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

In the Matter of	)	
	)	
Promoting Diversification of Ownership In the Broadcasting Services	)	MB Docket No. 07-294
	)	
2006 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	)	MB Docket No. 06-121
	)	
2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	)	MB Docket No. 02-277
	)	
Cross-Ownership of Broadcast Stations and Newspapers	)	MM Docket No. 01-235
	)	
Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets	)	MM Docket No. 01-317
	)	
Definition of Radio Markets	)	MM Docket No. 00-244
	)	
Ways to Further Section 257 Mandate and To Build on Earlier Studies Advanced Television Systems and their Impact upon the Existing Television Broadcast Service	)	MB Docket No. 04-228

REPLY COMMENTS OF ABC, INC.

ABC, Inc. ("ABC"), by its attorneys, submits these reply comments ("Reply Comments") in the above-captioned proceeding in which the Federal Communications Commission ("FCC" or "Commission") is considering various proposals intended to increase participation in the broadcasting industry by new entrants and small businesses – a goal which ABC wholeheartedly supports. In these Reply Comments, ABC reiterates its concern that proposals to reallocate

TV/DTV channels 5 and 6 for FM service would threaten the public interest in a smooth transition to digital television ("DTV") without any material benefit from a diversity of ownership perspective.

In particular, ABC responds to the proposal by the Broadcast Maximization Committee ("BMC") to relocate ABC-owned television station WPVI-TV/DT ("WPVI") to either channel 39 or channel 4.[1] As set forth in more detail below, BMC's proposal would be extremely disruptive, does not work from an engineering perspective, and clearly would not serve the public interest at this late date in the DTV transition process. Requiring WPVI and others to change course by removing channels 5 and 6 from the TV band is particularly unwise given that the final DTV transition date is less than six months away. Indeed, reallocating channels 5 and 6 from television service would contravene the Commission's diligent efforts over the last ten years to ensure that all television stations were assigned an appropriate channel for post-transition DTV operations and that such stations could timely transition to digital in accordance with Congressional mandate.

I. REALLOCATION OF CHANNELS 5 AND 6 FROM TELEVISION SERVICE IS CONTRARY TO THE PUBLIC INTEREST BECAUSE IT WILL DISRUPT THE TRANSITION TO DIGITAL TELEVISION AND IMPOSE UNCERTAINTY AND SIGNIFICANT COSTS ON THE TRANSITION PROCESS

The FCC has worked for well over a decade with all stakeholders to implement the legislative mandate that all television stations relinquish analog spectrum in a manner that best

[1] *See* Comments of Broadcast Maximization Committee, MB Docket 07-294, *et al*, ¶ 16 (filed July 30, 2008) ("BMC Comments"). BMC states that it offers "suggested alternative DTV channels for the purpose of demonstrating that its proposal is feasible and not to impose any particular channels on the respective station licensees." *Id.* As explained herein, however, any attempts to reallocate channels 5 and 6 from television service – regardless of the alternative channel suggested – is contrary to the long and complicated DTV channel allotment process, as well as to the Commission's long-established goal of facilitating a smooth transition to digital television.

serves the public interest. Although the DTV transition process has proven to be quite complex, the Commission has nevertheless done a tremendous job of balancing several interests – from interference protection to continuity of service – to designate post-transition DTV channels to full-power television stations that best met the stations' respective needs. This lengthy and well-thought process is now at an end, and the Congressionally imposed statutory DTV transition deadline is less than six months away. Nevertheless, BMC and others propose to upset this careful balancing of interests by urging the Commission to reallocate channels 5 and 6 from television service. These proposals must be rejected because they undermine the Commission's substantial and diligent efforts to facilitate a seamless transition for the American public. Indeed, the Commission has expressly noted its concerns that reallocating channels 5 and 6 would substantially disrupt the carefully coordinated DTV transition process and prevent the use of the channels by Class A, low power TV and TV translator stations following the full-power DTV transition.[2]

As ABC explained in its initial comments,[3] the Commission previously has determined that continued use of channels 5 and 6 by television stations is in the public interest and this

