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July 2, 2009

FILED/ACCEPTED

JUL - 2 2009

Federal Communications Commission  
Office of the Secretary

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**VIA HAND DELIVERY**

Marlene H. Dortch, Esq., Secretary  
Federal Communications Commission  
236 Massachusetts Ave., NE, Suite 110  
Washington, DC 20002

***ATTN: Chief, Video Division,  
Media Bureau***

Re: *Petition for Rulemaking*  
Amendment of Section 73.622(i), Final DTV Table of Allotments (Boston, MA)

Dear Ms. Dortch:

Transmitted herewith, on behalf of WHDH-TV, licensee of WHDH-TV, Channel 7, Boston, Massachusetts, are an original and four (4) copies of a *Petition for Rulemaking* requesting an amendment to § 73.622(i) of the Commission's rules, 47 C.F.R. § 73.622(i), the Final DTV Table of Allotments.

In addition, an extra copy of the response is enclosed. Please date-stamp the extra copy and return it to the courier.

Should you have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Leighton T. Brown  
Counsel for WHDH-TV

No. of Copies rec'd 0 + 4  
List: ABCDE  
MB-Video 09-30

**ORIGINAL**

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

**FILED/ACCEPTED**

**JUL - 2 2009**

**Federal Communications Commission  
Office of the Secretary**

In the Matter of	)	
	)	
Amendment of Section 73.622(i),	)	MB Docket No. _____
Final DTV Table of Allotments,	)	RM- _____
Television Broadcast Stations.	)	
(Boston, Massachusetts)	)	

To: Office of the Secretary  
Attn: Chief, Video Division, Media Bureau

**PETITION FOR RULEMAKING**

WHDH-TV, licensee of WHDH-TV, Channel 7, Boston, Massachusetts, by its attorneys, hereby requests that the Commission initiate a rulemaking proceeding to substitute and allot DTV Channel 42 for WHDH-TV's assigned DTV Channel 7 at Boston, Massachusetts, by amending the Final DTV Table of Allotments, Section 73.622(i) of the Commission's rules.<sup>1</sup>

As Commission records reflect, for approximately ten years, Channel 42 was the WHDH-TV full-power pre-transition digital channel for the Boston DMA. On Friday, June 12, 2009, WHDH-TV terminated its analog Channel 7 and pre-transition digital Channel 42 operations and commenced digital operations on Channel 7. WHDH-TV received numerous communications from its viewers about difficulty or inability to receive its digital signal on Channel 7, apparently consistent with signal reception issues with Channel 7 in many other markets. As a consequence, on Monday, June 15, 2009, WHDH-TV requested emergency special temporary authority ("STA") from the Commission to re-start digital broadcast operations on Channel 42. The Commission granted that STA on June 16 and WHDH-TV immediately restarted full-power operations on Channel 42. During the ten-year history of WHDH-TV's digital operation on

<sup>1</sup> 47 C.F.R. § 73.622(i).

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Channel 42, including its post-transition operation, there have been no interference or other technical complaints.

As set forth in the attached engineering study of Herman E. Hurst, Jr., of Carl T. Jones Corporation, the instant proposal to allot DTV Channel 42 to Boston, Massachusetts can be accomplished in complete conformity with all Commission allocation requirements. In addition, the instant proposal will serve the public interest because it will, among other things, allow WHDH-TV to: (1) provide DTV service to approximately 7,109,168 viewers who reside within its former analog service area; (2) replicate approximately 100% of WHDH-TV's prior analog service; and (3) efficiently use WHDH-TV's pre-transition, and current STA, digital facilities on Channel 42. Consequently, WHDH-TV requests an amendment of the Final DTV Table of Allotments, Section 73.622(i) of the Commission's rules,<sup>2</sup> for the community listed below, to read as follows:

	<u>Current</u>	<u>Proposed</u>
Boston, Massachusetts	7, *19, 20, 30, 31, 32, 39, *43	*19, 20, 30, 31, 32, 39, 42, *43

If the proposal set forth herein is adopted, WHDH-TV will promptly file the appropriate application for modification to specify operation on DTV Channel 42 at Boston, Massachusetts 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, WHDH-TV respectfully requests that the Commission adopt the proposed changes to the DTV Table of Allotments.

Respectfully submitted,

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<sup>2</sup> 47 C.F.R. § 73.622(i).

WHDH-TV

By:  \_\_\_\_\_

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(202) 955-3000

July 2, 2009

Its Attorneys

**CARL T. JONES**  
CORPORATION

**STATEMENT OF HERMAN E. HURST, JR.  
IN SUPPORT OF A PETITION TO AMEND  
THE FINAL DTV TABLE OF ALLOTMENTS  
WHDH-TV - BOSTON, MASSACHUSETTS  
CHANNEL 42 - 948 Kw - 288m HAAT  
Facility ID: 72145**

Prepared for: WHDH-TV

I am a Radio 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.

