2007, at 4.

On reconsideration, the Commission granted WPBN's request in part. Without discussing WOOD's interference showing, the Commission revised WPBN's Appendix B facility to permit it to operate at 19.1 kW, almost *40 times* more power than WPBN had requested, and then concluded that its "interference analysis shows no new interference from the revised Appendix B facilities for WPBN to WOOD."⁸ The apparent, but unstated, basis for the Commission's conclusion was that the interference from WPBN operating in digital would be no greater than the interference to WOOD-DT caused by WPBN's pre-transition analog facility.

The Current Application

In the instant application, WPBN applies for a permit to construct its final digital channel at the site of its analog transmitter, with an ERP of 15.4 kW.⁹ If granted, WPBN-DT would cause unique interference to 101,532 persons within WOOD-DT's interference-free service population – 4.6 percent of WOOD's service population.¹⁰ Moreover, since the Commission will permit *further* modifications if up to 0.5 percent *additional* interference in addition to the interference predicted from a station's Appendix B facility would result,¹¹ the eventual

⁸ Eighth Report and Order, *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, MB Docket No. 87-268, FCC 08-72 ¶ 51 (rel. March 6, 2008) ("*Eighth Report and Order*"). Although the Commission stated that no new interference would result, Appendix B as modified in the *Eighth Report and Order* shows a reduction in interference-free service for WOOD-DT from 2,299,000 persons to 2,187,000. The Commission did not explain this apparent discrepancy. See Appendix A at 3.

⁹ See Application § III-D. WPBN explains the reduction in power as needed to stay within the revised Appendix B contours while using its existing omnidirectional antenna instead of the directional antenna specified in revised Appendix B.

¹⁰ Attachment A at 2.

¹¹ See Report and Order, *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, FCC 07-228 ¶ 159 (rel. Dec. 31, 2007).

interference to WOOD-DT could rise to as high as 5.6 percent of its service population.¹²

Granting WPBN's application under such circumstances would not serve the public interest.

Argument

The high level of interference caused pre-transition by the short-spacing between WOOD's digital channel 7 and WPBN's analog channel 7 was a temporary and unfortunate consequence of the need to provide second channels to each station during the transition phase. But by its actions in the *Eighth Report and Order*, the Commission has made a bad situation worse by making this high level of interference *permanent*.

In the *Second Periodic Review*, the Commission established the standard by which it would evaluate stations' requests for post-transition channels. In most circumstances, the Commission said it would not allow new interference of more than 0.1 percent of a station's service population without a negotiated channel agreement.¹³ It explained that it would consider existing analog and digital operations in making this calculation.¹⁴ For stations planning to stay on their pre-transition channels, it made sense to include existing levels of interference in considering those requests. But, as the Commission made clear, stations with two in-core channels (like WPBN) choosing to change channels had no right to do so if their choice resulted in increased interference.¹⁵ And in looking at those requests, the level of *pre-transition*

¹² The Appendix B facility specified in the *Eighth Report and Order* would result in interference to 112,156 persons or 5.1 percent of WOOD's projected service population. A further increase of 0.5 percent would result in interference to an additional 56,078 persons, for a total interference to WOOD of 5.6 percent.

¹³ *Second Periodic Review*, 19 FCC Rcd at 18302-03.

¹⁴ *Id.* at 18294.

¹⁵ *Id.* at 18299. The Commission pointed out that "a DTV station would have a 1 dB greater interference impact on another co-channel DTV station than a NTSC station . . . assuming the same coverage and location for all stations. Thus, it is likely that in some cases DTV operation on an associated NTSC channel could result in new interference." *Id.*

interference from analog operations should have been irrelevant as the proposed facilities would not be operated until after the end of the DTV transition. The instant case is a good example of why this should be so: WOOD-DT *pre-transition* was required to accept a high level of interference from WPBN's co-channel analog transmissions. In adopting the *post-transition* table of allotments, accepting the pre-transition interference to WOOD-DT as a given simply means that many viewers in the Grand Rapids area will never have over-the-air local NBC DTV service, a result that is not in the public interest unless there are no viable alternatives.¹⁶

In modifying WPBN's Appendix B facility to permit it to operate at its analog location – a different location from the one it certified to the Commission – the Commission apparently did just that: assume that the interference WOOD-DT receives now from WPBN's *analog* operations should continue. Doing so not only is contrary to the Commission's stated goal of achieving the maximum level of interference-free digital service,¹⁷ it also will mean that WOOD-DT will not reach viewers within its DMA, viewers who are currently served by WOOD-TV. As the map appended to Attachment A demonstrates, much of the interference to WOOD-DT will occur in northern Kent County and in Newaygo and Mecosta Counties, both within the Grand Rapids Designated Market Area and both in the area of interference-free coverage of WOOD-TV.¹⁸

The Commission appropriately has attempted to accommodate licensee preferences and allowed stations, as much as possible, to maximize post-transition digital service while reducing the costs of digital construction. Achieving those goals, however, should not come at the cost of

¹⁶ LIN will, in addition to this Informal Objection to WPBN's application for a construction permit, file a petition for reconsideration of the *Eighth Report and Order*.

