

ORIGINAL

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

In the Matter of )  
 )  
Amendment of Section 73.622(i) )  
Table of Allotments )  
Digital Television )  
(Stuart, Florida) )

RM-\_\_\_\_\_

FILED/ACCEPTED

JUN 24 2008

Federal Communications Commission  
Office of the Secretary

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

**ERRATUM TO PETITION FOR RULEMAKING**

Guenter Marksteiner ("Marksteiner"), permittee of station WHDT-DT, Stuart, Florida, by the undersigned attorneys, submits this Erratum to the Petition for Rulemaking filed with the Commission on June 20, 2008. This Erratum clarifies language in the Engineering Statement describing the proposed antenna as well as corrects minor typographical or grammar errors. For the avoidance of confusion, a complete copy of the Petition for Rulemaking, as revised, is attached hereto.

Respectfully submitted,

Guenter Marksteiner

By:

Lauren Lynch Flick  
Christine Reilly

Its Attorneys

PILLSBURY WINTHROP SHAW PITTMAN LLP  
2300 N Street, N.W.  
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Dated: June 24, 2008

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Digital Television )  
(Stuart, Florida) )

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

**PETITION FOR RULEMAKING**

Guenter Marksteiner ("Marksteiner"), permittee of station WHDT-DT, Stuart, Florida, by the undersigned attorneys, hereby requests that the Commission initiate a rulemaking proceeding to substitute and allot DTV Channel 42 for its assigned DTV Channel 44 at Stuart, Florida, at reference coordinates 26-43-36.8 N.L. and 80-4-47.8 W.L.<sup>1</sup>

As set forth in the attached engineering study by Cavell, Mertz & Associates, Inc., the instant proposal to allot DTV Channel 42 to Stuart, Florida can be accomplished in complete conformity with all Commission allocation requirements. The substitution of Channel 42 for Channel 44 at Stuart, Florida provides a preferential arrangement of allotments. Consequently, Marksteiner requests the following change in the DTV Table of Allotments:

	<u>Current</u>	<u>Proposed</u>
Stuart, Florida	44	42

If the proposal set forth herein is adopted, Marksteiner will promptly file the appropriate application for modification to specify operation on DTV Channel 42 at Stuart with facilities

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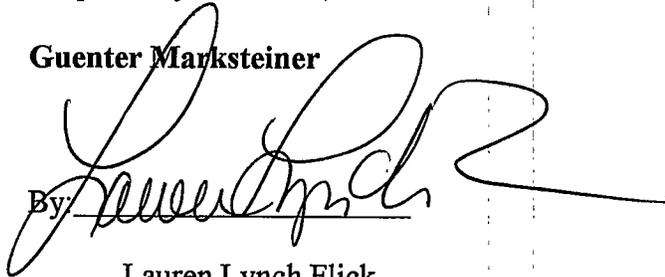
<sup>1</sup> The channel 42 DTV allotment reference coordinates are the same as the channel 44 DTV allotment coordinates of the Petitioner's WHDT-DT Stuart, Florida tower site.

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, Marksteiner respectfully requests that the Commission adopt the proposed changes to the DTV Table of Allotments.

Respectfully submitted,

**Guenter Marksteiner**

By: 

Lauren Lynch Flick  
Christine Reilly

Its Attorneys

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

Dated: June 20, 2008

Engineering Statement  
**REQUEST TO CHANGE DIGITAL ALLOTMENT CHANNEL**

prepared for

**Guenter Marksteiner**  
WHDT(TV) Stuart, Florida  
Facility ID 83929  
Ch. 42 1,000 kW 71 m

*Guenter Marksteiner* ("Marksteiner") is the permittee of digital television station WHDT(TV), Channel 59, Stuart, Florida (see BPCDT-19960920LH). A construction permit has been issued for post-transition operation for WHDT(TV) on Channel 44 ("CP", BMPCDT-20080317AIN ). With the lifting of the filing freeze<sup>1</sup>, *Marksteiner* herein proposes to modify the current allotment to specify a post-transition operation for WHDT(TV) on Channel 42.

