

ORIGINAL

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

Received & Inspected
NOV 2 - 2009
FCC Mail Room

In the Matter of)
)
)
Amendment of Section 73.622(i))
Post-Transition Table of DTV Allotments,)
Television Broadcast Stations)
(Fort Myers, Florida))
)
)

MB Docket No. 09-170
RM-11567

To: Marlene H. Dortch, Secretary,
Office of the Secretary
Federal Communications Commission

COMMENTS

Fort Myers Broadcasting Company ("FMBC") licensee of television station WINK-TV, Fort Myers, Florida (the "Station"), submits the following comments in response to the Notice of Proposed Rule Making, DA 09-2198, released October 9, 2009, in the above-captioned proceeding. FMBC requests that the Commission amend Section 73.622(i) of its rules, the post-transition DTV Table of Allotments, to replace the Channel 9 allotment for Fort Myers, Florida, with an allotment for Channel 50. This amendment is necessary to ensure continued digital television service to many of the Station's viewers who are unable to receive the signal from the Station's allotted Channel 9 DTV facility.

On February 17, 2009, WINK-TV discontinued analog service on Channel 11 and began operating digital only on Channel 9 at a power level of 20kW effective radiated power ("ERP"). Following the switch to digital operations, a significant number of WINK-TV's viewers complained of an inability to receive the Station's digital signal, particularly through antennas located indoors. These indoor reception problems were not limited to specific regions within the Station's service area. Most of

0+4

the persons complaining of reception problems were able to receive the UHF signals of WINK-TV's competitors. Some unknown factor or combination of factors, possibly, the concrete block construction mandated by the South Florida building codes, is impeding indoor reception of VHF digital television signals. Increasing the power levels of WINK-TV on VHF television channel 9 will not likely overcome this problem.

WINK-TV is located in an area that frequently experiences hurricanes and other severe weather. Its problems serving indoor television sets are of particular concern because indoor battery-powered DTV receivers – even those located close to Fort Myers – are unlikely to receive the Station's Channel 9 signal consistently. Because many local residents rely on the Station to provide them with up-to-date emergency information during severe weather, continued operation of the Station's existing Channel 9 facility could cause serious public safety problems.

FMBC submits that WINK-TV's current reception problems can be addressed by operating WINK-TV on a UHF Channel. This would provide WINK-TV's over-the-air viewers reception comparable to that obtained from the other UHF stations in the market. Accordingly, FMBC requests authority to operate WINK-TV on Channel 50 at an ERP of 1000kW. FMBC's engineers predict that this change in frequency and increase in power would substantially resolve the reception issues its viewers currently are experiencing. The proposed facility would allow WINK-TV to maximize digital service in the UHF band.

As noted in the Technical Exhibit of du Treil, Lundin & Rackley, Inc., appended hereto as Exhibit No. 1, WINK-TV's proposed Channel 50 facilities are predicted to cover greater areas and populations than those served by WINK-TV's Channel 11 analog facilities. However there is a slight reduction in predicted coverage (761 sq. km, 41,025 population), compared to WINK-TV's channel 9

digital television operations. This loss of service is unavoidable, because the requested Channel 50 operations are at the maximum allowable power and maximum achievable height.

As shown in the Supplemental Technical Exhibit of duTreil, Lundin & Rackley, Inc., appended hereto as Exhibit No. 2, WINK-TV's Channel 50 operations will not result in predicted loss of CBS network service in any populated portion of the Fort Myers-Naples DMA.¹ There is a small area of predicted CBS network loss in Polk County in the vicinity of Frostproof, Florida, carrying over into sparsely populated portions of Okeechobee County.² The predicted WINK-TV CBS loss area contains a population of 1, 836 persons and is in the Tampa and the West Palm Beach television markets.³ The populated portion of this area is served by Comcast Cable's Lake Wales cable system.⁴

If Channel 50 is substituted for Channel 9 at Fort Myers, Florida, FMBC intends to apply promptly for a permit to construct a Channel 50 digital facility that authorizes WINK-TV's operation at 1000 kW, to construct the new WINK-TV Channel 50 facility in a timely fashion, and to apply for a license promptly upon completion of the new WINK-TV Channel 50 facility. The proposed construction permit and license would authorize WINK-TV to operate with the following specifications:

Facility ID	State & City	NTSC Chan	DTV Chan	ERP (kW)	HAAT (m)	Latt (DDMMSS)	Long (DDMMSS)	AREA (sq. km)	Population (Thousands)	Percent IX Received
22093	Fort Myers, FL	11	50	1000	444	264801	814548	36,551	1,498	0.0

¹ Station WINK-TV is the CBS affiliate for the Fort Myers-Naples, Florida DMA. The DMA is comprised of Charlotte, Collier, De Soto, Glades, Hendry and Lee Counties, Florida.

² This theoretical loss of CBS service could easily be solved by the installation of an amplified antenna at receiving sites predicted to lose WINK-TV's signal. Amplified antennas are commonly employed in rural areas of Florida.

³ Polk County is in the Tampa-St. Petersburg, Florida DMA and Okeechobee County is in the West Palm Beach-Fort Pierce, Florida DMA.

⁴ Current Television and Cable Factbook data for this system is appended hereto as Exhibit No. 3.

As amended, the DTV allotment for Fort Myers would read as follows:

Florida	
Fort Myers	15,*31, 50

As the accompanying engineering analysis indicates, the proposed channel substitution would not cause impermissible interference to any other station in the post-transition environment.

FMBC submits that the requested channel change is needed to overcome unforeseen digital VHF reception problems within WINK-TV's television market. The proposed UHF facilities are the maximum achievable UHF facilities for WINK-TV and exceed the service formerly provided by WINK-TV's analog facilities. Unfortunately the current VHF digital operations of WINK-TV cannot be received in areas well served by Station WINK-TV's former analog operations. Accordingly, FMBC requests that the Commission amend Section 73.622 of its rules to substitute Channel 50 for the existing Channel 9 digital allotment at Fort Myers, Florida.

Respectfully submitted,



Joseph A. Belisle
Counsel for
Fort Myers Broadcasting Company

October 30, 2009
Leibowitz & Associates, PA
4400 Biscayne Boulevard
Suite 880
Miami, FL 33137

Exhibit 1

TECHNICAL EXHIBIT
PETITION FOR RULE MAKING TO
MODIFY THE DTV TABLE OF ALLOTMENTS
FORT MYERS BROADCASTING COMPANY
STATION WINK-TV
FORT MYERS, FLORIDA

This Technical Exhibit was prepared on behalf of Fort Myers Broadcasting Company, licensee of station WINK-TV (post-transition digital channel 9), Fort Myers, Florida in support of a Petition for Rule Making to modify the DTV allotment of WINK-TV to substitute channel 50 for the current channel 9 DTV allotment.