[2] *See Seventh Reconsideration Order*, at note 73 ("If the TV stations that elected channel 5 or 6 for their post-transition operation were required to find new channels, the post-transition DTV Table of Allotments and the careful, complex process, including international coordination, that led to its construction would be significantly disrupted. Providing for the full availability of these channels for new TV stations will help enable the Commission to provide for the 175 DTV allotments for TV stations required under the CBP Act. Maintaining channels 5 and 6 for TV service will also protect service of the many Class A, low power TV, and TV translator stations that use the low VHF channels and are expected to continue to use those channels when they switch to digital operation.")

[3] *See* Comments of ABC, Inc., MB Docket 07-294, *et al*, 2-4 (filed July 30, 2008) ("ABC Comments"). *See also*, ABC, Inc., Opposition to Petitions for Reconsideration of National Public Radio, Inc. and Hammett & Edison, Inc., MB Docket 87-268 (filed May 20, 2008) ("ABC Opposition"); *Ex Parte* Letter to Ms. Marlene H. Dortch, FCC, from Susan L. Fox, The Walt Disney Company, and Tom W. Davidson, Counsel to ABC, Inc., MB Docket No. 99-25 (filed July 9, 2008) ("ABC Ex Parte" and collectively with the ABC Comments and the ABC Opposition, the "ABC Channel 6 Pleadings").

determination remains valid today.[4] Based on the Commission's decisions, pursuant to a multi-step channel election process, a number of television stations elected, and have been assigned, channels 5 or 6 for their final, post-transition DTV operations. Each of these stations independently selected channel 5 or 6 as the "best fit" for their station, service area and viewers in an all digital world. Indeed, it is clear that some of these stations must operate on channel 5 or 6 in order to reach a substantial portion of their current analog viewers given current Commission rules regarding interference. Accordingly, the Commission should reject BMC's attempt to substitute its judgment for that of these stations (and the judgment of the FCC) as to which channel best serves its post-transition needs.

In many cases, choosing channel 5 or 6 involved certain tradeoffs but the one primary benefit was certainty—certainty that the channel would be available post-transition versus the uncertainty involved with seeking another channel. Over twenty stations relied on the certainty provided by the Commission's allocation of channels 5 and 6 for television service. These stations have elected and received channel 5 or 6 for their post-transition DTV transition, and have expended significant time and resources to enable construction of such DTV facilities by February 17, 2009. ABC previously has demonstrated that the Commission's decisions to authorize post-transition DTV operations on channels 5 and 6 have promoted the public interest

[4] *See* In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Memorandum Opinion and Order on Reconsideration of the Seventh Report and Order and Eighth Report and Order*, FCC 08-72, MB Docket No. 87-268, ¶ 27 (rel. Mar. 6, 2008) ("*Seventh Reconsideration Order*") ("[W]e stand by our now well-established determination that the additional opportunities for increasing FM noncommercial coverage do not outweigh the costs of eliminating channel 6 from TV service."); In the Matter of Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service, *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC Rcd 7418, ¶¶ 42-43 (1998); In the Matter of Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service, *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, 14 FCC Rcd 1348, ¶¶ 54, 57 (1998).

by providing the necessary certainty and interference protection to stations approaching the end of the DTV transition.[5] This certainty and protection, in turn, has facilitated a smoother transition for these stations' and their millions of viewers.

II. THE COMMISSION SHOULD REJECT BMC'S PROPOSAL TO RELOCATE WPVI TO EITHER CHANNEL 39 OR CHANNEL 4

BMC suggests that the Commission designate either channel 39 or channel 4 for WPVI's post-transition DTV operations.[6] As explained below and in the ABC Channel 6 Pleadings, BMC's proposal would disrupt the careful balancing of interests that led to WPVI's decision to elect channel 6 for its post-transition DTV operations. In addition, BMC's proposal to move WPVI from channel 6 to either channel 39 or channel 4 also is flawed from an engineering perspective. Finally, BMC's proposal to relocate WPVI and other television stations is procedurally flawed because it does not comply with the FCC's rules governing changes in the DTV table of allotments.