¹⁷ See Notice of Proposed Rulemaking, *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 22 FCC Rcd 9478, 9483 (2007).

¹⁸ The proposed modification may also result in the loss of DTV service to existing viewers of WOOD-DT to the north of WPBN's pre-transition digital transmitter.

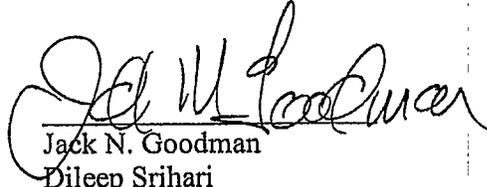
substantial reductions in the service areas of other stations, particularly where the station asking for a modified DTV facility, like WPBN, had other options such as remaining on its pre-transition channel, continuing to use its pre-transition location, or even using a directional antenna to prevent interference to WOOD.

Although the Commission's policy for stations choosing to change post-transition channels was to permit that choice only if it resulted in no more than 0.1 percent interference to another station's served population, the facility that WPBN proposes would cause interference to *46 times* that number of people in the WOOD-DT service area, and WPBN would have the right to increase its power with resulting interference to 5.6 percent of WOOD-DT's service population. WPBN did not attempt to argue that operating on channel 7 at its proposed location was its only feasible choice. Without such a showing, the Commission should not allow construction of the proposed facility.

Conclusion

For the reasons stated above, LIN respectfully requests that WPBN's application for a construction permit for a minor change to the licensed facility of WPBN-DT be denied.

Respectfully submitted,



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March 28, 2008

Appendix A

TECHNICAL EXHIBIT
IN SUPPORT OF AN INFORMAL OBJECTION TO
THE WPBN-DT APPLICATION FOR DTV CONSTRUCTION PERMIT

Technical Exhibit

This technical exhibit has been prepared on behalf of WOOD License Company, LLC in support of an informal objection to the pending WPBN-DT post transition application for DTV construction permit (BPCDT-20080321ACW), filed by Barrington Traverse City License LLC. The WPBN-DT pending application facility will decrease WOOD-DT's post transition interference free service population by 101,532 persons, decreasing WOOD-DT's Appendix B interference free service population by approximately 4.6%. Therefore, this technical exhibit has been prepared.

In the Memorandum Opinion and Order on Reconsideration of the Seventh Report and Order and Eighth Report and Order, the FCC allotted station WPBN-DT a post transition facility on channel 7 with a maximum directional effective radiated power (ERP) of 19.4 kilowatts and an antenna radiation center height above average terrain (HAAT) of 411 meters. This allotment is significantly different than WPBN-DT's original Appendix B facility allotted in the Seventh Report and Order and Eighth Further Notice of Proposed Rule Making.

Station WPBN-DT was originally allotted a post transition facility on channel 7 with a maximum directional ERP of 3.2 kilowatts and an HAAT of 230 meters. However, as a result of the WPBN-DT allotment change, DTV station WOOD-DT will lose a significant amount of interference free service population. Post transition interference analyses were conducted to demonstrate that the WPBN-DT modified allotment and pending application will adversely effect WOOD-DT's post transition DTV service compared to WPBN-DT's original post transition allotment.

Specifically, interference studies were conducted for the WPBN-DT original allotment (per the Seventh Report and Order), the WPBN-DT modified allotment (per the Eighth Report and Order), and finally based on WPBN-DT's currently pending digital application (BPCDT-20080321ACW). Results of the analyses are shown below. It is noted that the post transition interference analyses considered Appendix B facilities only, no analog facilities were included in the analyses.¹

WPBN-DT Facilities	Unique Interference Caused to WOOD-DT's Post Transition Allotment (Ch. 7, 30 kW (ERP), 530 m (RCAMSL)) ²
WPBN-DT's Post Transition Allotment Per Seventh R&O (Ch. 7, 3.2 kW-DA (ERP), 462 m (RCAMSL))	33 persons (0.001%)
WPBN-DT's Post Transition Allotment Per Eighth R&O (Ch. 7, 19.1 kW-DA (ERP), 756 m (RCAMSL))	112,156 persons (5.1%)
WPBN-DT Post Transition App. (BPCDT-20080321ACW) (Ch. 7, 15.4 kW (ERP), 756 m (RCAMSL))	101,532 persons (4.6%)

As shown above, the pending application facility will cause approximately 4.6% additional interference to WOOD-DT. This percentage is based on WOOD-DT's service population (2,187,000) listed in Appendix B of the Eighth Report and Order.