The Commission adopted channel 9 for WINK-TV's post-transition digital operation. Specifically, WINK-TV was assigned channel 9 for its post-transition Appendix B operation with a non-directional antenna effective radiated power (ERP) of 20 kilowatts (kW) and an antenna height above average terrain (HAAT) of 445 meters. The Appendix B facilities are the same as the WINK-TV currently licensed digital facilities (BLCDT-20060531ADP). However, following WINK-TV's termination of analog service on channel 11 and commencement of digital operation on channel 9, numerous viewers complained of the inability to receive WINK-TV's digital signal on channel 9. Many of the complaints are the result of viewers trying to receive WINK-TV's digital signal with an indoor antenna. The FCC is well aware of indoor VHF reception issues occurring in many markets. In addition, since most of the southwest Florida homes consist of concrete block construction, conditions are even more difficult for indoor reception. Furthermore, Fort Myers is located in a Hurricane prone region, in which many residents rely on the station to provide them with up-to-date emergency information during hurricanes and other severe weather conditions. If residents are unable to receive WINK-TV's digital signal using an indoor battery-powered DTV receiver, serious public safety problems could result.

Therefore, WINK-TV is proposing to change its channel to UHF channel 50 and to operate with a much higher ERP which should help alleviate some of the indoor reception issues. The proposed UHF facilities are specified below.

Facility ID	State & City		DTV							
			Chan	ERP (kW)	HAAT (m)	Latitude (DDMMSS)	Longitude (DDMMSS)	Area (sq km)	Population (thousand)	Percent IX Received
22092	FL	Fort Myers	50	1000	444	264801	814548	36,551	1,498	0.0

It is noted that the proposed facilities (1000 kW/444 m) exceed the maximum ERP/HAAT limits for UHF stations operating in Zone 3 set forth in Section 73.622(F)(5) of the FCC Rules. However, the proposed UHF noise limited coverage will not exceed WINK-TV's currently authorized VHF coverage (see Figure 1). Thus, it is believed the proposal will comply with the largest station in the market provision of Section 73.622(f)(5). However, if necessary, a waiver of Section 73.622(f)(5) is requested.

The noise-limited 41 dBu contours for the proposed WINK-TV Appendix B facility and WINK-TV's currently licensed and authorized (BPCDT-20080617AAB) DTV facilities are depicted on Figure 1. In addition, the FCC Predicted Grade B contour (56 dBu) for WINK-TV's former licensed analog operation (BLCT-20061023ABF) is also displayed. As indicated below, the proposed digital operation will fully replicate WINK-TV's analog coverage. In addition, the facility will comply with Section 73.625 as the proposed 48 dBu contour fully encompasses all of Fort Myers.

The proposed WINK-DT Appendix B facilities will comply with the 0.5 percent interference standard adopted by the FCC for post-transition DTV operations (see Figure 2)¹. It is noted that the interference analysis was conducted based on employing a cell size of 1 kilometer (km) and a distance terrain increment of 0.1 km. In addition, the proposed site is located beyond the Mexican and Canadian coordination distance requirements.

Below is a tabulation of the predicted interference free service population and area based on WINK-TV's currently licensed, authorized, and proposed digital operations. It is noted that the population and area numbers were obtained from OET-69 interference studies.² The interference free service population and area for WINK-TV's former licensed analog operation are also included. The population and area figures for the analog operation were obtained from the FCC's Public Notice releases December 21, 2004 entitled "DTV Channel Election Information and First Round Election Filing Deadline". Based on the table below, the

¹ See paragraph 155 of the Report and Order in the Third DTV Periodic Review (MB Docket No. 07-91).

² The interference studies were conducted based on a cell size of 1 km and a distance terrain increment of 0.1 km.

proposed facility will fully replicate WINK-TV's old analog coverage, and will replicate 97% of WINK-TV's currently licensed/Appendix B service population.

Facility	Service Population	Service Area
Licensed Digital/Current Appendix B (Ch. 9 20 kW/445 m, Non-D)	1,539,118	37,312 km ²
Authorized Digital (Ch. 9 69.1 kW/444 m, Non-D)	1,724,275	45,808 km ²
Proposed Appendix B (Ch. 50 1000 kW/444 m, Non-D)	1,498,095	36,551 km ²
WINK-TV Former Analog Operation (Ch. 11 316 kW/412 m, Non-D)	1,272,887	31,662 km ²

As indicated in this petition, it is believed the proposed Appendix B facilities will permit WINK-TV to provide better service to its viewers, by operating at an ERP level that should help alleviate indoor reception issues. Based on the foregoing, Fort Myers Broadcasting Company respectfully requests that the Commission modify Appendix B to specify operation on channel 50 from its licensed digital site employing a non-directional antenna.

The attached technical statement has been prepared by or under the direct supervision of Jerome J. Manarchuck, P.E. with the firm of du Treil, Lundin and Rackley, Inc., a telecommunications consulting firm located in Sarasota, Florida, who states that his qualifications are a matter of record with the Federal Communications Commission, having been presented on previous occasions. All data and statements contained herein are true and correct to the best of his knowledge and belief.