**GENERAL**

This office has been authorized by WHDH-TV, licensee of WHDH-TV, channel 7, Boston, Massachusetts, to prepare this statement in support of a Petition to Amend the Final Digital Television (DTV) 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>
Boston, MA	7,*19,20,30,31,32,39,*43
	<u>Proposed</u>
Boston, MA	*19,20,30,31,32,39,42,*43

DTV channel 7 is the channel currently specified in the Final DTV Table of

STATEMENT OF HERMAN E. HURST, JR.  
WHDH-TV - BOSTON, MASSACHUSETTS  
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Allotments for WHDH-TV. The petitioner requests herein to substitute DTV channel 42 for DTV channel 7. The proposed arrangement of allotments will permit WHDH-TV to continue its current service area on an in-core UHF DTV channel, thereby maintaining television program service to all of its current viewers. This request will enable WHDH-TV to re-establish its pre-transition digital facilities with which it operated for more than 10 years.

**TECHNICAL STUDY**

The allotment reference coordinates for DTV channel 42 at Boston, Massachusetts are: 42 18' 41" N.L. and 71 13' 0" W.L. From this allotment reference site WHDH-TV meets the principle 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) for new allotments, the land mobiles requirements set forth in 723.623(e) and the FM radio protection requirement set forth in §73.623(f). The 10 year relationship with co-channel WSAH-DT, Bridgeport, Connecticut remains unchanged.

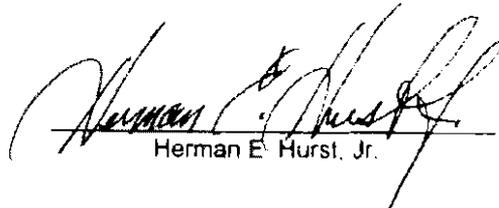
The petitioner proposes to utilize a non-directional antenna at a centerline height above mean sea level (AMSL) of 331.1 meters and above average terrain (HAAT) of 288 meters. The proposed effective radiated power (ERP) is 948 kW. The antenna elevation pattern data for the proposed Dielectric non-directional antenna (TFU-24GBH-R06) will be provided if required by the Commission.

STATEMENT OF HERMAN E. HURST, JR.  
WHDH-TV - BOSTON, MASSACHUSETTS  
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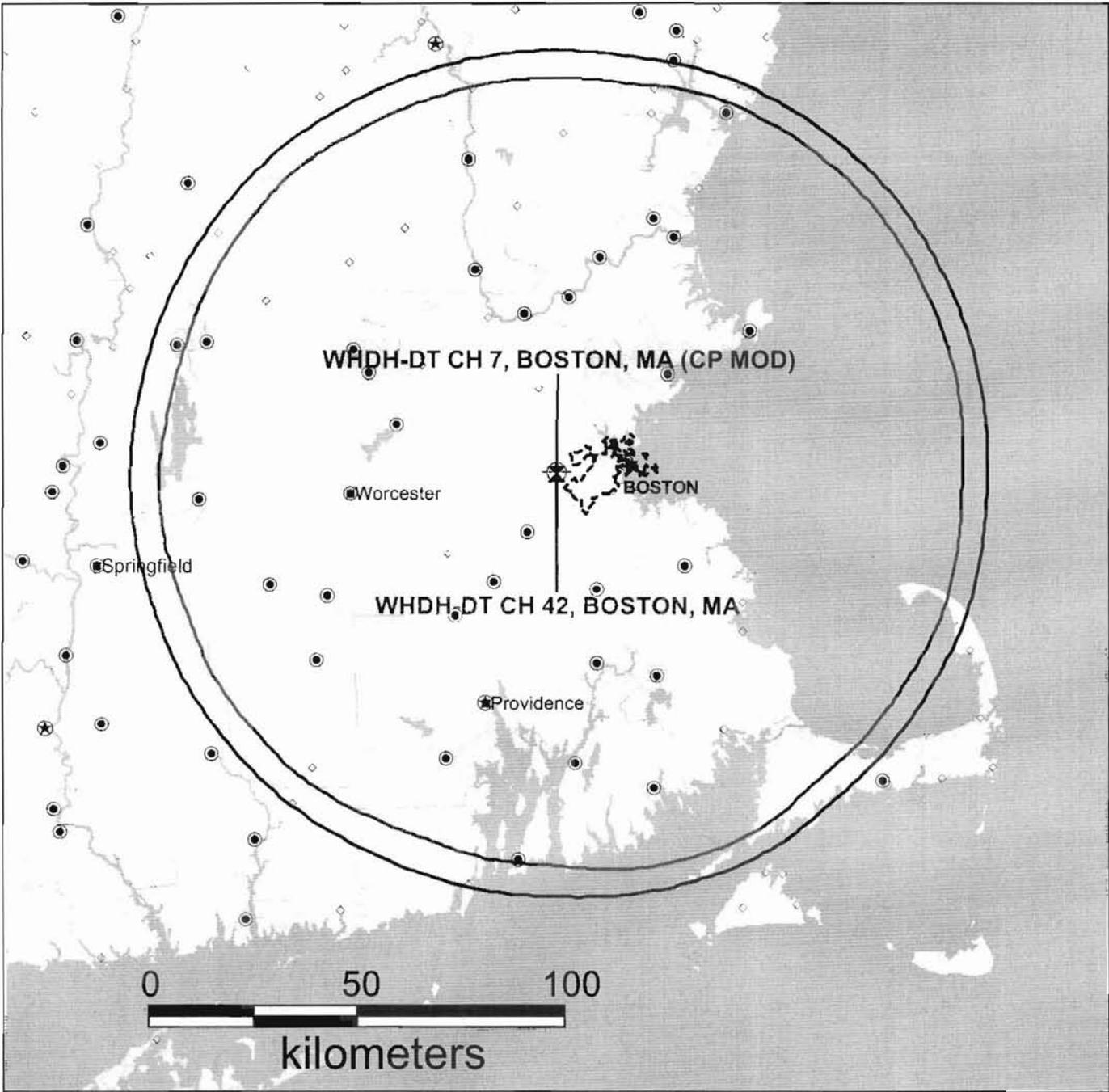
**SUMMARY**