A. BMC's Proposal To Relocate WPVI From Channel 6 Harms the Public Interest Because It Would Require WPVI To Start Its DTV Transition Process Over

WPVI, like many stations in the congested northeast corridor, struggled to find a channel that would permit it to construct DTV facilities that would replicate its current analog population and chose channel 6 only after a deliberate evaluation process.[7] Specifically, in reaching its decision to elect channel 6, ABC balanced several interests, including (i) the interests of WPVI's

[5] *See* ABC Channel 6 Pleadings.

[6] BMC Comments, at ¶ 16.

[7] ABC has explained the factors that it considered when selecting channel 6 for WPVI's post-transition operations in multiple pleadings filed with the Commission, which pleadings are hereby incorporated by reference. *See generally*, ABC Channel 6 Pleadings. Rather than reiterate these factors here, the instant Reply Comments focus upon the fallacies of BMC's suggestion that WPVI move to either channel 4 or channel 39 from an engineering perspective.

viewers (including their interest in continuity of service), (ii) the results of multiple technical studies over an extended period of time, which studies failed to identify another suitable, unoccupied channel in the crowded northeast corridor, (iii) ABC's interest in certainty and a speedy resolution, (iv) the interests of other stations and the absence of available post-transition DTV channel options in the nation's fourth largest television market, (v) the negotiated channel agreements that effectively removed the only suitable replacement channels from the pool of available channels (which ABC initially opposed),[8] and (vi) the general public interest.[9] To mandate that WPVI relocate to a new channel now essentially would require WPVI to start its DTV channel election process over again by balancing these multiple, competing interests to determine which of the limited number of channel options available in the congested northeast corridor may serve its needs in lieu of channel 6, the channel that WPVI already has determined – in accordance with Commission requirements for channel elections – best suits its needs. Such a result clearly is contrary to the public interest.

B. BMC's Proposal To Move WPVI From Channel 6 To Channel 39 Does Not Enable WPVI To Both Satisfy The Commission's Technical Standards For Post-Transition DTV Facilities And Continue to Serve Its Analog Viewers

BMC suggests that WPVI could operate on channel 39 if (i) station WLVT-TV, Allentown, Pennsylvania moves to channel 48, (ii) station WJAL(TV), Hagerstown, Maryland moves to channel 22, and (iii) station WNEP-TV, Scranton, Pennsylvania moves to channel 50.[10] This proposal involves the relocation of four stations that, as described above, chose their

[8] See ABC Comments, at 5 and note 8 (discussing the negotiated channel arrangements).

[9] ABC also relied upon the continued application of section 73.525's interference protections in reaching its decision to request channel 6. ABC has addressed the continued application of section 73.525 in a previous pleading, incorporated by reference herein. *See* ABC Opposition.

[10] BMC Comments, at ¶ 16.

respective channels as the best fit for their post-transition DTV operations during the Commission's carefully coordinated channel election process. To require four stations to relocate at this time not only will inject uncertainty into the DTV transition process but also will unfairly subject stations that have diligently worked to accomplish the DTV transition to additional and substantial costs.[11] Moreover, as explained above, relocation of television stations to new channels at this point in the DTV transition process would undermine the years of work the Commission conducted to ensure that all television stations were assigned an appropriate channel to accomplish the transition in a timely manner, with minimal disruption to the viewing public.

Even assuming that the three other stations implicated by BMC's proposal were amenable to relocating as suggested, WPVI would not be able to operate on channel 39 and continue to serve its analog viewers. This is because, although BMC's proposal with respect to WPVI satisfies the Commission's rules governing short spacing, WPVI could not construct a facility that both meets the Commission's interference protection requirements and serves its existing analog viewers. As explained in the attached Engineering Statement, WPVI would be unable to provide the requisite interference protection to station WWOR-TV, Secaucus, New Jersey ("WWOR") if it were required to move to channel 39.[12] Specifically, absent an agreement with

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[11] Not surprisingly, BMC's proposal is silent as to who will be responsible for the costs associated with relocating digital television facilities to another channel. These costs likely will be significant, as stations would be required to purchase new transmitters, antennas, transmission lines, and other equipment.

