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June 25, 2009

Ms. Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, DC 20554

FILED/ACCEPTED
JUN 25 2009
Federal Communications Commission
Office of the Secretary

Re: Petition for Rulemaking
Low-Band VHF Digital Operation

Dear Ms. Dortch:

Attached hereto are the original and four (4) copies of the Petition for Rulemaking on behalf of Cohen, Dippell and Everist, P.C.

If there should be any questions, please do not hesitate to contact the undersigned.

Sincerely,


Donald G. Everist, PE
President

DGE:cc

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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Low-Band VHF Digital Operation in the)
Spectrum 54-72 MHz and 76-88 MHz)
Channels 2 through 6 Concerning)
Modification of Section 73.622(e) and)
(f) and Section 73.623 of the FCC Rules)

TO: Marlene H. Dortch, Secretary

Petition for Rulemaking
on Behalf of
Cohen, Dippell and Everist, P.C.

FILED/ACCEPTED
JUN 25 2009
Federal Communications Commission
Office of the Secretary

The following Petition for Rulemaking is submitted on behalf of Cohen, Dippell and Everist, P.C. ("CDE"). CDE, located in Washington, D.C., and its predecessors have been providing consulting engineering services to the communications industry for over 70 years.

The Commission is urged to review the post DTV allocation regiment for Channels 2 through 6 and examine the possibilities for improving the post-transition coverage. It is recognized that many low-band VHF facilities have been constructed with design criteria that will make it difficult to re-engineer on an economic basis. However, considerations of ERP increases are justified due to:

- the relatively few low-band post transition facilities. There are approximately 40 assigned to the continental United States. See Exhibit E-1
- the acknowledged disruption to areas within the DTV noise-limited contours by generally high impulse noise from environmental and man-made sources
- the degree to which rabbit ears need to be extended in order to receive a viable low-band signal in off-the-air home reception.

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Because of the service conditions unique to the low-band VHF (52-72 MHz to 76-88 MHz), the Commission may find it prudent to allow a substantial increase in the level of field strength within the service area even if a temporary lifting of the new interference criteria from 0.5 percent to 2 percent is required and to possibly redefine the low-band VHF noise-limited contour. A variable contour should be considered for those stations that have an opportunity to increase power. It is anticipated that most low-band stations on Channel 2 through 5 can increase ERP without interference due to large physical separations. Because an increase in ERP will result in an expanded contour, the Commission should make an appropriate allowance and revise Section 73.622(f) of the FCC Rules to permit exceeding the largest in the market criteria.

For Channel 6 stations, the Commission is also urged to examine the potential interaction between Channel 6 and existing educational FM broadcasters and determine appropriate DTV protection criteria.

It is recognized that near border areas, the concurrence of neighboring administrations will be required. However, since not all details of international agreements have been finalized, it may be timely to address this concern.

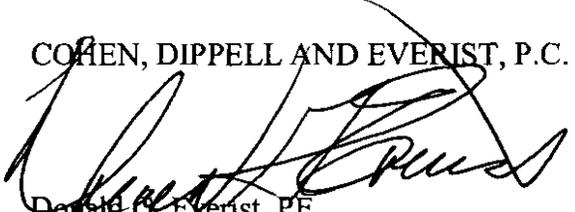
After a reasonable period if a higher interference criteria is necessary, the Commission should reimpose the 0.5 percent criteria on new interference.

This firm has been consistent in this and other proceedings indicating that it believed the June 12, 2009 transition began an expected but fragile implementation process. This implementation process includes the off-the-air consumers. Some of the off-the-air consumers

for an apparent variety of reasons are finding reception difficult. One step in this implementation process is to recognize the physical limitation imposed by the use of these frequencies for off-the-air DTV. Hence, the consideration of higher ERPs for these channels than now permitted is hereby requested.

Respectfully Submitted,

COHEN, DIPPELL AND EVERIST, P.C.



Donald G. Everist, PE

President

DC Registration No. 5714

Date: June 23, 2009

EXHIBIT E - 1
DISTRIBUTION OF
LOW-BAND VHF POST-TRANSITION STATIONS
FROM MEMORANDUM, OPINION AND ORDER
ON RECONSIDERATION OF
MB DOCKET 87-268, DATED MARCH 6, 2008
JUNE 2009

COHEN, DIPPELL AND EVERIST, P.C. CONSULTING ENGINEERS