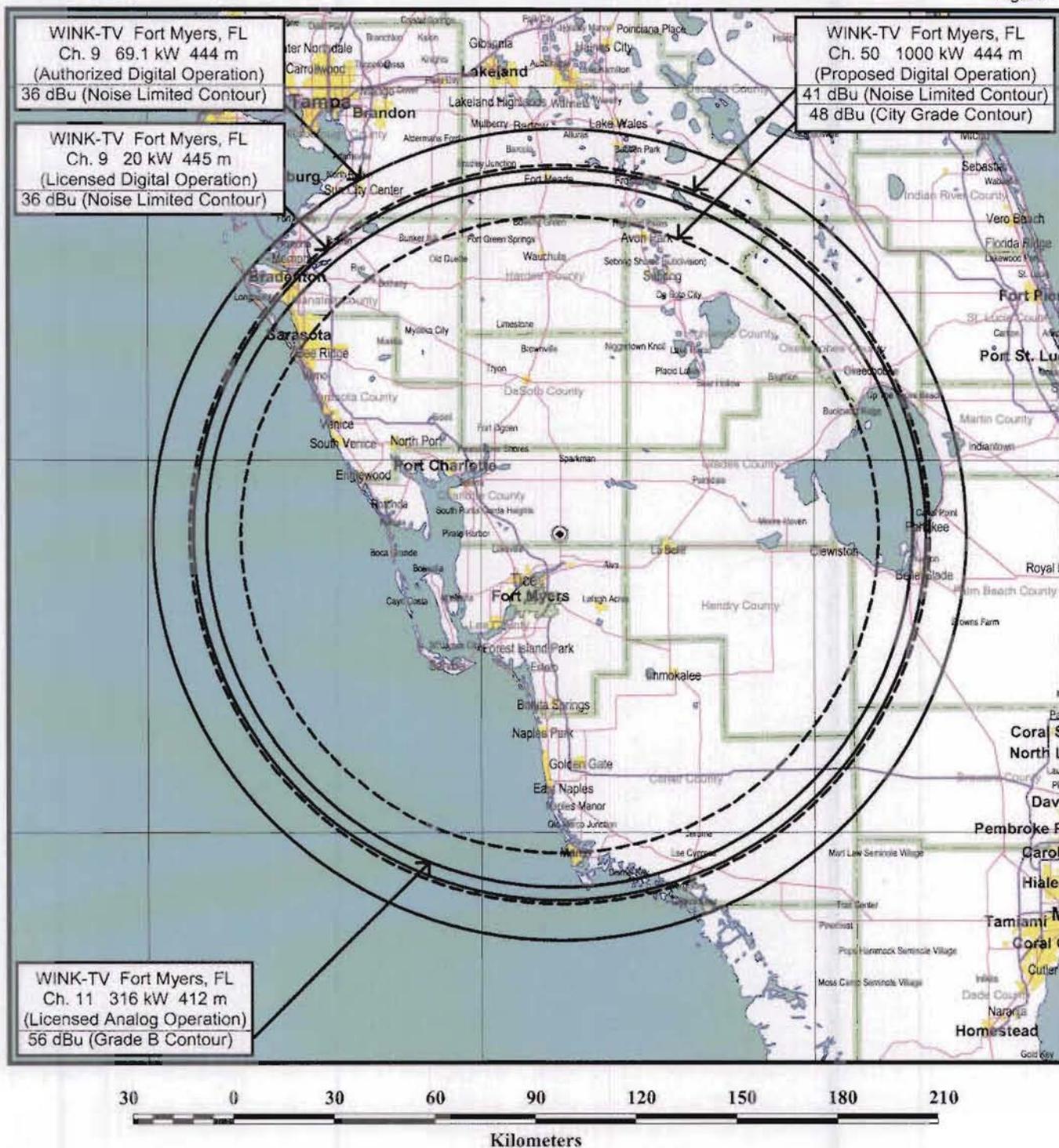


Jerome J. Manarchuck

du Treil, Lundin & Rackley, Inc.
201 Fletcher Ave.
Sarasota, Florida 34237

September 3, 2009

Figure 1



FCC PREDICTED COVERAGE CONTOURS

DTV STATION WINK-TV
FORT MYERS, FLORIDA
CH 50 1000 KW 444 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida 34237

OET-69 Interference Analysis (WINK-TV Ch. 50 Fort Myers, FL)

Percent allowed new interference: 0.500
 Percent allowed new interference to Class A: 0.500
 Census data selected 2000
 Post Transition Data Base Selected /export/home/cdbs/pt_tvdb.sff

TV INTERFERENCE and SPACING ANALYSIS PROGRAM

Date: 09-01-2009 Time: 10:20:55

Record Selected for Analysis

WINK-TV USERRECORD-01 FORT MYERS FL US
 Channel 50 ERP 1000. kW HAAT 444. m RCAMSL 00453 m
 Latitude 026-48-01 Longitude 0081-45-48
 Status APP Zone 3 Border
 Last update Cutoff date Docket
 Comments
 Applicant

Cell Size for Service Analysis 1.0 km/side

Distance Increments for Longley-Rice Analysis 0.10 km

Facility does not meet maximum height/power limits
 Channel 50 ERP = 1000.00 HAAT = 444.

Azimuth (Deg)	ERP (kW)	HAAT (m)	41.0 dBu F(50,90) (km)
0.0	1000.000	441.6	109.9
45.0	1000.000	439.3	109.7
90.0	1000.000	444.1	110.1
135.0	1000.000	447.0	110.4
180.0	1000.000	448.9	110.5
225.0	1000.000	445.7	110.3
270.0	1000.000	445.7	110.3
315.0	1000.000	441.9	109.9

Evaluation toward Class A Stations

Contour overlap to Class A station
 WWDT-CA 43 NAPLES FL BLTTA 20041022AEI
 Contour overlap to Class A station
 WSBS-CA 50 MIAMI FL BLTTA 20050224ABG
 Contour overlap to Class A station
 WTCN-CA 50 PALM BEACH FL BDISTTA 20080804ADZ

OET-69 Interference Analysis (WINK-TV Ch. 50 Fort Myers, FL)

Class A Evaluation Complete

Proposed facility OK to FCC Monitoring Stations

Proposed facility OK toward West Virginia quiet zone

Proposed facility OK toward Table Mountain

Proposed facility is beyond the Canadian coordination distance

Proposed facility is beyond the Mexican coordination distance

Proposed station is OK toward AM broadcast stations

Start of Interference Analysis

Channel	Proposed Station Call	City/State	ARN
50	WINK-TV	FORT MYERS FL	USERRECORD01

Stations Potentially Affected by Proposed Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
35	WSPF-CA	ST. PETERSBURG FL	138.3	LIC	BLTTA	-20041129AMH
43	WWDT-CA	NAPLES FL	34.0	LIC	BLTTA	-20041022AEI
48	WWHB-CA	STUART FL	140.8	APP	BPTTA	-20080804AEA
49	WFGC	PALM BEACH FL	154.7	LIC	BLCDT	-20060627ABB
49	WFGC	PALM BEACH FL	154.7	PLN	DTVPLN	-DTVPL1735
49	WRMD-CA	TAMPA FL	144.8	CP	BDFCDTA	-20080804ABO
50	WSBS-CA	MIAMI FL	180.6	LIC	BLTTA	-20050224ABG
50	WTCN-CA	PALM BEACH FL	140.8	CP	BDISTTA	-20080804ADZ
51	WHLV-TV	COCOA FL	209.5	CP	BPCDT	-20080617AEC
51	WHLV-TV	COCOA FL	209.5	PLN	DTVPLN	-DTVPL1792