The location proposed for WHDT(TV)'s post-transition Channel 42 facility is the currently authorized WHDT(TV) digital site. The antenna supporting structure is registered with the FCC, Antenna Structure Registration Number 1045227. *Marksteiner* proposes to employ the same antenna and antenna height currently authorized for the Channel 44 construction permit facility (see BMPCDT-20080317AIN). The antenna will be a MIG model BA24-H/V-C (0.653), omni-directional antenna.

**Figure 1** provides a map depicting the service contour and the required principal community coverage contour of the proposed facility. As demonstrated therein, the principal community of Stuart, Florida is predicted to receive the enhanced signal level as required in §73.625(a) of the Commission's Rules. The instant proposal provides interference free service to 1,854,636 persons (2000 Census).

Since the instant proposal specifies a change in channel to modify the WHDT(TV) allotment, a spacing study was performed in accordance with Section 73.623(d)(2). As demonstrated in the attached **Table I**, the proposed Channel 42 operation meets the required distances to all DTV pertinent stations. A post-transition interference study was performed in accordance with the methods set forth in the Commission's OET Bulletin No 69 ("OET-69"). The results of the studies indicate that no new interference in excess of the 0.5% limit established

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<sup>1</sup> See Public Notice, Commission Lifts The Freeze On The Filing Of Maximization Applications And Petitions For Digital Channel Substitutions, Effective Immediately, DA 08-1213, Released May 30, 2008.

Engineering Statement  
**REQUEST TO CHANGE DIGITAL ALLOTMENT CHANNEL**  
(Page 2 of 3)

in the Commission's Third Periodic Review<sup>2</sup> is caused to affected stations by the post-transition WHDT(TV) operation. A summary of the post-transition interference study is provided in the attached **Table II**. It should be noted that the study indicated Class A television station WTCN-CA, Channel 43, Palm Beach, Florida, is predicted to receive 1.2871 % new interference from the instant proposal. However, a similar post-transition study was performed using the parameters for the authorized WHDT(TV) Channel 44 allotment facility. The authorized WHDT(TV) facility is predicted to cause 1.1762 % new interference to WTCN-CA. Therefore, since WTCN-CA already receives interference from the WHDT(TV) Channel 44 facility, the incremental increase in interference caused by the proposed change of channel is only 0.1209 % and is below the 0.5 % allowed increase in interference. The pertinent technical details for the proposed WHDT(TV) allotment are provided in **Table III**.

**Conclusion**

Thus, this proposal is believed to be in compliance with the current Commission's Rules and policy with respect to allocation matters.

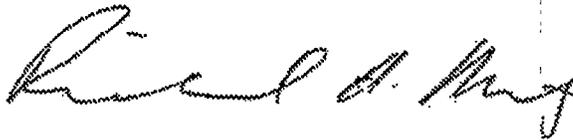
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<sup>2</sup> See *Report and Order, Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television*, MB Docket No. 07-91, FCC 07-228, Released December 31, 2007.

Engineering Statement  
**REQUEST TO CHANGE DIGITAL ALLOTMENT CHANNEL**  
(Page 3 of 3)

**Certification**

The undersigned hereby certifies that the foregoing statement and exhibits were prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief. Mr. Mertz is a principal in the firm of *Cavell, Mertz & Associates, Inc.*, holds a Bachelor of Science degree from Oglethorpe University, and has submitted numerous engineering exhibits to the Federal Communications Commission. His qualifications are a matter of record with that agency.