In paragraph 50 of the Memorandum Opinion and Order on Reconsideration of the Seventh Report and Order and Eighth Report and Order, it is mentioned that the Commission's

¹ The post transition interference analyses were conducted based on the Appendix B facilities listed in the Eighth Report and Order and without considering the masking effects from analog operations. The studies were conducted based on a cell size of 2 km, a distance increment of 1 km, and 2000 U.S. Census population.

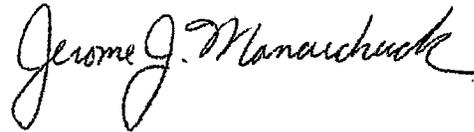
² It is noted that the interference percentages were calculated based on WOOD-DT's service population of 2,187,000 as listed in Appendix B of the Eighth Report and Order.

interference analysis showed no new interference from the revised Appendix B facilities for WPBN to WOOD or any other station. However, it is shown in the table above, that as a result of the WPBN-DT allotment change, WOOD-DT's interference free service population will decrease by 112,156 persons. This is also confirmed by comparing WOOD-DT's service population listed in the FCC's Seventh Report and Order and also the Eighth Report and Order. Below are the allotment parameters for WOOD-DT extracted from each Report and Order. As shown, WOOD-DT's service population has been reduced from 2,299,000 to 2,187,000 (interference free service population reduction of 112,000 persons).

WOOD-DT'S ALLOTTED FACILITIES PER THE SEVENTH REPORT AND ORDER												
Facility ID	State	City	NTSC Chan	DTV Chan	DTV ERP (kW)	DTV HAAT (m)	DTV Antenna ID	DTV Latitude DDMMSS	DTV Longitude DDMMSS	DTV Area (sq km)	DTV Population (thousand)	DTV % Interference Received
36838	MI	GRAND RAPIDS	8	7	30	288		424114	853034	28306	2299	4.5
WOOD-DT'S ALLOTTED FACILITIES PER THE EIGHTH REPORT AND ORDER												
Facility ID	State	City	NTSC Chan	DTV Chan	DTV ERP (kW)	DTV HAAT (m)	DTV Antenna ID	DTV Latitude DDMMSS	DTV Longitude DDDMMSS	DTV Area (sq km)	DTV Population (thousand)	DTV % Interference Received
36838	MI	GRAND RAPIDS	8	7	30	288		424114	853034	25304	2187	9.2

Figure 1 is a map showing the FCC Predicted 36 dBu noise-limited contour for WOOD-DT's post transition allotment. In addition, the predicted points of unique interference caused by WPBN-DT's original post transition allotment facility and pending 15.4 kilowatt pending application are shown. As indicated, if the WPBN-DT application is granted, WOOD-DT will receive a significant amount of post transition DTV interference within its DMA, decreasing its service population from 2,299,000 to 2,197,468, a net reduction of 101,532 persons.

I hereby declare under penalty of perjury that the forgoing is true and correct to the best of my personal knowledge and belief.