%%%

Analysis of Interference to Affected Station 1

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
35	WSPF-CA	ST. PETERSBURG FL	BLTTA	-20041129AMH

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
31	WGCU	FORT MYERS FL	137.1	CP	BPEDT	-20080317AFZ
31	WGCU	FORT MYERS FL	137.0	PLN	DTVPLN	-DTVPL1130
31	WGCU	FORT MYERS FL	137.1	LIC	BLEDT	-20030310AQX
32	WTTA-DR	ST. PETERSBURG FL	37.4	APP	BPRM	-20090820ADU
33	WRXY-TV	TICE FL	137.5	CP	BPCDT	-20080619ADR
33	WRXY-TV	TICE FL	137.6	PLN	DTVPLN	-DTVPL1215

OET-69 Interference Analysis (WINK-TV Ch. 50 Fort Myers, FL)

33	WRXY-TV	TICE FL	137.6	LIC	BLCDT	-20060627ABA
34	WUSF-TV	TAMPA FL	37.5	LIC	BLEDT	-20060913ABQ
34	WUSF-TV	TAMPA FL	37.5	PLN	DTVPLN	-DTVP1249
35	WFTX-TV	CAPE CORAL FL	136.4	LIC	BLCDT	-20050311ACY
35	WFTX	CAPE CORAL FL	136.4	PLN	DTVPLN	-DTVP1284
35	WPXM-TV	MIAMI FL	313.1	APP	BMPCDT	-20080620AMR
35	WPXM	MIAMI FL	313.1	PLN	DTVPLN	-DTVP1285
35	WPXM-TV	MIAMI FL	313.1	CP	BPCDT	-20080306AAZ
38	WTTA	ST. PETERSBURG FL	37.4	CP MOD	BMPCDT	-20080620AJX
38	WTTA	ST. PETERSBURG FL	37.4	PLN	DTVPLN	-DTVP1361
42	WXPX-TV	BRADENTON FL	37.2	LIC	BLCDT	-20030109AEP
42	WXPX	BRADENTON FL	37.2	PLN	DTVPLN	-DTVP1494
42	WXPX-TV	BRADENTON FL	37.2	CP	BPCDT	-20080620AKT
50	WINK-TV	FORT MYERS FL	138.3	APP	USERRECORD-01	

Proposed station is beyond the site to nearest cell evaluation distance

#####

Analysis of Interference to Affected Station 2

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
43	WWDT-CA	NAPLES FL	BLTTA	-20041022AEI

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
35	WFTX-TV	CAPE CORAL FL	32.7	LIC	BLCDT	-20050311ACY
35	WFTX	CAPE CORAL FL	32.7	PLN	DTVPLN	-DTVP1284
41	WZVN-TV	NAPLES FL	36.4	LIC	BLCDT	-20030619AAM
41	WZVN-TV	NAPLES FL	36.4	PLN	DTVPLN	-DTVP1462
43	WOTF-DT	MELBOURNE FL	243.5	CP	BPCDT	-20080613ACG
43	WOTF-TV	MELBOURNE FL	220.7	PLN	DTVPLN	-DTVP1531
43	WTCN-CA	PALM BEACH FL	176.0	LIC	BLTTA	-20080109AGG
43	WTCN-CA	PALM BEACH FL	176.0	STA	BSTA	-20070706AAU
45	WXCW	NAPLES FL	31.7	LIC	BLCDT	-20021030ACB
45	WXCW	NAPLES FL	31.7	PLN	DTVPLN	-DTVP1605
50	WINK-TV	FORT MYERS FL	34.0	APP	USERRECORD-01	

Proposal causes no interference

#####

Analysis of Interference to Affected Station 3

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
48	WWHB-CA	STUART FL	BPTTA	-20080804AEA

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
------	------	------------	----------	--------	-------------	----------

OET-69 Interference Analysis (WINK-TV Ch. 50 Fort Myers, FL)

40	WBEC-TV	BOCA RATON FL	127.8	CP MOD	BMPEDT	-20060705ACF
40	WBEC-TV	BOCA RATON FL	127.3	PLN	DTVPLN	-DTVP1427
41	WZVN-TV	NAPLES FL	140.3	LIC	BLCDT	-20030619AAM
41	WZVN-TV	NAPLES FL	140.3	PLN	DTVPLN	-DTVP1462
45	WXCW	NAPLES FL	144.2	LIC	BLCDT	-20021030ACB
45	WXCW	NAPLES FL	144.2	PLN	DTVPLN	-DTVP1605
46	WHFT-TV	MIAMI FL	127.3	PLN	DTVPLN	-DTVP1641
46	WHFT-TV	MIAMI FL	127.3	CP	BPCDT	-20080618ATK
46	WHFT-TV	MIAMI FL	127.3	LIC	BLCDT	-20060221ACH
47	WAMI-DT	HOLLYWOOD FL	127.8	CP	BPCDT	-20060113ACR
47	WAMI-TV	HOLLYWOOD FL	127.8	PLN	DTVPLN	-DTVP1668
47	WAMI-DT	HOLLYWOOD FL	127.8	LIC	BLCDT	-20021015ABJ
48	WFXU	LIVE OAK FL	375.2	APP	BPCDT	-20080617ABP
48	WOPX-TV	MELBOURNE FL	176.5	APP	BPCDT	-20080620AKI
48	WOPX	MELBOURNE FL	130.0	PLN	DTVPLN	-DTVP1704
48	WOPX-TV	MELBOURNE FL	130.0	LIC	BLCDT	-20020510AAH
48	W48CN	SARASOTA FL	206.6	LIC	BLTT	-20000725ABJ
49	WFGC	PALM BEACH FL	43.8	LIC	BLCDT	-20060627ABB
49	WFGC	PALM BEACH FL	43.8	PLN	DTVPLN	-DTVP1735
50	WINK-TV	FORT MYERS FL	140.8	APP	USERRECORD-01	

Proposed station is beyond the site to nearest cell evaluation distance

#####

Analysis of Interference to Affected Station 4

Analysis of current record

Channel	Call	City/State	Application Ref. No.
49	WFGC	PALM BEACH FL	BLCDT -20060627ABB

