

**ORIGINAL**

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

In re:	)	
	)	
Community Broadcasting Service	)	MB Docket No. __ - __
	)	
Petition For Rulemaking to Amend DTV	)	RM No. _____
Table Of Allotments for	)	
Station WABI-DT, Bangor, Maine	)	

To: The Secretary  
Attn: Chief, Media Bureau

**FILED/ACCEPTED**  
JUN 20 2008  
Federal Communications Commission  
Office of the Secretary

**PETITION FOR RULEMAKING**

Community Broadcasting Service ("Community Broadcasting"), by and through its attorneys, and pursuant to Section 73.623 of the Commission's rules, 47 C.F.R. §73.623, hereby submits this Petition for Rulemaking to amend the DTV Table of Allotments (47 C.F.R. § 73.622(i)) to change the post-transition, DTV channel assignment of Station WABI(TV), Bangor, Maine (Facility Id. 17005) (the "Station" or "WABI") to Channel 12 and make related changes to the Station's technical parameters.

As discussed in more detail below, the grant of the instant Petition will serve the public interest. In particular, the grant of this Petition will permit the Station to continue to provide the same high level of service to the public while also allowing the Station to utilize fewer resources to do so. These resources may then be used to continue and improve the provision of the Station's high level of programming and broadcasting services to the public.

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## BACKGROUND

The Commission has specified DTV Channel 19 for the Station in the proposed final DTV Table.<sup>1</sup> Community Broadcasting wishes to operate WABI on DTV Channel 12. Community Broadcasting became aware upon the issuance of the proposed final DTV Table that WMEB-TV, Orono, Maine, Fac. Id. 39648, the current licensee operating on analog Channel 12 in WABI's operational area, was assigned and has already moved to DTV Channel 9 and so it appears that DTV Channel 12 is available.<sup>2</sup>

## DISCUSSION

### A. The Proposed Channel Change Conforms With all Technical Requirements.

As discussed in the Engineering Statement of Ryan Wilhour of Kessler and Gehman Associates, Inc., attached hereto as Exhibit A, the proposed change in the post-transition DTV channel assignment for WABI from DTV Channel 19 to DTV Channel 12 complies with all relevant technical requirements for amendments to the DTV Table of Allotments.

In particular, as demonstrated in Exhibit A, the requested change from DTV Channel 19 to Channel 12 will result in nearly identical contours, however, the Channel 12 parameters actually result in an increased coverage area while utilizing significantly less power. The proposed channel change meets the DTV station interference criteria by a large margin and the change in channel will comport with the Commission's requirement that any change to a post-transition DTV facility does not result in the loss of more than 5% of the currently-authorized

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<sup>1</sup> WABI-TV was assigned DTV Channel 19 by the Commission and is currently licensed and operating on that channel. BLCDT-20050909AAM.

<sup>2</sup> As discussed below, WABI and WMEB have entered into a co-location initiative and so the 2 licensees are aware of the operating parameters of the other.

post-transition service area and population.<sup>3</sup> Therefore, the instant proposal conforms with all applicable FCC requirements for post-transition DTV operations.

**B. The Proposed Channel Change is in the Public Interest.**

Granting this request by Community Broadcasting to change to DTV Channel 12 would be in the public interest. WABI is an independently owned station which has had the longest continuous ownership of any station in the country, and is indeed still licensed to the initial and only licensee of the station. WABI's ability to sustain independent ownership in a world of mass consolidation is a direct result of serving the community with extensive hyper-local programming, diverse community engagement, and by uncovering cost-saving measures like this request which, if granted, will assist WABI in continuing this mission of service. Moreover, WABI has shown, and is showing with this request, a willingness to invest the necessary capital resources (approximately \$450,000 to \$500,000) to build Channel 12 after already having invested several hundred thousand dollars for the construction of its current DTV Channel 19.

Community Broadcasting is the local CBS and CW network affiliate<sup>4</sup> and is competing with affiliates and stations which are co-owned with adjacent market stations and which have substantially greater financial resources than Community Broadcasting.<sup>5</sup> Community

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<sup>3</sup> *DTV Order*, ¶ 140.

<sup>4</sup> WABI carries the CW Network on its second tier digital only channel.