It is submitted that the instant Petition to Amend the Final DTV Table of Allotments to substitute DTV channel 42 for DTV channel 7 in Boston, Massachusetts 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: July 2, 2009



Herman E. Hurst, Jr.



**PREDICTED COVERAGE CONTOURS**

WHDH-DT Ch 42, BOSTON, MA  
 948 kW, 288 mHAAT  
 331.1 mRCAMSL, NONE D-ANT

WHDH-DT Ch 7, BOSTON, MA (CP MOD)  
 29.7 kW, 306 mHAAT  
 347 mRCAMSL, NONE D-ANT

Predicted Noise Limited Coverage Contour  
 F(50,90), 41 dBu

Predicted Noise Limited Coverage Contour  
 F(50,90), 36 dBu

○ Total Area : 28,400 sq km.  
 Total Pop Count : 7,109,168

○ Total Area : 32,320 sq km.  
 Total Pop Count : 7,328,097

JULY 2009

**CARL T. JONES**  
 CORPORATION

County	Population
Barnstable, MA	60,278
Bristol, MA	534,678
Bristol, RI	50,648
Cheshire, NH	13,821
Essex, MA	723,419
Franklin, MA	2,448
Hampden, MA	20,310
Hampshire, MA	10,152
Hillsborough, NH	364,429
Kent, RI	167,048
Merrimack, NH	22,253
Middlesex, MA	1,465,396
New London, CT	515
Newport, RI	78,195
Norfolk, MA	650,308
Plymouth, MA	472,822
Providence, RI	621,602
Rockingham, NH	271,971
Strafford, NH	15,088
Suffolk, MA	689,807
Tolland, CT	1,648
Washington, RI	33,843
Windham, CT	78,333
Worcester, MA	750,784
York, ME	9,372
Total Pop Count	7,109,168

WHDH-DT Ch 42, BOSTON, MA, 948 kW, 288 mHAAT, 331.1 mRCAMSL, NONE DA

County	Population
Barnstable, MA	110,654
Bristol, MA	534,678
Bristol, RI	50,648
Cheshire, NH	17,791
Dukes, MA	38
Essex, MA	723,419
Franklin, MA	9,632
Hampden, MA	33,098
Hampshire, MA	20,257
Hillsborough, NH	373,516
Kent, RI	167,048
Merrimack, NH	37,737
Middlesex, MA	1,465,396
New London, CT	10,506
Newport, RI	85,433
Norfolk, MA	650,308
Plymouth, MA	472,822
Providence, RI	621,602
Rockingham, NH	275,951
Strafford, NH	35,179
Suffolk, MA	689,807
Tolland, CT	16,239
Washington, RI	70,471
Windham, CT	86,701
Worcester, MA	750,963
York, ME	18,203
Total Pop Count	7,328,097

WHDH-DT Ch 7, BOSTON, MA (CP MOD), 29.7 kW, 306 mHAAT, 347 mRCAMSL, NONE DA