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
48	WOPX-TV	MELBOURNE FL	220.3	APP	BPCDT -20080620AKI
48	WOPX	MELBOURNE FL	173.5	PLN	DTVPLN -DTVP1704
48	WOPX-TV	MELBOURNE FL	173.5	LIC	BLCDT -20020510AAH
49	WVEN-TV	DAYTONA BEACH FL	263.7	PLN	DTVPLN -DTVP1733
49	WVEN-TV	DAYTONA BEACH FL	263.7	LIC	BLCDT -20070329ADC
50	WINK-TV	FORT MYERS FL	154.7	APP	USERRECORD-01

Proposed station is beyond the site to nearest cell evaluation distance

#####

Analysis of Interference to Affected Station 5

Analysis of current record

Channel	Call	City/State	Application Ref. No.
49	WFGC	PALM BEACH FL	DTVPLN -DTVP1735

OET-69 Interference Analysis (WINK-TV Ch. 50 Fort Myers, FL)

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
48	WOPX-TV	MELBOURNE FL	220.3	APP	BPCDT	-20080620AKI
48	WOPX	MELBOURNE FL	173.5	PLN	DTVPLN	-DTVP1704
48	WOPX-TV	MELBOURNE FL	173.5	LIC	BLCDT	-20020510AAH
49	WVEN-TV	DAYTONA BEACH FL	263.7	PLN	DTVPLN	-DTVP1733
49	WVEN-TV	DAYTONA BEACH FL	263.7	LIC	BLCDT	-20070329ADC
50	WINK-TV	FORT MYERS FL	154.7	APP	USERRECORD-01	

Proposed station is beyond the site to nearest cell evaluation distance

#####

Analysis of Interference to Affected Station 6

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
49	WRMD-CA	TAMPA FL	BDFCDTA	-20080804ABO

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
48	WFXU	LIVE OAK FL	208.6	APP	BPCDT	-20080617ABP
48	WOPX-TV	MELBOURNE FL	152.3	APP	BPCDT	-20080620AKI
48	WOPX	MELBOURNE FL	132.0	PLN	DTVPLN	-DTVP1704
48	WOPX-TV	MELBOURNE FL	132.0	LIC	BLCDT	-20020510AAH
49	WVEN-TV	DAYTONA BEACH FL	155.3	PLN	DTVPLN	-DTVP1733
49	WVEN-TV	DAYTONA BEACH FL	155.3	LIC	BLCDT	-20070329ADC
49	WFGC	PALM BEACH FL	258.5	LIC	BLCDT	-20060627ABB
49	WFGC	PALM BEACH FL	258.5	PLN	DTVPLN	-DTVP1735
50	WINK-TV	FORT MYERS FL	144.8	APP	USERRECORD-01	

Proposal causes no interference

#####

Analysis of Interference to Affected Station 7

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
50	WSBS-CA	MIAMI FL	BLTTA	-20050224ABG

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
42	WHDT	STUART FL	65.9	CP MOD	BMPCDT	-20090115AFU
42	WHDT	STUART FL	83.1	PLN	DTVPLN	-DTVP1496
42	WHDT-DR	STUART FL	83.2	APP	BPRM	-20080620AOT
46	WHFT-TV	MIAMI FL	2.1	PLN	DTVPLN	-DTVP1641
46	WHFT-TV	MIAMI FL	2.1	CP	BPCDT	-20080618ATK
46	WHFT-TV	MIAMI FL	2.1	LIC	BLCDT	-20060221ACH
47	WAMI-DT	HOLLYWOOD FL	0.0	CP	BPCDT	-20060113ACR

Figure 2

OET-69 Interference Analysis (WINK-TV Ch. 50 Fort Myers, FL)

47	WAMI-TV	HOLLYWOOD FL	0.0	PLN	DTVPLN	-DTVP1668
47	WAMI-DT	HOLLYWOOD FL	0.0	LIC	BLCDDT	-20021015ABJ
49	W49CL	MIAMI FL	0.0	LIC	BLTTL	-20060124AAA
49	WFGC	PALM BEACH FL	86.4	LIC	BLCDDT	-20060627ABB
49	WFGC	PALM BEACH FL	86.4	PLN	DTVPLN	-DTVP1735
50	NEW	MARATHON FL	170.7	APP	BNPTTL	-20000829AWI
50	WTCN-CA	PALM BEACH FL	127.8	CP	BDISTTA	-20080804ADZ
50	NEW	SUMMERLAND KEY FL	196.2	APP	BNPTTL	-20000814ABJ
51	W58BU	HALLANDALE FL	0.0	APP	BDISTT	-20090630ABU
50	WINK-TV	FORT MYERS FL	180.6	APP	USERRECORD-01	

Total scenarios = 2

Result key: 1
 Scenario 1 Affected station 7
 Before Analysis

Results for: 50N FL MIAMI

	BLTTA	20050224ABG	LIC
	POPULATION	AREA (sq km)	
within Noise Limited Contour	1692829	1070.2	
not affected by terrain losses	1688571	1068.3	
lost to NTSC IX	2508	1.0	
lost to additional IX by ATV	0	0.0	
lost to all IX	2508	1.0	

Potential Interfering Stations Included in above Scenario 1

50N FL PALM BEACH BDISTTA 20080804ADZ CP

After Analysis

Results for: 50N FL MIAMI

	BLTTA	20050224ABG	LIC
	POPULATION	AREA (sq km)	
within Noise Limited Contour	1692829	1070.2	
not affected by terrain losses	1688571	1068.3	
lost to NTSC IX	2508	1.0	
lost to additional IX by ATV	4501	3.0	
lost to all IX	7009	4.0	

Potential Interfering Stations Included in above Scenario 1

50N FL PALM BEACH BDISTTA 20080804ADZ CP
 50A FL FORT MYERS USERRECORD01 APP

Percent new IX = 0.2659%

Result key: 2
 Scenario 2 Affected station 7
 Before Analysis

Results for: 50N FL MIAMI

	BLTTA	20050224ABG	LIC
	POPULATION	AREA (sq km)	
within Noise Limited Contour	1692829	1070.2	
not affected by terrain losses	1688571	1068.3	
lost to NTSC IX	2508	1.0	
lost to additional IX by ATV	0	0.0	

Figure 2

OET-69 Interference Analysis (WINK-TV Ch. 50 Fort Myers, FL)

lost to all IX 2508 1.0
 Potential Interfering Stations Included in above Scenario 2
 50N FL PALM BEACH BDISTTA 20080804ADZ CP