[12] *See* Engineering Statement at 4-5. If BMC's proposal to relocate WPVI to channel 39 were adopted, not only would WPVI be unable to satisfy the Commission's interference standards while still serving its existing viewers, it appears that neither WLVT-TV ("WLVT") nor WJAL(TV) ("WJAL") would meet these standards. *See* Engineering Statement at 5. Specifically, if WJAL moves to channel 22, it will cause an additional 1.2% additional interference to WVPY(TV). *Id.* Similarly, if WLVT moves to channel 48 from channel 39, it will generate an additional 2.1% interference to WRNN-TV, Kingston, New York. *Id.*

Fox Television Stations, Inc., the licensee of WWOR, to accept interference beyond the 0.5% standard (and subsequent Commission approval of such agreement), WPVI would be required to operate facilities on channel 39 at 255 kW in order to protect WWOR in accordance with the Commission's standard.[13] The 255 kW facilities, however, are predicted to serve only 8,053,688 persons – nearly 2 million fewer persons that are served by WPVI's existing analog facilities and over 2.6 million fewer persons than are predicted to be served by the facilities specified in WPVI's outstanding post-transition construction permit.[14] In short, millions of viewers in the densely populated corridor between Philadelphia and New York would lose over-the-air service from WPVI following the switch to channel 39 operations. These viewers would no longer have access to the significant amount of local content, including news, emergency information, and other public affairs programming, provided by WPVI.[15] WPVI has worked diligently to meet the Commission's stated goal of ensuring that viewers do not lose over-the-air service as a result of the analog transition and should not now be subjected to a relocation proposal that would result in loss of service to any of its over-the-air service.

Moreover, neither WLVT nor WJAL would be able to satisfy the Commission's spacing requirements if they are required to move the channels proposed by BMC. *Id.*

[13] *Id.* at 4.

[14] *Id.* at 4-5.

[15] WPVI currently broadcasts nearly 35 hours of original local news and public affairs programming per week. WPVI consistently achieves the highest audience ratings in the Philadelphia market for its weekday 5 a.m. to 7 a.m. and 5 p.m. to 6 p.m. local newscasts. In addition, WPVI historically has aired Pennsylvania, New Jersey, and Delaware gubernatorial debates, as well as senatorial and congressional debates. Comments of The Walt Disney Company, MB Docket 04-233 (filed Apr. 28, 2008) ("TWDC Localism Comments") (detailing WPVI's extensive efforts to serve its local community). For example, on May 30, 2008, WPVI co-sponsored (and aired on June 1, 2008) the Democratic and Republican New Jersey Senatorial debates with the League of Women Voters of New Jersey. WPVI also broadcasts between 300 to 400 public service announcements per month and, since 1970, WPVI has aired the longest-running Hispanic public affairs show in the nation. *See* TWDC Localism Comments.

C. WPVI Will Suffer A Degradation In Service If It Relocates to Channel 4

As an alternative to channel 39, BMC proposes that WPVI move to channel 4 for its post-transition DTV operations. Channel 4, however, is not a viable option for WPVI's post-transition DTV operations because this lower VHF channel will not provide equivalent or better service to channel 6.[16] As explained in the attached Engineering Statement, the highest low VHF channel – channel 6 – is the best channel available given the technical challenges facing digital operations on low VHF channels due to interference from electrical sources and other man-made noise.[17] Indeed, it is well-established under the laws of physics that natural and man-made noise contains more energy at lower frequencies than higher frequencies.[18] This additional energy will cause additional degradation to television service as the frequency of operation is lowered.[19] In short, WPVI believes that moving to channel 4 would result in an unacceptable degradation of its post-transition digital service at the expense of its viewers – such a result is clearly not in the public interest and, accordingly, BMC's proposal to relocate WPVI to channel 4 must be denied.