<sup>5</sup> For example, WLBZ-TV, the NBC affiliate in Bangor, is licensed to Pacific and Southern Company, Inc., which is a wholly-owned subsidiary of Multimedia, Inc., which in turn is wholly-owned by Gannett Co., Inc. BOA-20060718AAN. Pacific and Southern Company, Inc. is also the licensee of WCSH-TV, Portland, Maine, Fac. Id. 39664. WLBZ-TV is able to access resources of WCSH in the Portland, Maine market for its operations in the Bangor market. This arrangement allows WLBZ to produce significantly less local news for broadcast in Bangor by utilizing the news produced by WCSH. WABI, on the other hand, must independently produce

Broadcasting understands that the other network affiliates, Community Broadcasting's direct competitors, will be operating on their current channels Digital Channels 2 and 7.<sup>6</sup> Operation on lower digital channels requires less power. Exhibit A shows that operating pursuant to this proposal results in WABI using 453 kW less ERP while not sacrificing any coverage area. Community Broadcasting estimates that operation on DTV Channel 19 would cost over \$100,000 per year more than operation on DTV Channel 12 at current rates, which rates are also rising.<sup>7</sup> Additionally, should WABI be authorized to operate on DTV Channel 12, WABI could move toward utilizing a solid state transmitter rather than the tube transmitter which is currently being used. A tube transmitter requires 2 tubes and the tubes must be replaced every 3-5 years at \$30,000 per tube. Accordingly, the cost savings in tubes alone would be approximately \$15,000 per year. These amounts are substantial to a local independent operator such as Community Broadcasting.

Allowing WABI to operate on a lower channel more in line with the other stations in the market would provide similar operating conditions to WABI by allowing WABI to reduce the cost of electricity and other operations while resulting in less consumption of public resources. WABI's operation on DTV Channel 12 would help to alleviate any competitive disadvantages

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all its own local news consisting of approximately 60 half hours per week. As a result, WABI incurs approximately four times WLBZ's expense for local news production.

<sup>6</sup> Currently the other network affiliates are assigned Digital Channels 25 and 14 but it is Community Broadcasting's understanding that those stations are filing requests to stay on their current analog channels of Channels 2 and 7.

<sup>7</sup> It should be noted that in addition to the cost, this amount represents a significant savings by the public in electricity and other natural resources required to be consumed to produce the electricity. This is not an insignificant consideration in this time of environmental concerns and struggles.

resulting from the DTV channel assignments and level the playing field among all the market stations by providing more similar operational and financial conditions while also providing for *more efficient operation that will significantly reduce the amount of energy consumed.*<sup>8</sup>

Providing exceptional programming and broadcast services to the public has always been the linchpin of Community Broadcasting's mission. WABI regularly independently produces and broadcasts many hours a week of local programming annually in addition to news programming and WABI consistently produces and broadcasts 2 local telethons a year, 3 state high school football championships, approximately 20 University of Maine men's and women's athletic contests, holiday concerts with a local choir, debates and community forums. Additionally, WABI produces 5 hours of live programming every year of the Bangor American Folk Festival, a local cultural event. These local programming events far exceed the local programming provided by all other local stations, and may in fact exceed the local programming provided by all other stations combined. Community Broadcasting is able to produce and broadcast these local events by controlling expenses in other areas and grant of this request would result in Community Broadcasting being able to divert more financial and operational

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<sup>8</sup> Community Broadcasting has been active in a co-location initiative whose purpose is to work with other stations in the area to transition to DTV operations for the good of the DTV transition and public. This initiative resulted in the cooperation between WABI and Maine Public Broadcasting Corporation being co-located on the same tower for DTV operations. Additionally, WABI has offered its tower site to WLBZ and WVII to allow WLBZ and WVII to more easily construct their DTV facilities. If WLBZ and WVII accept this proposal, any member of the public with a rooftop antenna will be able to point an antenna at Community Broadcasting's transmitter site and receive the digital signals CBS, NBC, Maine Public TV, CW, ABC, Fox and WLBZ's weather channel. This is another example of Community Broadcasting's efforts to maximize the public's ability to receive digital service.

resources into providing additional and improved programming and broadcast services to the public.

As noted above, the change in the post-transition DTV Table of Allotments conforms with all other relevant technical parameters for digital TV facilities and results in a more efficient use of the spectrum by reducing the consumption of natural resources while continuing to provide a high level of service to the community.