After Analysis

Results for: 50N FL MIAMI BLTTA 20050224ABG LIC
 POPULATION AREA (sq km)
 within Noise Limited Contour 1692829 1070.2
 not affected by terrain losses 1688571 1068.3
 lost to NTSC IX 2508 1.0
 lost to additional IX by ATV 4501 3.0
 lost to all IX 7009 4.0

Potential Interfering Stations Included in above Scenario 2
 50N FL PALM BEACH BDISTTA 20080804ADZ CP
 50A FL FORT MYERS USERRECORD01 APP

Percent new IX = 0.2659%

Worst case new IX 0.2659% Scenario 1

#####

Analysis of Interference to Affected Station 8

Analysis of current record

Channel	Call	City/State	Application Ref. No.
50	WTCN-CA	PALM BEACH FL	BDISTTA -20080804ADZ

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
42	WHDT	STUART FL	62.3	CP MOD	BMPCDT -20090115AFU
42	WHDT	STUART FL	53.5	PLN	DTVPLN -DTVP1496
42	WHDT-DR	STUART FL	53.5	APP	BPRM -20080620AOT
43	WOTF-TV	MELBOURNE FL	141.3	PLN	DTVPLN -DTVP1531
46	WHFT-TV	MIAMI FL	127.3	PLN	DTVPLN -DTVP1641
46	WHFT-TV	MIAMI FL	127.3	CP	BPCDT -20080618ATK
46	WHFT-TV	MIAMI FL	127.3	LIC	BLCDT -20060221ACH
47	WAMI-DT	HOLLYWOOD FL	127.8	CP	BPCDT -20060113ACR
47	WAMI-TV	HOLLYWOOD FL	127.8	PLN	DTVPLN -DTVP1668
47	WAMI-DT	HOLLYWOOD FL	127.8	LIC	BLCDT -20021015ABJ
48	WOPX	MELBOURNE FL	130.0	PLN	DTVPLN -DTVP1704
48	WOPX-TV	MELBOURNE FL	130.0	LIC	BLCDT -20020510AAH
49	WFGC	PALM BEACH FL	43.8	LIC	BLCDT -20060627ABB
49	WFGC	PALM BEACH FL	43.8	PLN	DTVPLN -DTVP1735
50	WSBS-CA	MIAMI FL	127.8	LIC	BLTTA -20050224ABG
50	WINK-TV	FORT MYERS FL	140.8	APP	USERRECORD-01

Total scenarios = 4

OET-69 Interference Analysis (WINK-TV Ch. 50 Fort Myers, FL)

Result key: 3
 Scenario 1 Affected station 8
 Before Analysis

Results for: 50N FL PALM BEACH BDISTTA 20080804ADZ CP
 POPULATION AREA (sq km)
 within Noise Limited Contour 435334 4847.0
 not affected by terrain losses 435334 4847.0
 lost to NTSC IX 0 0.0
 lost to additional IX by ATV 4930 52.8
 lost to all IX 4930 52.8

Potential Interfering Stations Included in above Scenario 1

49A FL PALM BEACH BLCDT 20060627ABB LIC

After Analysis

Results for: 50N FL PALM BEACH BDISTTA 20080804ADZ CP
 POPULATION AREA (sq km)
 within Noise Limited Contour 435334 4847.0
 not affected by terrain losses 435334 4847.0
 lost to NTSC IX 0 0.0
 lost to additional IX by ATV 7088 868.9
 lost to all IX 7088 868.9

Potential Interfering Stations Included in above Scenario 1

49A FL PALM BEACH BLCDT 20060627ABB LIC
 50A FL FORT MYERS USERRECORD01 APP

Percent new IX = 0.4957%

Result key: 4
 Scenario 2 Affected station 8
 Before Analysis

Results for: 50N FL PALM BEACH BDISTTA 20080804ADZ CP
 POPULATION AREA (sq km)
 within Noise Limited Contour 435334 4847.0
 not affected by terrain losses 435334 4847.0
 lost to NTSC IX 0 0.0
 lost to additional IX by ATV 4930 52.8
 lost to all IX 4930 52.8

Potential Interfering Stations Included in above Scenario 2

49A FL PALM BEACH DTVPLN DTVP1735 PLN

After Analysis

Results for: 50N FL PALM BEACH BDISTTA 20080804ADZ CP
 POPULATION AREA (sq km)
 within Noise Limited Contour 435334 4847.0
 not affected by terrain losses 435334 4847.0
 lost to NTSC IX 0 0.0

OET-69 Interference Analysis (WINK-TV Ch. 50 Fort Myers, FL)

49A FL PALM BEACH DTVPLN DTVP1735 PLN

After Analysis

Results for: 50N FL PALM BEACH BDISTTA 20080804ADZ CP

	POPULATION	AREA (sq km)
within Noise Limited Contour	435334	4847.0
not affected by terrain losses	435334	4847.0
lost to NTSC IX	0	0.0
lost to additional IX by ATV	7088	868.9
lost to all IX	7088	868.9

Potential Interfering Stations Included in above Scenario 4

49A FL PALM BEACH DTVPLN DTVP1735 PLN
 50A FL FORT MYERS USERRECORD01 APP

Percent new IX = 0.4957%

Worst case new IX 0.4957% Scenario 1

#####

Analysis of Interference to Affected Station 9

Analysis of current record

Channel	Call	City/State	Application Ref. No.
51	WHLV-TV	COCOA FL	BPCDT -20080617AEC

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
50	WINK-TV	FORT MYERS FL	209.5	APP	USERRECORD-01

Proposal causes no interference

#####

Analysis of Interference to Affected Station 10

Analysis of current record

Channel	Call	City/State	Application Ref. No.
51	WHLV-TV	COCOA FL	DTVPLN -DTVP1792

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
50	WINK-TV	FORT MYERS FL	209.5	APP	USERRECORD-01

Proposed station is beyond the site to nearest cell evaluation distance

#####

OET-69 Interference Analysis (WINK-TV Ch. 50 Fort Myers, FL)

Analysis of Interference to Affected Station 11

Analysis of current record

Channel	Call	City/State	Application Ref. No.
50	WINK-TV	FORT MYERS FL	USERRECORD-01