D. The Instant Rulemaking Is Not the Proper Forum To Modify The DTV Table of Allotments

A party seeking to change the DTV table of allotments must file a petition to amend the table in accordance with Sections 1.420 and 73.723 of the Commission's rules.[20] In its comments, BMC proposes several channel changes that would require amendments to the DTV table of allotments. Each of these proposed channel changes requires a separate rulemaking proceeding, and cannot be accomplished in the context of a general rulemaking proceeding such

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[16] *Id.* at 3.

[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] 47 C.F.R. § 1.420, § 73.623.

as the instant rulemaking on diversity issues. Accordingly, BMC's proposals to move WPVI and other television stations to alternative channels are procedurally flawed and must be rejected.

III. CONCLUSION

The final DTV transition date is less than six months away. Post-transition, more than 20 full-power broadcast television stations (and many more low power stations) will operate on TV/DTV channels 5 or 6 and more stations may request such channels.[21] Continued use of these channels is critically important to these many stations and their millions of viewers. WPVI's decision to use channel 6 for its post-transition operations was the result of a careful evaluation of all of its channel options. BMC's proposal to move WPVI to channel 39 or channel 4 will not satisfy the Commission's technical standards for post-transition interference nor will it enable WPVI to continue to serve its existing analog viewers. Accordingly, the Commission should reject BMC's proposal to move WPVI to an alternative channel, as well as other proposals to reallocate channels 5 and 6 from television service.

Respectfully submitted,

ABC, Inc.

By: __/s/ Susan L. Fox_____

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August 29, 2008

Its Attorneys

[21] *See* ABC Comments, at 4.

ENGINEERING EXHIBIT

ABC, INC.,
TELEVISION STATION WPVI, FACILITY ID 8616
CHANNEL 6 AND CHANNEL 39 COMPARISON
CHANNEL 6 – 7.65 KW (DTV AVERAGE) – 332 METERS HAAT
CHANNEL 39 – 255 KW (DTV AVERAGE) – 332 METERS HAAT

PHILADELPHIA, PENNSYLVANIA

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ENGINEERING EXHIBIT

ABC, INC.,
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CHANNEL 6 AND CHANNEL 39 COMPARISON
CHANNEL 6 – 7.65 KW (DTV AVERAGE) – 332 METERS HAAT
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PHILADELPHIA, PENNSYLVANIA

ENGINEERING STATEMENT

Introduction

ABC Inc. is the licensee of WPVI (TV), Philadelphia, Pennsylvania. WPVI is licensed to operate NTSC analog facilities on channel 6 with an effective radiated power of 74.1 KW at a height above average terrain of 332 meters as described in its license which bears FCC File Number BLCT-2282. This license describes the facilities that were used as the basis for DTV replication facilities.

WPVI began broadcasting in September of 1947 and has been serving Philadelphia and nearby communities on channel 6 continuously since that time.

In the Seventh Report and Order, WPVI was assigned a DTV Allotment on Channel 6 of 6.22 KW at 332 meters HAAT with a directional antenna which bears Antenna ID 80202. This HAAT is identical to the HAAT of the main NTSC antenna.

WPVI was one of several stations that committed to initiating DTV operation in November of 1998. WPVI was able to meet that commitment, and has been continuously broadcasting Digital Television on channel 64 since November 1, 1998, with only a few hours lost due to necessary repairs which were required after failure of the WPVI-DT transmission line. The Modified DTV CP bears FCC File Number BMPCDT-19980826KG. The application for license to cover presently operating WPVI-DT facilities bears FCC File Number BLCDT-19981112KE. This facility will not survive the Transition because channel 64 is out of core.

The outstanding post-transition construction permit bears FCC File Number BPCDT-20080208ADW, and specifies 7.56 KW at 332 meters HAAT from the presently licensed non-directional NTSC channel 6 antenna.