### CONCLUSION

As set forth herein, the grant of the Petition for Rulemaking complies with all Commission technical requirements, and would be in the public interest by providing for more level competitive conditions for all stations in the area, enabling WABI to direct its limited financial resources to invest in programming and broadcasting operations for the public benefit. As demonstrated by the Engineering Statement, the public would continue to be served and there should be no adverse impact on other broadcasters or broadcast service in the area. For the foregoing reasons, Community Broadcasting requests that the Commission grant the Petition for Rulemaking.

Respectfully submitted,

### COMMUNITY BROADCASTING SERVICE

By: 

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Its Attorneys

June 20, 2008

Exhibit A

ENGINEERING STATEMENT

ENGINEERING STATEMENT PREPARED BY RYAN WILHOUR OF THE FIRM  
 KESSLER AND GEHMAN ASSOCIATES, INC., TELECOMMUNICATIONS  
 CONSULTING ENGINEERS IN CONNECTION WITH COMMUNITY  
 BROADCASTING SERVICE IN SUPPORT OF A PETITION FOR RULEMAKING  
 WHICH SEEKS AUTHORIZATION TO AMEND THE DTV TABLE OF  
 ALLOTMENTS WABI-DT FACILITY ID NO.: 17005  
 BANGOR, ME

Community Broadcasting Service has been awarded the following technical parameters in Appendix B<sup>1</sup>:

DTV Channel	DTV Power	DTV Service Pop.	Antenna ID
19	465 kW	488 k	74868

It is proposed to amend the above referenced channel from 19 to 12, the DTV power from 465 kW to 12 kW<sup>2</sup> and change the above referenced pattern from antenna ID number 74868 to omni-directional. Hence the following parameters are being sought in the instant amendment:

DTV Channel	DTV Power	DTV Service Pop.	Antenna ID
12	12 kW	488 k	Omni

The proposed facility meets the Section 73.616 post transition DTV station interference protection criteria by a large margin. Although not required it is worth mentioning that the proposed facility also meets the more stringent geographic spacing requirements used for new DTV facilities in Section 73.623(d). Exhibit E1 demonstrates a red and green noise limited contour for WABI Channel 19 and Channel 12 respectively. As illustrated the 12 kW channel 12 and the 465 kW channel 19 facilities share nearly identical contours; however, the channel 12 facility covers slightly more area and population than the 465kW facility and uses 453kW less ERP. The public interest would be served by the proposed channel substitution since it would clearly permit WABI-DT to drastically reduce its power consumption from the grid and not sacrifice any coverage area. Therefore, it is respectfully requested that the DTV table of allotments be amended to reflect the requested parameters above.

I, Ryan C. Wilhour, am an associate of Kessler and Gehman Associates, Inc. with offices in Gainesville, Florida. I am a graduate of the University of Florida with a Bachelor of Science Degree in electrical

<sup>1</sup> "Seventh Report and Order and Eighth Further Notice of Proposed Rule Making" Re: In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service. (MB Docket No. 87-268, FCC 07-138) adopted August 1, 2007 and released August 6, 2007

<sup>2</sup> Pursuant to Section 73.622(f), the maximum allowable ERP for a given HAAT is determined by  $ERP_{max} = 97.35 - 33.24 * \log_{10}(HAAT)$ ; hence,  $ERP_{max} = 97.35 - 33.24 * \log_{10}(402) = 11.9826 \text{ kW}$  which was then rounded to 12.0 kW

engineering. The forgoing statement and the report regarding the aforementioned engineering work are true and correct to the best of my knowledge Executed on June 16, 2008.

KESSLER AND GEHMAN ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Ryan Wilhour". The signature is written in a cursive, flowing style.

Ryan Wilhour  
Consulting Engineer

WABI-DT - Proposed Channel 12 Population within contour:

Total Population Within Contour: 509,580  
Total Area Within Contour: 32303.21 sq. km

WABI-DT - Allotted Channel 19 Population within contour:

Total Population Within Contour: 509,350  
Total Area Within Contour: 32260.99 sq. km

WABI-DT-PROP

PROPOSED  
Latitude: 44-42-13 N  
Longitude: 069-04-47 W  
ERP: 11.98 kW  
Channel: 12  
Frequency: 207.0 MHz  
AMSL Height: 516.72 m  
Elevation: 298.741 m  
Horiz. Pattern: Omni  
Vert. Pattern: Yes  
Elec Tilt: 0.0  
Prop Model: None

