

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FILED/ACCEPTED

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Federal Communications Commission
Office of the Secretary

In the Matter of)
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Amendment of Section 73.622(i)
Final DTV Table of Allotments,
Television Broadcast Stations
(Chicago, Illinois)
_____)

) MM Docket No. 09-146

) RM-11553
)
)

To: The Secretary

Attn: Chief, Video Division
Media Bureau

COMMENTS OF WLS TELEVISION, INC.

WLS Television, Inc. ("WLS"), owner and operator of commercial digital television ("DTV") station WLS-TV, Chicago, Illinois (the "Station"),¹ by and through its attorneys, and pursuant to Sections 1.415 and 1.419 of the rules of the Federal Communications Commission ("Commission" or "FCC"),² hereby submits these comments in support of the Notice of Proposed Rulemaking³ to amend the DTV Table of Allotments⁴ to change the post-transition, DTV channel assignment of the Station from Channel 7 to Channel 44, and to make related changes to the Station's technical parameters.

As discussed in the Petition for Rulemaking ("Petition") filed by WLS in the above captioned proceeding, the proposed substitution of the Station's post-transition DTV channel from Channel 7 to Channel 44 is in the public interest because it will permit the Station to restore over-the-air digital television service to the Station's former analog viewers who lost the Station's signal after the Station's permanent transition to all-digital broadcast operations on June 12, 2009.⁵ Importantly, as indicated

¹ WLS broadcasts digitally on Channel 7 pursuant to a pending license application. See FCC File No. BLCDT-20090612AEE.

² 47 C.F.R. §§ 1.415, 1.419 (2007).

³ Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Chicago, Illinois), *Notice of Proposed Rulemaking*, MM Docket No. 09-146, RM-11553, DA 09-1795 (Aug. 12, 2009) ("Notice").

⁴ 47 C.F.R. § 73.622(i) (2007).

⁵ WLS Television, Inc. Petition for Rulemaking to Amend the Post-Transition Digital Television Table of Allotments for Station WLS-TV, Chicago, Illinois, *Petition for Rulemaking*, MM Docket No. 09-146, RM-11543 (filed Jul. 24, 2009) ("Petition").

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above, the Station's service can be materially improved through a change in operating parameters from 4.75 kW on channel 7 to 473.2 kW on channel 44.⁶ WLS anticipates that this proposed change will help the Station overcome the "urban canyon" effect presently affecting WLS with its DTV channel 7 operations in Chicago.⁷ The reception problem is exacerbated by operating on high VHF channel 7 with a power level of only 4.75 kW effective radiated power. Given the Commission's recent substitution of channel 5 for channel 44 at Fond du Lac, Wisconsin for WWAZ-DT, the proposed channel substitution for the Station in Chicago will remove the possibility of impermissible interference to WWAZ-DT from WLS's proposed operation on Channel 44.⁸ Finally, the proposed facility complies with all relevant technical requirements for amendment of the FCC's post-transition DTV Table, including the principal community coverage requirements of Section 73.625(a) of the FCC's rules and Sections 73.616, 73.622(f)(5) and 73.623 of the FCC's Rules.⁹

Therefore, WLS respectfully requests that the Media Bureau grant the Petition and act favorably in the above captioned rulemaking proceeding.

Respectfully submitted,

ABC Holding Company, Inc.

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September 3, 2009

⁶ See Notice at para. 2.

⁷ *Id.*

⁸ Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Stations (Fond du Lac, Wisconsin), *Report and Order*, MB Docket No. 09-09-115, RM-11543, DA 09-1794 (Aug. 12, 2009) (concluding that "substituting channel 5 for channel 44 at Fond du Lac would permit the substitution of channel 44 for channel 7 at Chicago, allowing WLS to restore service to thousands of viewers who have come to rely on WLS for local ABC network programming").

⁹ 47 C.F.R. §§ 73.616, 73.622(f)(5), 73.623, 73.625(a) (2007); see Engineering Statement attached to the Petition. In addition, in light of the Bureau's action in the Fond du Lac channel substitution rulemaking proceeding, grant of WLS's Petition no longer requires a waiver of Section 73.3517 of the FCC's rules.