In the channel election process, WPVI, a low VHF NTSC station with an out-of-core DTV allotment elected to not elect its NTSC channel in Round 1. When it became clearer that the channel election process had been forced to negotiate channel agreements in the Philadelphia market and that the likelihood of a UHF channel being available was extremely low, WPVI considered a re-evaluation of its NTSC channel. There was little data in the record from earlier DTV testing on channel 6. To proceed with certainty, and in the interest of furthering the transition to DTV, WPVI obtained an STA from the Commission to conduct testing with DTV signals on channel 6 in an effort to obtain some field experience, however limited, with DTV signal reception on channel 6. This experience was necessary to determine if channel 6 offered any possibility to provide DTV service to its present viewers.

The tests performed while operating with an STA indicated that DTV reception of channel 6 at certain locations suffered from impulse noise and other interfering sources. Verbal descriptions of reception of DTV signals on channel 64 and both DTV and NTSC signals on channel 6 during the STA testing did not produce any new or startling revelation, but did serve to remind the experienced observers who participated in the tests that channel 6 NTSC signals also suffer picture degradation when impulse noise conditions or other interference sources are encountered.

Low VHF Television Channels

The channels 2 though 6 are commonly referred to as low VHF channels. Channels 2, 3, and 4 are adjacent channels and channels 5 and 6 are adjacent channels. The frequencies between 72 and 76 MHz are not used for television broadcasting. Channel 2 occupies the band 54 to 60 MHz. When contrasted with channel 6, which occupies the band 82 to 88 MHz, the large percentage difference between the highest and lowest frequencies indicate that different characteristics can be expected between the lowest and the highest frequencies that comprise the low VHF television channels.

Early DTV test results indicate that interference from man-made noise, primarily impulse noise, cause difficulties with reception of channel 6. No study has considered or observed propagation anomalies, such as Sporadic E layer reflections (found primarily in the spring and fall) and F layer reflections (occurring primarily during times of high solar activity) that are often found on these frequencies. Experience with the lowest of the low VHF channels and nearby frequencies indicate that the lower television channels will suffer these effects earlier and these effects will last longer than channels at higher frequencies.

If the use of a low VHF television channel is required, the highest possible channel, channel 6, is the best of the lot based on the indications extracted from test data and field experience. The existing body of knowledge indicates that the highest low VHF channel will be a better choice with respect to interference from electrical sources and other man-made noise than any lower channel, and that expected performance will suffer more undesirable degradation from interference as the operating frequency is decreased.

WPVI did not perform tests on any other low VHF channel, because at the beginning of Round 1 of the channel election process, these channels were occupied, and will remain occupied until the transition, and as such, could not be considered in the channel election process. As an example, channel 4 is in DTV use as an initial allotment in nearby Harrisburg, Pennsylvania. Even though WPVI has no test results from its own testing at any other low VHF channel, the physical basis of impulse noise generation indicates that noise generation phenomena create more energy per unit bandwidth at lower frequencies than higher frequencies. Because of increasing energy in the noise environment as the frequency of interest is lowered, WPVI has no reason to expect equal or better service from a lower channel. Indeed, the existing body of knowledge indicates that service will suffer additional degradation as the frequency of operation is lowered.

Channel 39

Through several channel swaps it is possible to make channel 39 meet the Commission's spacing requirements for UHF DTV stations Television Zone I for use in Philadelphia. The Commission's Rules require that a channel proposed in a rulemaking process meet the spacing requirements. In addition, the Commission requires that the proposed facility also meet the requirement of the Rules regarding creation of new interference and cause no more than 0.5 percent additional interference to any station or allotment.

Interference calculations indicate that adjacent channels in the New York metropolitan area and the Baltimore area generate a limit to the allowable signal strength in those directions.

A facility of 255 KW ERP will meet the Commission's rules with respect to creation of new interference. Unfortunately, this facility, while causing an additional 0.497 percent additional interference to WWOR, DTV channel 38, will not serve the WPVI Appendix B population completely, nor will it serve the population that is predicted to receive service from the facility that is described in the outstanding channel 6 DTV post-transition construction permit, BPCDT-20080208ADW.

