

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

FILED/ACCEPTED

JUN 20 2008

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
 )  
Amendment of Section 73.622(i) ) RM- \_\_\_\_\_  
Table of Allotments )  
Digital Television Broadcast Stations )  
(Danville, Kentucky) )

To: Office of the Secretary  
Attn: Chief, Video Services Division

**PETITION FOR RULEMAKING**

WDKY Licensee, LLC ("WDKY"), licensee of WDKY-TV, channel 56, and WDKY-DT, channel 4, Danville, Kentucky, by the undersigned attorneys, hereby requests that the Commission initiate a rulemaking proceeding to substitute and allot DTV channel 46 for its assigned DTV channel 4 at Danville, Kentucky at reference coordinates 37-52-51 N.L. and 84-19-16 W.L.<sup>1</sup>

As set forth in the attached engineering study of John E. Hidle, P.E. of Carl T. Jones Corporation, the instant proposal to allot DTV channel 46 to Danville can be accomplished in complete conformity with all Commission allocation requirements. In addition, the proposal will permit WDKY-DT to replicate the current analog service of WDKY-TV on a UHF DTV channel, thereby allowing the station to maintain program service to the station's current viewers. Consequently, WDKY requests the following change in the DTV Table of Allotments:

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List ABCDE  
08-61 MB

<sup>1</sup> The channel 46 DTV allotment reference coordinates are the same as the channel 4 DTV allotment coordinates of the Petitioner's currently licensed WDKY-DT, Danville, Kentucky tower site.

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List ABCDE

Current

Proposed

Danville, Kentucky

4

46

If the proposal set forth herein is adopted, WDKY will promptly file the appropriate application for modification to specify operation on DTV Channel 46 at Danville with facilities consistent with those specified in the attached engineering statement and, if authorized, will construct the facilities contemplated therein and place the station into operation.

For the foregoing reasons, WDKY respectfully requests that the Commission adopt the proposed changes to the DTV Table of Allotments.

Respectfully submitted,

**WDKY Licensee, LLC**

By: 

Clifford M. Harrington  
Paul A. Cicelski

Its Attorneys

PILLSBURY WINTHROP SHAW PITTMAN LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1128  
(202) 663-8000

Dated: June 20, 2008

## **EXHIBIT A**

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

**STATEMENT OF JOHN E. HIDLE, P.E.  
IN SUPPORT OF A PETITION TO AMEND  
THE POST-TRANSITION DTV TABLE OF ALLOTMENTS  
WDKY-DT - DANVILLE, KENTUCKY  
DTV - CH. 46 - 350 kW - 351.9 meters HAAT**

Prepared for: WDKY Licensee, LLC

I am a Consulting 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. I am a Professional Engineer in the Commonwealth of Virginia, License No. 7418, and in the State of New York, License No. 63418.

**GENERAL**

This office has been authorized by WDKY Licensee, LLC, licensee of WDKY-TV, channel 56, and WDKY-DT, channel 4, both licensed to Danville, Kentucky, to prepare this statement in support of a Petition to Amend the Digital Television (DTV) Post Transition Table of Allotments, §73.622(i) of the FCC Rules. The petitioner requests that §73.622(i) of the Commission's Rules be modified in the following manner:

	<u>Present</u>	<u>Proposed</u>
Danville, Kentucky	4	46

DTV channel 4 is the channel currently specified in the Post-Transition DTV Table of Allotments for WDKY-DT. The petitioner requests herein to substitute DTV channel 46 for DTV channel 4. The proposed arrangement of allotments will permit WDKY-DT to

replicate its current analog service area on an in-core UHF DTV channel thereby continuing and maintaining television program service to all of its current viewers.

### **TECHNICAL STUDY**

An engineering study of all pertinent allotments, assignments, applications, construction permits and DTV licenses reveals that DTV channel 46 can be allotted to Danville, Kentucky as the post-transition DTV facility for petitioner's existing channel 56 analog television broadcast station, WDKY-TV.

The allotment reference coordinates for DTV channel 46 at Danville, Kentucky are: 37° 52' 51" N.L. and 84° 19' 16" W.L.<sup>1</sup> The Danville allotment reference site meets the allotment standards in §73.616(b) with respect to the DTV to DTV geographic spacing requirements set forth in §73.623(d), the principal community coverage requirements set forth in §73.625(a), the Class A TV and digital Class A TV protection requirements set forth in §73.616(f), the land mobile requirements set forth in §73.623(e) and the FM radio protection requirement set forth in §73.623(f).