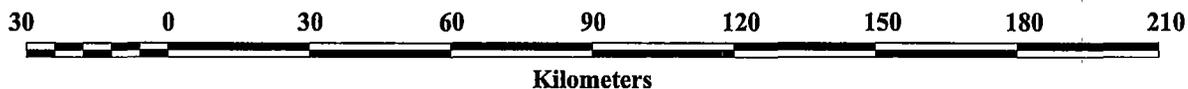
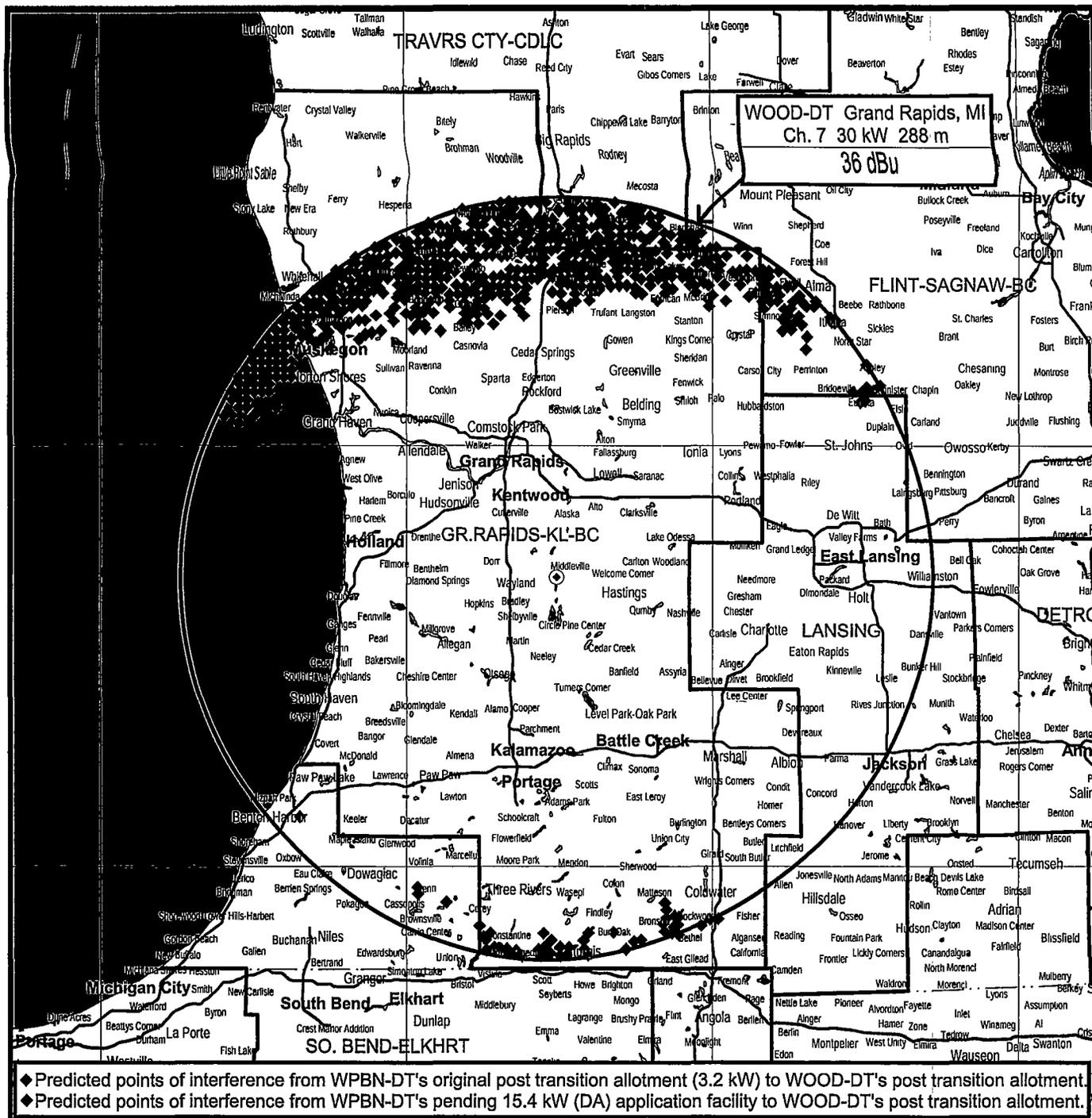


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March 28, 2008

Figure 1



Predicted Interference to WOOD-DT's Post Transition Allotment from WPBN-DT

du Treil, Lundin & Rackley, Inc. Sarasota, Florida 34237

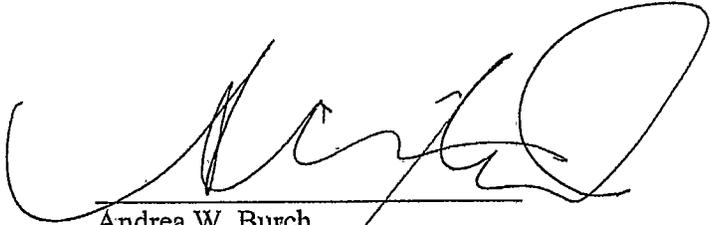
CERTIFICATE OF SERVICE

I hereby certify that I have, this 28th day of March 2008, caused to be sent by mail, first class postage prepaid, copies of the foregoing "Informal Objection" to the following:

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Certificate of Service

I, Andrea W. Burch, hereby certify that I have, this 21st day of April, 2008, caused to be sent by mail, first-class postage prepaid, copies of the foregoing "Petition for Reconsideration of WOOD License Company, LLC," to:

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