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May 6, 2008

VIA ELECTRONIC DELIVERY

Ms. Marlene Dortch
Secretary
Federal Communications Commission
Portals II Building
445 Twelfth Street, S.W.
TW-A325
Washington, D.C. 20554

**Re: NOTICE OF EX PARTE PRESENTATION
Petition for Reconsideration
MB Docket No. 87-268**

Dear Ms. Dortch:

On May 5, 2008, Scott R. Flick and Paul A. Cicelski of Pillsbury Winthrop Shaw Pittman LLP and Karl Lahm, P.E., the Engineering Manager of Univision Communications Inc. ("Univision"), met with Krista Witanowski, Legal Advisor to Chairman Martin, and Monica Desai, Eloise Gore, Nazifa Sawez, and Maureen McCarthy of the Media Bureau regarding Univision's recent Petition for Reconsideration in the above-referenced proceeding. Specifically, the parties discussed the substantial loss of existing broadcast service that will occur if the DTV Table of Allotments is not corrected as discussed in Univision's pending Petition for Reconsideration with regard to WOTF-DT, Melbourne, Florida and WFUT-DT, Newark, New Jersey. The parties discussed the facts and arguments raised in that Petition for Reconsideration, as well as related matters, which are set forth more fully in the attachment hereto.

Should there be any questions, please contact the undersigned.

Very truly yours,

/s/

Scott R. Flick

Counsel for Univision Communications Inc.

cc: Chairman Martin
Krista Witanowski
Monica Desai
Eloise Gore
Nazifa Sawez
Maureen McCarthy

ATTACHMENT

1. WOTF-DT, Melbourne, Florida

- The *Seventh Report and Order on Reconsideration* (“Order”) erroneously rejected WOTF-DT’s effort to correct its post-transition allotment based upon generating recalculated Appendix B facilities for WOTF-DT designed to replicate the coverage of WOTF-TV’s **1997 analog facilities** rather than its **current analog facilities**, which are located approximately **35 kilometers** away.
- As a result, the current DTV Table of Allotment parameters for WOTF-DT fail to replicate the station’s **existing analog service area** in contravention of the Commission’s fundamental goal of replicating existing analog coverage.
- Modification of the DTV Table of Allotments to correct the error by incorporating WOTF-DT’s requested parameters would permit **99.9%** replication of the station’s current analog operation as opposed to the **91.5%** currently specified in the DTV Table of Allotments.
- Correcting the error as requested would reduce the number of analog viewers that will lose the station’s programming in 2009 from more than **316,000** to fewer than **2300**.
- The correction would result in **no impermissible interference whatsoever** to any other broadcast station.
- The Commission has made clear that replicating existing analog service is its highest priority, with continuation of existing digital service being an important but secondary goal. **The proposal here would preserve service to over 316,000 analog viewers** balanced against only 39,600 people that would theoretically lose existing digital service by correcting the allotment. In addition, because WOTF-TV is a Spanish-language station, the station’s viewers are more likely to be watching the analog signal than the digital signal, making replication of existing analog coverage even more important.
- Of the 24 stations listed in the Order alongside WOTF as having their proposed allotment modifications denied, WOTF is **the only station whose analog facilities have been moved more than 0.1 kilometers since 1997**, indicating that WOTF is uniquely situated and was incorrectly evaluated based on whether its proposal would replicate a no-longer-existent analog facility. There is no rational basis for seeking digital replication of a non-existent analog facility, particularly at the expense of replicating current analog service.

2. WFUT-DT, Newark, New Jersey

- WFUT is one of a handful of stations assigned **two out-of-core** channels. The Commission has pledged to provide dual out-of-core stations with the flexibility necessary to accomplish the transition.
- As a dual out-of-core station, WFUT-DT was required to locate an in-core channel for post-transition operation in the spectrum-crowded New York DMA. WFUT-DT was originally given channel 41 for this purpose, but was ultimately allotted channel 30 when that channel later became available. However, in modifying the DTV Table of Allotments to substitute channel 30, **the Commission failed to incorporate the channel 30 antenna pattern, instead retaining the earlier antenna pattern designed for operation on channel 41.**
- With the channel 41 antenna pattern, the DTV Table of Allotments facilities for WFUT-DT fail to replicate the existing digital service area, with **619,759 viewers losing digital service** on February 18, 2009.
- A correction of the DTV Table of Allotments to incorporate the correct antenna pattern would reduce the loss of service from **619,759 to 239,759**, thereby **preserving broadcast service to 380,000 people** when the station moves from its transitional out-of-core DTV channel to its permanent DTV channel in 2009.
- Correcting the antenna pattern would result in **no impermissible interference whatsoever** to any other broadcast station.
- Rather than correct the antenna pattern and reduce the loss of service, the Order erroneously recalculated Appendix B facilities for the station based upon seeking to replicate the coverage of WFUT-TV's **former 1997** analog facilities and not its **current** analog facilities. Finding that replication of the 1997 facilities would cause interference, the Order declined to modify the DTV Table with regard to WFUT-DT. Once again, **there is no rational basis for seeking replication of a no-longer-existent analog facility at the expense of 380,000 current viewers that will unnecessarily lose service.**
- By recalculating facilities based on arbitrarily replicating superseded 1997 analog facilities without regard for loss of existing service, **the processing standard used by the Order favored established network affiliates whose analog facilities were finalized long ago over younger stations (like WFUT-DT and WOTF-DT) affiliated with fledgling or minority-oriented networks that have more recently modified their facilities to improve service to the public.**