Richard H. Mertz  
June 20, 2008

Cavell, Mertz & Associates, Inc.  
7839 Ashton Avenue  
Manassas, Virginia 20109  
703-392-9090

**Attachments**

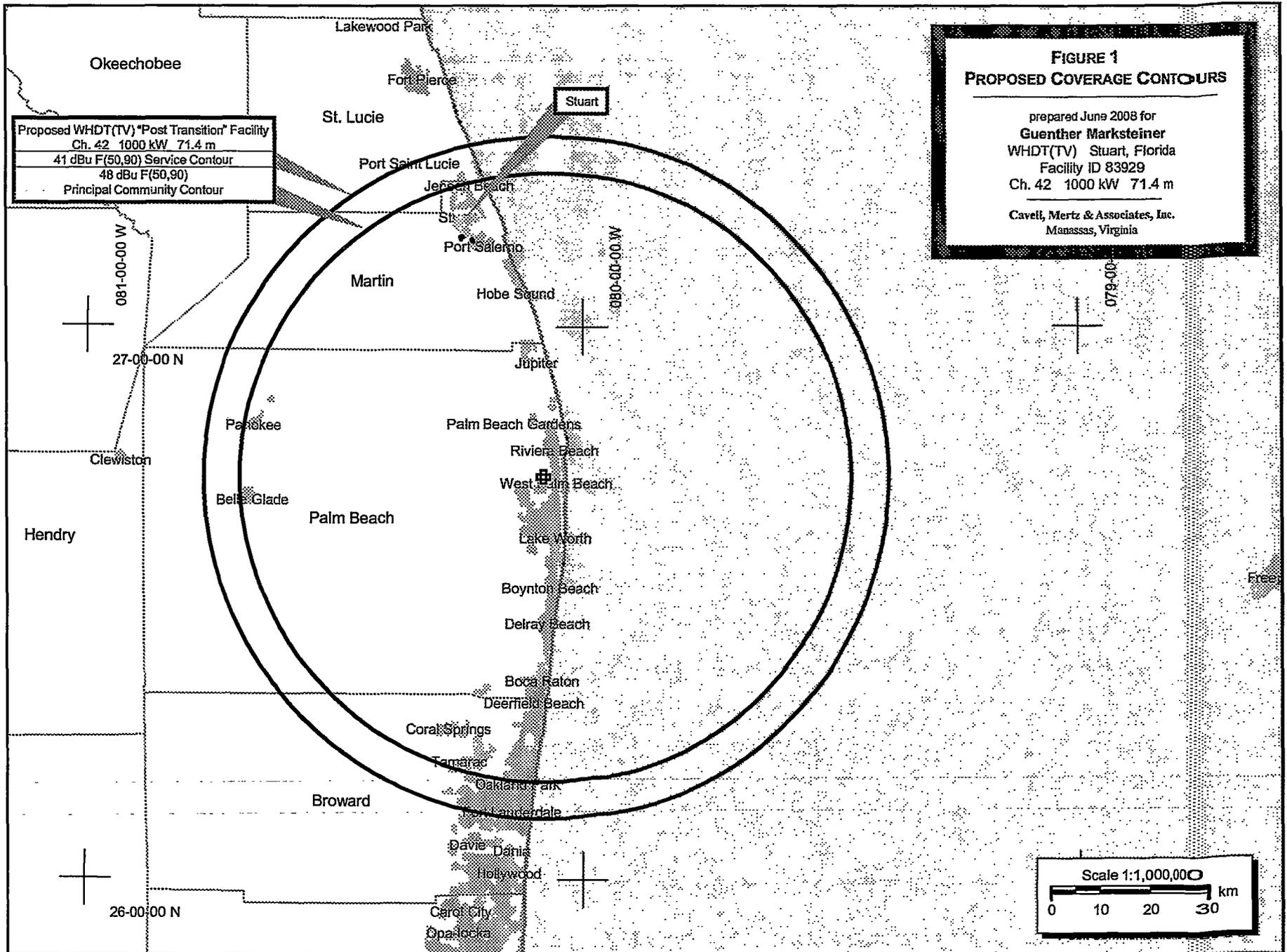
Figure 1	Proposed Coverage Contours
Table I	Spacing Study
Table II	Interference Study Results
Table III	Proposed Operating Parameters