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
49	WFGC	PALM BEACH FL	154.7	LIC	BLCDT -20060627ABB
49	WFGC	PALM BEACH FL	154.7	PLN	DTVPLN -DTVP1735
51	WHLV-TV	COCOA FL	209.5	CP	BPCDT -20080617AEC
51	WHLV-TV	COCOA FL	209.5	PLN	DTVPLN -DTVP1792

Total scenarios = 1

Result key: 7
 Scenario 1 Affected station 11
 Before Analysis

Results for: 50A FL FORT MYERS USERRECORD01 APP
 HAAT 444.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1498085	36550.7
not affected by terrain losses	1498085	36550.7
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	0	0.0

Potential Interfering Stations Included in above Scenario 1

#####

FINISHED FINISHED FINISHED FINISHED FINISHED FINISHED

Exhibit 2

TECHNICAL EXHIBIT
AMENDMENT TO
PETITION FOR RULE MAKING TO
MODIFY THE DTV TABLE OF ALLOTMENTS
FORT MYERS BROADCASTING COMPANY
STATION WINK-TV
FORT MYERS, FLORIDA

This Technical Exhibit was prepared on behalf of Fort Myers Broadcasting Company, licensee of station WINK-TV (post-transition digital channel 9), Fort Myers, Florida in support of an amendment to the pending Petition for Rule Making to modify the DTV allotment of WINK-TV to substitute channel 50 for the current channel 9 DTV allotment. The purpose of this amendment is to provide information concerning the predicted loss of CBS service.

Figure 1 depicts the noise-limited 36 dBu contour for WINK-TV's currently licensed DTV facility on channel 9 (BLCDT-20060531ADP) as well as the noise-limited, dipole adjusted 42 dBu contour for WINK-TV's proposed Appendix B facility (Ch. 50, 1000 kW/444 m, ND). As shown, there will be a slight loss area. Figure 1 also depicts the noise-limited, dipole adjusted contours for other CBS affiliated stations which provide service to the loss area.¹ Based on consideration of the other CBS affiliated stations there would be two CBS loss areas, namely, in the vicinity of Frostproof, Florida and in the vicinity of Everglades City, Florida. The CBS loss area in the vicinity of Frostproof contains 1,836 persons and the CBS loss area in the vicinity of Everglades City contains 0 persons.²

Figure 1 also depicts the DMA boundaries for Ft. Myers-Naples (for which WINK-TV is the CBS affiliate), Tampa-St. Petersburg (Sarasota), West Palm Beach-Ft. Pierce and Miami-Ft. Lauderdale. As indicated, WINK-TV's proposed channel 50 operation will not result in predicted loss of CBS network service to any populated portion of the Fort Myers-Naples DMA. Furthermore, the populated portion of the CBS loss area in the vicinity of Frostproof is located in the Tampa-St. Petersburg and West Palm Beach DMAs.

¹ The following authorized, CBS affiliated stations provide service to the loss area: WTSP-DT, St. Petersburg, FL (BMPCDT-20080620AMT); WKMG-DT, Orlando, FL (BMPCDT-20080620AJM); WPEC-DT, West Palm Beach, FL (BPCDT-20080609AAU); and WFOR-DT, Miami, FL (BLCDT-20011023ABS).

² Population within CBS loss areas based on use of 2000 Census population centroids.

Finally, it is reiterated that the proposed facilities (1000 kW/444 m) exceed the maximum ERP/HAAT limits for UHF stations operating in Zone 3 set forth in Section 73.622(F)(5) of the FCC Rules. However, as the proposed UHF noise limited coverage will not exceed WINK-TV's currently authorized VHF coverage, it is believed the proposal will comply with the largest station in the market provision of Section 73.622(f)(5). In other words, the loss of service is unavoidable as the requested channel 50 facilities are at the maximum allowable ERP and maximum achievable HAAT.

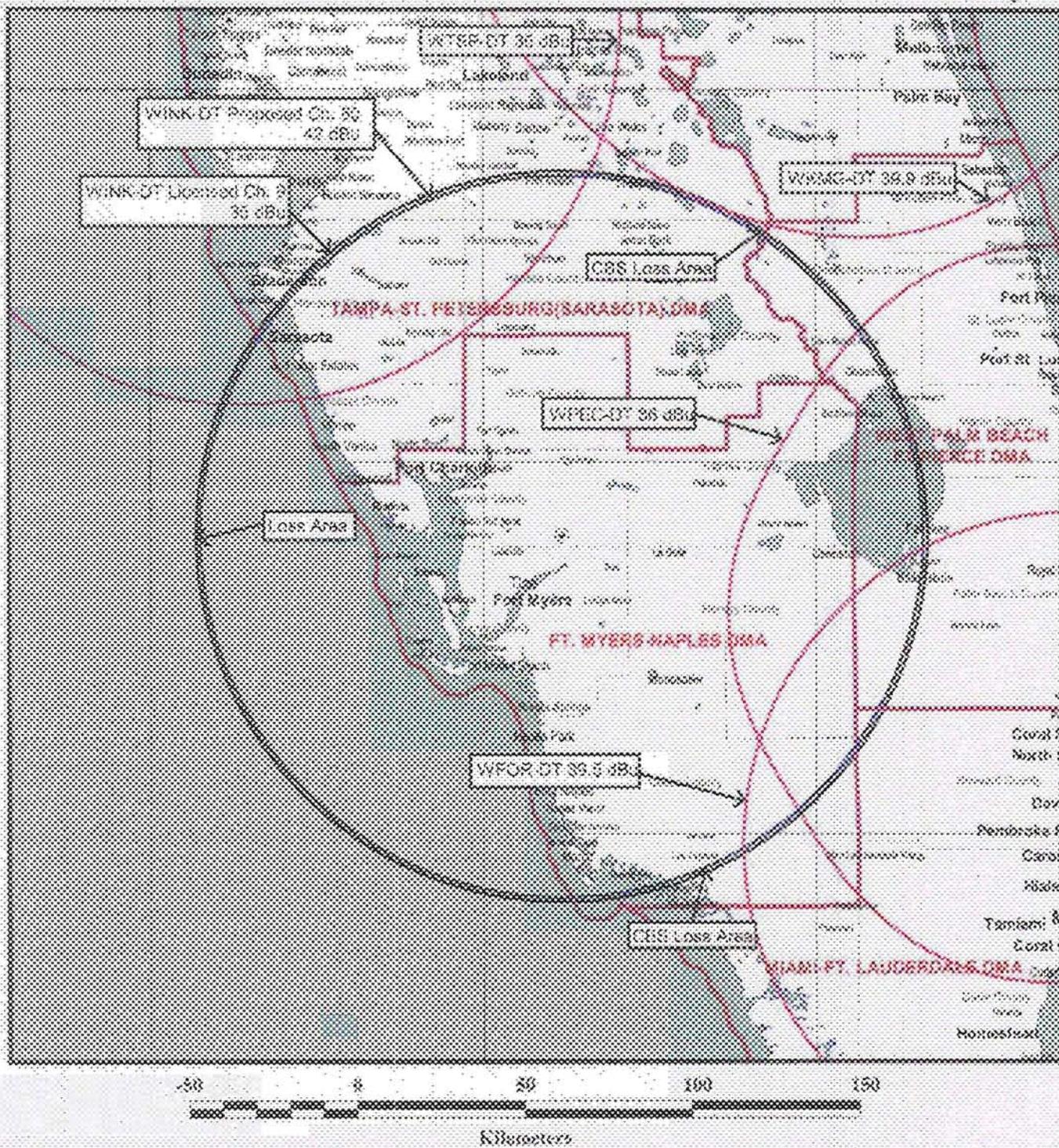
The attached technical statement has been prepared by or under the direct supervision of W. Jeffrey Reynolds with the firm of du Treil, Lundin and Rackley, Inc., a telecommunications consulting firm located in Sarasota, Florida, who states that his qualifications are a matter of record with the Federal Communications Commission, having been presented on previous occasions. All data and statements contained herein are true and correct to the best of his knowledge and belief.