The population density is greatest in the directions to the northeast and the southwest – the Washington to New York corridor. This is also where interference protection requirements are the greatest. A directional antenna will not be able to recover population lost to the northeast and the southwest by increasing coverage to the northwest and the southeast. The populated areas are shown as shaded areas in the figure that is labeled Exhibit 1 and attached to this engineering statement.

The population served by the WPVI channel 6 NTSC facility is approximately 10,006,913 persons. The WPVI post-transition Appendix B facility (FCC 08-72) serves approximately 10,186,000 persons. The outstanding post-transition construction permit, BPCDT-20080208ADW, is predicted to serve approximately 10,674,914 persons

The population serviced by the channel 39 facility that meets FCC requirements is approximately 8,053,688 persons. To reach this reduced WPVI coverage, each of the three other stations must find a means to make the necessary channel changes. If one station cannot make the change, no improvement is possible for any other station. There is no reason for any station to agree to change if such a station finds itself with less coverage than it had originally.

With facilities similar to those described in Appendix B, WLVT, Allentown, when moving to channel 48 from channel 39 will generate 2.1% additional interference to WRNN, Channel 48, Kingston, NY. An in-depth study would be necessary to determine if a directional antenna can provide any additional protection while maintaining existing or Appendix B service to Allentown. The WLVT location in Appendix B is close spaced to the WRNN site, being approximately 34.3 KM short of the required 196.3 KM spacing that is required.

In a similar study, it was learned that WJAL, Hagerstown, MD, will generate approximately 1.2 percent additional interference to WVPY, Front Royal, VA. Again, an in-depth study is required to determine if WJAL can maintain its service and cause no more than 0.5 percent additional interference to WVPY, Front Royal, Virginia. The WJAL location in Appendix B is slightly close spaced to WHP Harrisburg (3.6 KM) and WVPY, Front Royal (2.1 KM), which could possibly be solved through selection of another site.

These two examples indicate that channel changes to make channel 39 available for use in Philadelphia may cause loss of existing service to other locations. From this exercise, it is clearly seen that it is often easier to meet the Commission's spacing requirements alone (although at least two suggested channel changes do not meet the spacing requirements) than it is to meet all the Commission's requirements regarding DTV operation on a new channel.

These considerations do not address the potential availability of tower crews to make the needed changes in antennas. Even a channel 49 UHF slot antenna will require modification to perform well on channel 50. Changes from channel 39 to channel 48 or channel 39 to 22 will require antenna replacements.

Conclusion

Present efforts require focus to meet the near-term goal of a smooth and successful transition to digital television. The details of any station's expected operating parameters cannot be changed at this late a date without severe impact on the already strained equipment supply and tower crew availability.

The channel swapping and changing process can be continued with many variations. A simple and clean solution to finding a suitable channel in the Washington to New York corridor is elusive and is not a trivial task. At this stage of the transition to DTV television broadcasting, the certainty of a channel assignment is necessary to assure the transition to DTV transmission will be as smooth as possible.