The petitioner proposes to utilize a directional antenna at a centerline height above mean sea level (AMSL) of 615.1 meters and above average terrain (HAAT) of 351.9 meters. The proposed effective radiated power (ERP) is 350 kW. The antenna pattern data for the proposed Dielectric antenna (TUA-C4SP-14/42H-1-t) are attached

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<sup>1</sup> The channel 46 DTV allotment reference coordinates are the same as the DTV channel 4 allotment reference coordinates (as defined in Section 73.622(i) of the FCC Rules) of the petitioner's licensed WDKY-TV and WDKY-DT, Danville, Kentucky tower site. (See FCC tower registration number 1240955).

## **ALLOCATION CONSIDERATIONS**

### **Post-Transition DTV Considerations**

A study was performed to determine if the instant petition to amend the post-transition Table of Allotments is predicted to cause any level of new prohibited interference to DTV stations, expansion construction permits or DTV allotments. Results of the study, utilizing the FCC's own application processing software, indicate that the instant petition is predicted to cause no unacceptable level (less than 0.5%) of new interference to the populations served by any DTV station, expansion construction permit or allotment.

The study identified two DTV stations that are predicted to be affected slightly by the proposed facility. WWHO-DT, Chillicothe OH, channel 46 is predicted to receive additional new interference of 0.1% and WAVE-DT, Louisville, KY, channel 47 is predicted to receive additional new interference of 0.48%. These results comply with the 0.5% limit for any increase in post-transition interference set forth in §73.616(e) of the Commission's Rules.

### **Class A Television Allocation Considerations**

As required in Section 73.616(f) of the FCC's Rules, a study was performed, using the FCC's application processing software. The study showed that there is "No spacing violations or contour overlap to class A stations".

### **Land Mobile and FM radio Considerations**

Since the Land Mobile requirements pertain only to channels 14 to 20, and the FM Radio requirements pertain only to DTV channel 6, these requirements are not pertinent to the instant petition to substitute channel 46 for channel 4 in Danville, Kentucky.

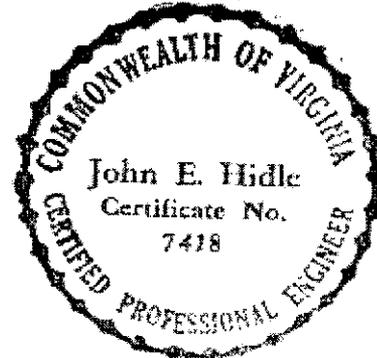
STATEMENT OF JOHN E. HIDLE, P.E.  
WDKY-DT - DANVILLE, KENTUCKY  
PAGE 4

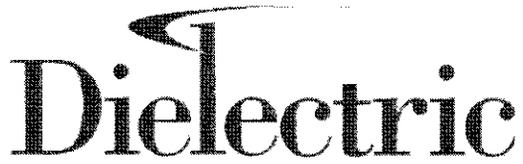
**SUMMARY**

It is submitted that the instant Petition to Amend the Post-Transition DTV Table of Allotments to substitute DTV channel 46 for DTV channel 4 in Danville, Kentucky, as described herein complies with the Rules, Regulations and relevant Policies of the Federal Communications Commission. This statement was prepared by me or under my direct supervision and its contents are believed to be true and correct to the best of my knowledge and belief.

DATED: June 16, 2008

  
John E. Hidle, P.E.

