

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

In re:  
WWAZ License, LLC  
Petition For Rulemaking to Amend  
DTV Table Of Allotments for  
(Fond du Lac, Wisconsin)

MB Docket No. 09-115  
RM-11543

FILED/ACCEPTED  
AUG - 3 2009  
Federal Communications Commission  
Office of the Secretary

To: The Secretary  
Attn: Chief, Video Division  
Media Bureau

REPLY COMMENTS

WWAZ License, LLC ("WWAZ"), by and through its attorneys, and pursuant to Section 1.415 and 1.420 of the Commission's rules, 47 C.F.R. §§1.415, 1.420 (2009), hereby submits these Reply Comments relating to its Petition for Rulemaking (the "Petition") to amend the DTV Table of Allotments (47 C.F.R. § 73.622(i)) to change the post-transition, DTV channel assignment of Station WWAZ-DT, Fond du Lac, Wisconsin (the "Station") to Channel 5, and to make related changes to the Station's technical parameters. The Commission released a Notice of Proposed Rulemaking on June 29, 2009 (the "NPRM"),<sup>1</sup> and WWAZ submitted comments in support of the Petition on July 9, 2009.

On July 24, 2009, comments were filed by WDJT-TV Limited Partnership ("WDJT"), opposing the change in channel and associated modification to the Station's technical parameters. However, as discussed in more detail below, WDJT has failed to raise substantive issues of fact that would preclude the grant of the Petition. In particular, WDJT's Comments failed to show that the Petition violates the Commission's rules in any respect, nor has it presented any facts that would undermine the substantial public interest benefits arising from the proposed change. Therefore, WWAZ requests expeditious grant of the Petition.

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<sup>1</sup> DTV Table Of Allotments, 47 C.F.R. Section 73.622(I), Fond du Lac, Wisconsin, Notice of Proposed Rulemaking, DA 09-1490 (rel. June 29, 2009); See also 74 FED REG 32856 (July 9, 2009).

As noted in the Petition, the Station's operation on DTV Channel 44 is substantially hindered by the adjacent channel allocation of Channel 43 at Mayville, Wisconsin. The presence of the adjacent channel allocation requires the parties to operate their DTV facilities from towers in the same area, to avoid interference. However, the tower on which the Station's DTV antenna was to be located would not support the additional weight, and thus, a new site and a new DTV channel was necessary.

The Commission adopted rules to permit replacement digital TV translators to address situations such as that faced by WWAZ.<sup>2</sup> Specifically, the FCC focused on the potential difficulties that full-power television licensees would face with the DTV Transition, including "technical complexities, and, in some cases, relocation of the facility." *Id.*, ¶ 2. The Commission required parties seeking such facilities to limit the TV translators' service to those areas that would lose service which previously received analog service from the corresponding station. *Id.*, ¶ 18. Thus, the Commission was determined to limit the technical parameters of the replacement TV translators to only those areas that would lose service arising from the necessary changes to the digital full-power television station.

Well documented in the Petition, the Supplement to the Petition for Rulemaking filed on February 29, 2009, and the Further Supplement to the Petition for Rulemaking filed on June 16, 2009, is the fact that the replacement TV Translators will provide service to those areas that were predicated to lose service by the proposed facilities. Of course, because the Commission had previously authorized the early termination of the Station's analog service area in July 2008 (DA 08-1569), so the actual impact of the change in the Station's transmitter site necessitated by the adjacent-channel allocation at Mayville, Wisconsin, is minimal.

While WDJT's purported concern for those residents (all of which are outside its own service area) who will not receive the Station's programming on DTV Channel 5 is commendable, as demonstrated herein, the Commission specifically contemplated the reduction or elimination of such loss by replacement TV translators. Thus, WDJT provides no basis for its conclusion that the petition should

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<sup>2</sup> *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Replacement Digital Low Power Television Translator Stations*, Report and Order, 24 FCC Rcd 5931 (2009).

be denied based on its proposal to utilize replacement TV translators to provide service those areas that previously received analog service from the Station. The Commission specifically created the replacement TV translator service for such purposes. WDJT has failed to demonstrate that the WWAZ proposal violates, in any way, the Commission's rules.

Finally, although not stated in its Comments, the basis for WDJT's interest in the proceeding must be noted. WDJT is the licensee of the CBS network affiliate in the Milwaukee DMA. As such, one can reasonably surmise that WDJT's main interest in this proceeding is not for the those persons that will receive the Station's service from a TV translator, but rather its own pecuniary interest and concern about "yet another Milwaukee, Wisconsin television station." *WDJT Comments*, pg. 2. In light of the Commission's determination that the use of replacement TV translators in this very context will serve the public interest, WDJT's self-serving request for denial of the Petition must be rejected.

Therefore, WWAZ License, LLC, respectfully requests that the Commission expeditiously grant the Petition for Rulemaking.

Respectfully submitted,

WWAZ LICENSE, LLC

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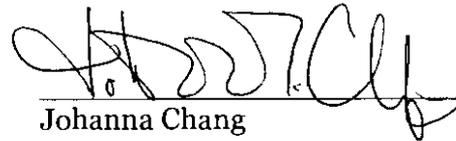
July 30, 2009

**Certificate of Service**

I, Johanna Chang, hereby certify that on this 3<sup>rd</sup> day of August, 2009, I caused a copy of the foregoing "Reply Comments" to be served via U.S. mail, postage prepaid, or by hand delivery upon the following persons:

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