

ORIGINAL

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

FILED/ACCEPTED

AUG 21 2009

Federal Communications Commission  
Office of the Secretary

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In the Matter of \_\_\_\_\_ )  
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Amendment of Section 73.622(i), )  
Final DTV Table of Allotments, )  
Television Broadcast Stations )  
(Biloxi, Mississippi) )  
\_\_\_\_\_ )

MB Docket No. 09-125  
RM-11548

COMMENTS

WLOX License Subsidiary, LLC ("WLOX"), permittee of television station WLOX(DT), Biloxi, Mississippi (the "Station"), supports the Media Bureau's proposal to substitute Channel 39 for the existing Channel 13 allotment at Biloxi, Mississippi, for use as the Station's final, post-transition DTV facility.<sup>1</sup> WLOX has been operating on Channel 39 since June 2009 under special temporary authority from the Commission, and the Commission has proposed to authorize that Channel 39 facility on an ongoing basis.<sup>2</sup>

As the NPRM notes, following WLOX's switch to its post-transition Channel 13 on June 12, 2009, "a significant number of WLOX's viewers complained of a sudden inability to receive the Station's digital signal [on channel 13], particularly through antennas located indoors."<sup>3</sup> In particular, "battery-powered DTV receivers — even those located close to Biloxi

<sup>1</sup> Amendment of Section 73.622(i), Final DTV Table of Allotments, Television, Broadcast Stations (Biloxi, Mississippi), Notice of Proposed Rulemaking, MB Docket No. 09-125, RM-11548, DA 09-1543 (rel. Jul. 16, 2009) ("NPRM").

<sup>2</sup> See File No. BDSTA-20090619ACM (granted June 22, 2009).

<sup>3</sup> NPRM at ¶ 2 (quoting WLOX License Subsidiary, LLC, Petition for Rulemaking, MB Docket No. 09-125, RM-11548, at 1 (Jul. 10, 2009) ("Petition")).

— have been unable to receive the Station’s channel 13 signal consistently.”<sup>4</sup> After receiving special temporary authority to broadcast from Channel 39, the Commission noted that WLOX “has ... experienced a significant reduction in reception-related complaints from viewers and has also determined that users of portable DTV receivers generally are able to receive channel 39 without difficulty.”<sup>5</sup> WLOX anticipates that viewer reception problems would persist — as they have for other stations that switched to high-VHF channels for post-transition operation — should the Station be required to operate on Channel 13 after its temporary authority to broadcast on Channel 39 expires.

The Media Bureau properly found that “the Petition warrants consideration” in view of these public interest benefits.<sup>6</sup> It also concluded that the proposed facility would comply with the principal community coverage and technical requirements in the Commission’s rules.<sup>7</sup> The Station would use the Channel 39 facility to reach viewers who cannot be served by Channel 13 because of interference concerns, and it would provide service to approximately 1,030,000 viewers, or 108 percent of the population served by WLOX’s analog facility.<sup>8</sup> By granting the channel substitution, the Commission would enable the Station to reach viewers who otherwise would be disenfranchised.

Upon grant of the proposed channel substitution, the Station is committed to filing an application for a permit to construct its post-transition digital facility on Channel 39 and thereafter applying for a license to cover that permit. WLOX encourages the Commission to

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<sup>4</sup> *Id.* (quoting Petition at 2).

<sup>5</sup> *Id.*

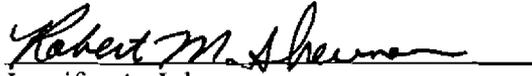
<sup>6</sup> *Id.* at ¶ 3.

<sup>7</sup> *Id.* at ¶ 3. See 47 C.F.R. §§ 73.625(a), 73.616, 73.623.

<sup>8</sup> Petition at ¶ 4.

adopt the proposed allotment change as expeditiously as possible after the comment period closes. The public interest would be well served by finalizing WLOX's post-transition channel as quickly as possible and allowing WLOX to continue providing full DTV service to its viewers on an ongoing basis.

Respectfully submitted,



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