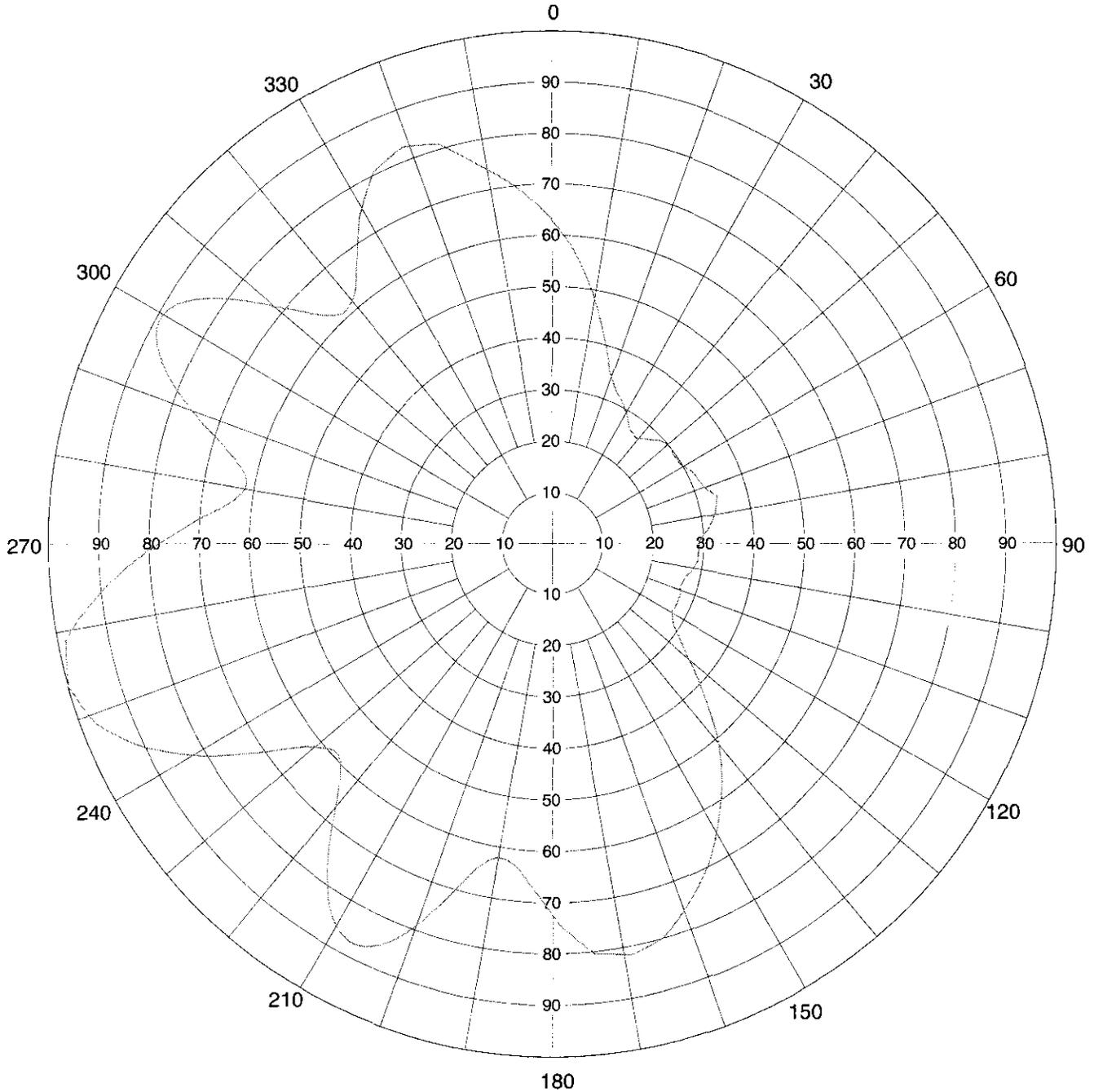




Proposal Number  
Date **18 Apr 2008**  
Call Letters **WDKY** Channel **46**  
Location **Danville, KY**  
Customer  
Antenna Type **TUA-C4SP-14/42H-1-t**

### AZIMUTH PATTERN

Gain **2.51 (4.00 dB)** Frequency **665 MHz**  
Calculated / Measured **Calculated** Drawing # **TUA-C4SP-6650**



Remarks:



Proposal Number  
 Date **18 Apr 2008**  
 Call Letters **WDKY** Channel **46**  
 Location **Danville, KY**  
 Customer  
 Antenna Type **TUA-C4SP-14/42H-1-t**