**FIGURE 1**  
**PROPOSED COVERAGE CONTOURS**

prepared June 2008 for  
**Guenther Marksteiner**  
WHDT(TV) Stuart, Florida  
Facility ID 83929  
Ch. 42 1000 kW 71.4 m

Cavell, Mertz & Associates, Inc.  
Manassas, Virginia

Proposed WHDT(TV) "Post Transition" Facility  
Ch. 42 1000 kW 71.4 m  
41 dBu F(50,90) Service Contour  
48 dBu F(50,90)  
Principal Community Contour



**Table I**  
**SPACING STUDY**  
 prepared for  
**Guenter Marksteiner**  
**WHD(TV) Stuart, Florida**  
**Facility ID 83929**  
**Ch. 42 1,000 kW 71 m**

Channel Status	Call Sign Service	City/State File Number	Fac. ID	Latitude Longitude	Power HAAT	Distance Bearing	Required Clear
40 CP	W40CP-D LD	WEST GATE, FL BDCCTL-20070403AAL	167680	25 59 34 80 10 27	3.0 0	81.88 186.57	80.50 1.38
42 LIC	WXPX DT	BRADENTON, FL BLCDT-20030109AEP	6601	27 49 10 82 15 39	210.0 476	247.55 299.90	223.70 23.85
42 CP	WHDO-LD LD	ORLANDO, FL BDCCTL-20061023AHP	168394	28 25 22 81 27 35	9.0 0	232.11 324.52	217.30 14.81

Table II  
**POST-TRANSITION INTERFERENCE STUDY RESULTS SUMMARY**

prepared for  
**Guenter Marksteiner**  
 WHDT(TV) Stuart, Florida  
 Facility ID 83929  
 Ch. 42 1,000 kW 71 m

<u>Channel</u>	<u>Affected Station</u>	<u>City</u>	<u>State</u>	<u>Facility Type</u>	<u>7th R&amp;O Table (2000 Census)</u>	<u>Calculated Scenario Baseline (2000 Census)</u>	<u>Interference Population Without Proposal (2000 Census)</u>	<u>Interference Population with Proposal (2000 Census)</u>	<u>Population Difference</u>	<u>Maximum New Interference</u>
38	WPMF-LP	Miami	FL	License	---				---No interference---	
41	WJAN-CA	Miami	FL	License	---				---No interference---	
41	WZVN-TV	Naples	FL	License	1,491,000				---No interference---	
41	WZVN-TV	Naples	FL	Reference	1,491,000				---No interference---	
42	WXPX	Bradenton	FL	Reference	3,722,000	3,732,358	27,641	27,895	254	0.01%
42	WXPX	Bradenton	FL	License	3,722,000	3,732,358	27,641	27,895	254	0.01%
42	WJXT	Jacksonville	FL	License	1,329,000				---No interference---	
42	WJXT	Jacksonville	FL	Reference	1,329,000				---No interference---	
43	WOTF-TV	Melbourne	FL	Reference	2,340,000				---No interference---	
43	WTCN-CA	Palm Beach	FL	License	---	77,242	423,794	430,295	6,501	1.2971%
50	WSBS-CA	Miami	FL	License	29,000				---No interference---	

1. The authorized WHDT-DT facility on Channel 44 is predicted to cause 1.1762 % interference to WTCN-CA. Thus, the difference in interference from the Channel 44 to Channel 42 to WTCN-CA is 0.1209% new interference.

Table III  
**PROPOSED ALLOTMENT PARAMETERS**

prepared for  
**Guenter Marksteiner**  
WHDT(TV) Stuart, Florida  
Facility ID 83929  
Ch. 42 1,000 kW 71 m

Channel	Digital Channel 42
Site Coordinates	26° 43' 36.8" N 80° 04' 47.8" W (NAD-27) ASR 1045227
Radiation Center	74.8 meters above mean sea level 71 meters above average terrain
Effective Radiated Power	1000 kilowatts
Antenna	Omni-directional Antenna Circularly Polarized MIG BA24-H/V-C (0.653)