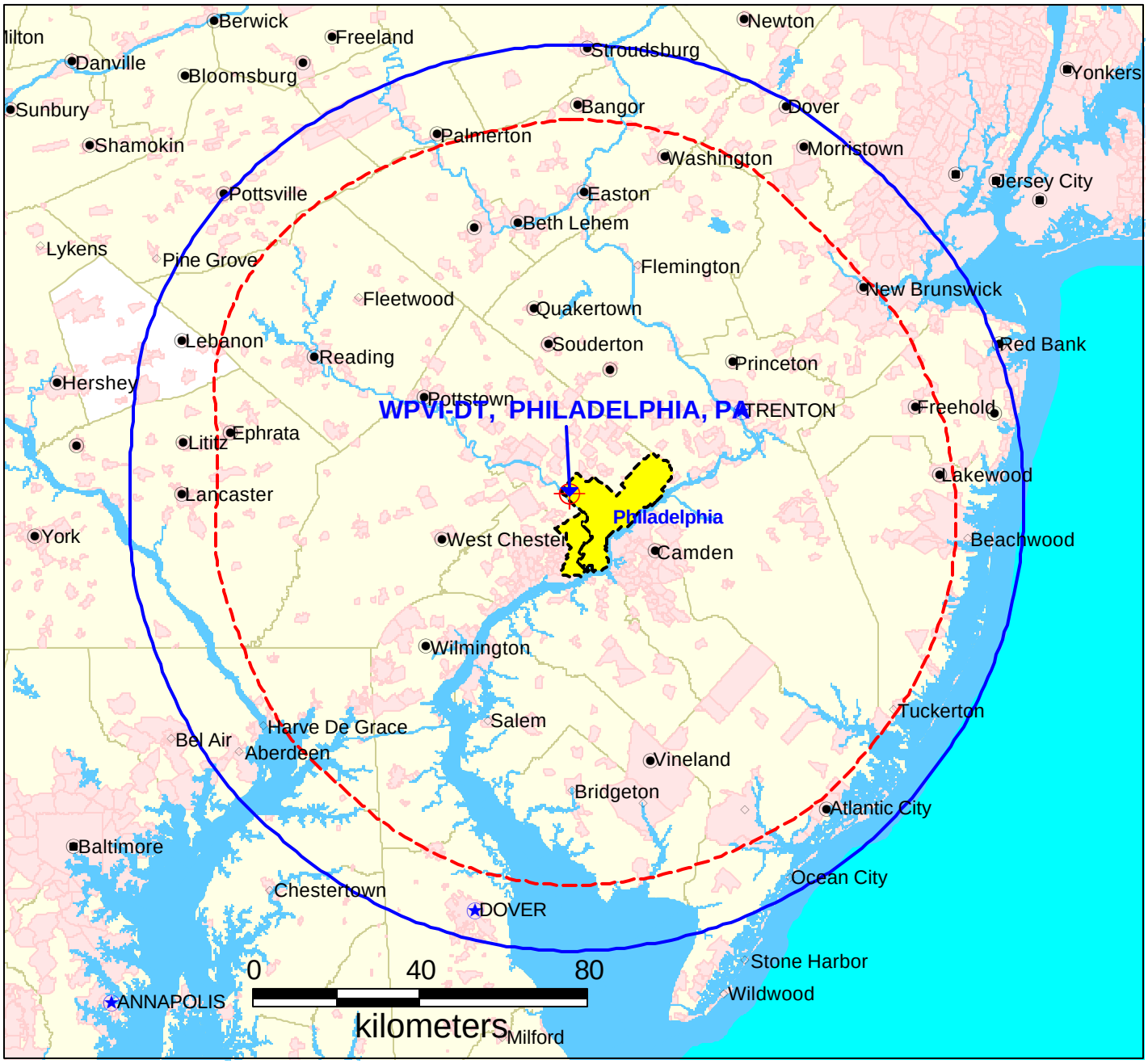
Certification

I certify that, on behalf of the ABC, Inc., licensee of WPVI-TV and permittee of WPVI-DT, I have prepared the information contained in this Engineering Statement, and that after such preparation, I have examined it and found it to be accurate and true to the best of my knowledge and belief.

Signed: _____
Alfred E. Resnick, P. E.

Dated: August 28, 2008

EXHIBIT 1



PREDICTED COVERAGE CONTOURS

WPVI, PHILADELPHIA, PA
(DTV - CP Post Transition)
Latitude: 40 2 39 Longitude: 75 14 26
CH. 6, 7.56 kW, 332 mHAAT, 404 mRCAMSL
NON-D ANT
PREDICTED 28 dBu, F(50,90)
NOISE LIMITED CONTOUR

WPVI, PHILADELPHIA, PA
Latitude: 40 2 39 Longitude: 75 14 26
CH. 39, 255 kW, 332 mHAAT, 404 mRCAMSL
NON-D ANT
PREDICTED 41 dBu, F(50,90)
NOISE LIMITED CONTOUR

AUGUST 2008

CARL T. JONES
CORPORATION