WABI-DT-ALLOT

ALLOTMENT  
Latitude: 44-42-13 N  
Longitude: 069-04-47 W  
ERP: 465.00 kW  
Channel: 19  
Frequency: 503.0 MHz  
AMSL Height: 521.0 m  
Elevation: 298.74 m  
Horiz. Pattern: Directional  
Vert. Pattern: Yes  
Elec Tilt: 0.0  
Prop Model: None

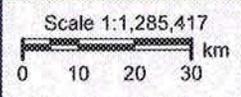
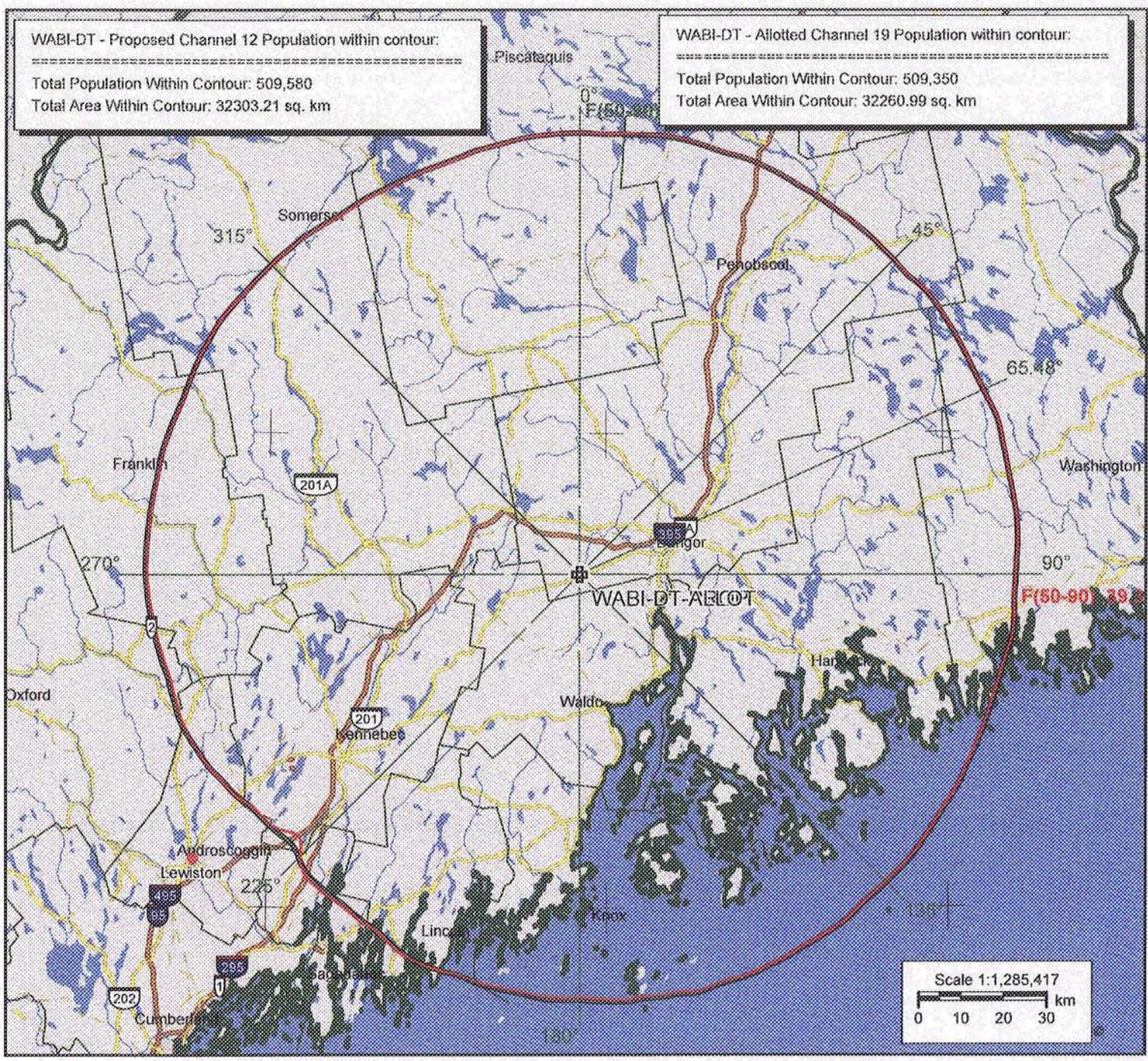


Exhibit E1