**TABULATION OF AZIMUTH PATTERN**

Azimuth Pattern Drawing # **TUA-C4SP-6650**

Angle	Field														
0	0.629	45	0.285	90	0.291	135	0.425	180	0.725	225	0.596	270	0.780	315	0.629
1	0.616	46	0.290	91	0.291	136	0.442	181	0.708	226	0.591	271	0.759	316	0.618
2	0.603	47	0.293	92	0.291	137	0.460	182	0.692	227	0.591	272	0.739	317	0.612
3	0.590	48	0.296	93	0.291	138	0.477	183	0.677	228	0.596	273	0.719	318	0.611
4	0.577	49	0.298	94	0.290	139	0.495	184	0.664	229	0.605	274	0.701	319	0.613
5	0.561	50	0.299	95	0.290	140	0.510	185	0.650	230	0.615	275	0.680	320	0.617
6	0.546	51	0.300	96	0.290	141	0.526	186	0.638	231	0.629	276	0.662	321	0.624
7	0.531	52	0.300	97	0.290	142	0.541	187	0.630	232	0.646	277	0.646	322	0.633
8	0.515	53	0.299	98	0.288	143	0.557	188	0.624	233	0.666	278	0.633	323	0.646
9	0.500	54	0.297	99	0.286	144	0.572	189	0.621	234	0.688	279	0.624	324	0.661
10	0.483	55	0.297	100	0.284	145	0.585	190	0.621	235	0.709	280	0.618	325	0.675
11	0.467	56	0.297	101	0.282	146	0.598	191	0.624	236	0.732	281	0.616	326	0.690
12	0.451	57	0.297	102	0.279	147	0.611	192	0.633	237	0.755	282	0.620	327	0.707
13	0.435	58	0.297	103	0.276	148	0.624	193	0.644	238	0.779	283	0.627	328	0.724
14	0.420	59	0.297	104	0.272	149	0.637	194	0.659	239	0.803	284	0.639	329	0.742
15	0.405	60	0.301	105	0.271	150	0.650	195	0.678	240	0.823	285	0.654	330	0.755
16	0.391	61	0.304	106	0.270	151	0.663	196	0.700	241	0.844	286	0.672	331	0.768
17	0.378	62	0.307	107	0.269	152	0.675	197	0.723	242	0.864	287	0.692	332	0.781
18	0.365	63	0.310	108	0.268	153	0.688	198	0.746	243	0.883	288	0.714	333	0.793
19	0.353	64	0.313	109	0.267	154	0.701	199	0.769	244	0.903	289	0.736	334	0.806
20	0.345	65	0.314	110	0.269	155	0.711	200	0.791	245	0.918	290	0.759	335	0.810
21	0.337	66	0.315	111	0.271	156	0.721	201	0.812	246	0.933	291	0.782	336	0.815
22	0.331	67	0.316	112	0.272	157	0.731	202	0.830	247	0.947	292	0.803	337	0.819
23	0.325	68	0.317	113	0.273	158	0.741	203	0.845	248	0.960	293	0.823	338	0.823
24	0.320	69	0.318	114	0.272	159	0.751	204	0.856	249	0.973	294	0.841	339	0.827
25	0.316	70	0.322	115	0.273	160	0.761	205	0.865	250	0.979	295	0.858	340	0.824
26	0.313	71	0.326	116	0.274	161	0.771	206	0.871	251	0.985	296	0.872	341	0.821
27	0.309	72	0.331	117	0.273	162	0.780	207	0.873	252	0.990	297	0.882	342	0.817
28	0.304	73	0.335	118	0.272	163	0.789	208	0.871	253	0.995	298	0.889	343	0.813
29	0.298	74	0.340	119	0.270	164	0.799	209	0.866	254	1.000	299	0.892	344	0.809
30	0.295	75	0.338	120	0.273	165	0.803	210	0.859	255	0.997	300	0.891	345	0.797
31	0.290	76	0.336	121	0.276	166	0.807	211	0.848	256	0.993	301	0.887	346	0.786
32	0.285	77	0.334	122	0.280	167	0.811	212	0.834	257	0.990	302	0.878	347	0.774
33	0.279	78	0.332	123	0.284	168	0.814	213	0.818	258	0.987	303	0.866	348	0.762
34	0.273	79	0.330	124	0.289	169	0.817	214	0.798	259	0.984	304	0.850	349	0.750
35	0.271	80	0.327	125	0.298	170	0.814	215	0.779	260	0.969	305	0.832	350	0.740
36	0.269	81	0.323	126	0.307	171	0.811	216	0.758	261	0.953	306	0.812	351	0.730
37	0.267	82	0.320	127	0.317	172	0.808	217	0.736	262	0.936	307	0.789	352	0.720
38	0.266	83	0.316	128	0.327	173	0.806	218	0.713	263	0.918	308	0.766	353	0.709
39	0.265	84	0.313	129	0.339	174	0.804	219	0.690	264	0.900	309	0.741	354	0.699
40	0.268	85	0.309	130	0.352	175	0.792	220	0.669	265	0.880	310	0.719	355	0.688
41	0.272	86	0.305	131	0.365	176	0.780	221	0.649	266	0.861	311	0.697	356	0.677
42	0.275	87	0.301	132	0.380	177	0.767	222	0.631	267	0.841	312	0.676	357	0.665
43	0.278	88	0.296	133	0.394	178	0.755	223	0.616	268	0.821	313	0.658	358	0.654
44	0.281	89	0.291	134	0.409	179	0.742	224	0.605	269	0.802	314	0.642	359	0.642

Remarks:

**CERTIFICATE OF SERVICE**

I, Cherie Mills, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that a copy of the foregoing "Petition for Rulemaking" was served via hand delivery on this 20th day of June, 2008 to the following:

Ms. Barbara A. Kreisman  
Chief, Video Services Division  
Media Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 2-A666  
Washington, D.C. 20554



Cherie Mills