W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
201 Fletcher Ave.
Sarasota, Florida 34237

September 21, 2009



CBS LOSS AREA ANALYSIS

DTV STATION WINK-TV
 FORT MYERS, FLORIDA
 CH 50 1000 KW 444 M

du Treil, Lunan & Rackley, Inc. Sarasota, Florida 34237

Exhibit 3



You are logged in as mleibowitz@broadlaw.com
(Basic Subscriber Access).

Search the Cable Volume

Logout

- Search
- Subscribe
- Data Download
- Print Edition
- Manage Listing
- Advertising
- Instructions
- FAQ
- About Warren
- Contact Us
- Home

Copyright©
2001-2009
Warren
Communications
News, Inc.
All Rights
Reserved

[Home](#) > [Search Cable](#) > [Results](#) > [LAKE WALES](#)

Principal Community	LAKE WALES, FLORIDA
ICA	FL0251
Status	Operating
Local Company Name	Comcast Cable
Address	5205 Fruitville Rd
City/State/Zip	Sarasota, FL 34232
Phone(s)	941-371-4444
Fax	941-371-5097
Website	http://www.comcast.com
Counties	FLORIDA: Polk
Also Serves	FLORIDA: Frostproof, Lake Wales, Polk County (portions)
FCC TV Market Ranking	28 (Frostproof, Lake Wales, Polk County)
Date Began	Oct 01, 1967
DMA	Tampa-St. Petersburg (Sarasota), FL (Rank: 13)
Personnel	Rod Dagenais, Regional Vice President Steve Dvoskin, Vice President & General Manager Danny Maxwell, Technical Operations Director Andrew Behn, Technical Operations Manager Vince Maffeo, Marketing Director
Ownership	Comcast Cable Communications Inc.
Analog Channel Capacity	2-way operational
System Mhz	550
Miles of Plant	N.A
City Fee	3% of gross

Basic Service

Subscribers: 6,683 (Residential)
Fee: \$49.95 (Installation); \$43.35 (Monthly)

Programming (received off-air): [WBBH-DT \(NBC\) Fort Myers](#); [WCLF-DT \(IND\) Clearwater](#); [WEDU-DT \(PBS\) Tampa](#); [WFLA-DT \(NBC\) Tampa](#); [WFTS-DT \(ABC\) Tampa](#); [WFTT-DT \(TEL\) Tampa](#); [WFTV-DT \(ABC\) Orlando](#); [WINK-DT \(CBS\) Fort Myers](#); [WMOR-DT \(IND\) Lakeland](#); [WTOG-DT \(CW\) St. Petersburg](#); [WTTA-DT \(MNT\) St. Petersburg](#); [WTVT-DT \(FOX\) Tampa](#); [WVEA-DT \(UNV\) Venice](#); [WXPX-TV \(ION\) Bradenton](#)

Programming (via satellite): [ABC Family Channel](#); [AMC](#); [Animal Planet](#); [Arts & Entertainment](#); [BET Networks](#); [Cartoon Network](#); [CNBC Inc.](#); [CNN](#); [Comcast/Charter Sports Southeast \(CSS\)](#); [C-SPAN](#); [Discovery Channel](#); [Discovery Health Channel](#); [E! Entertainment Television](#); [ESPN](#); [ESPN 2](#); [Eternal Word TV Network](#); [Food Network](#); [Fox News Channel](#); [FX](#); [Golf Channel](#); [Great American Country \(GAC\)](#); [GSN](#); [Headline News](#); [HGTV](#); [History Channel](#); [Home Shopping Network \(HSN Inc.\)](#); [INSP](#); [Learning Channel](#); [Lifetime](#); [MSNBC](#); [MTV](#); [Nickelodeon](#); [OVC](#); [Speed Channel](#); [Spike TV](#); [Style Network](#); [SunSports TV](#); [Syfy](#); [TBS Superstation](#); [truTV](#); [Turner Network TV](#); [TV Guide Network](#); [TV Land](#); [USA Network](#); [Versus](#); [VH1](#); [Weather Channel](#); [WGN America](#)

Digital Basic Service

Subscribers: 1,671 (Residential)
Fee: \$14.95 (Monthly)

Programming (via satellite): [BBC America](#); [Canales N](#); [Discovery Digital Networks](#); [Disney Channel](#); [Encore](#); [ESPNews](#); [Flix](#) (Multiplexed); [GAS](#); [MTV Networks Digital Suite](#); [Music Choice](#); [Nick Too](#); [Noggin](#); [SoapNet](#); [Sundance Channel](#) (Multiplexed); [Toon Disney](#); [WAM! America's Kidz Network](#); [WE tv](#); [Weatherscan](#)

Digital Pay Service 1

Subscribers: N.A. (Residential)
Fee: \$10 monthly (each)

Programming (via satellite): [Cinemax](#) (Multiplexed); [HBO](#) (Multiplexed); [Showtime](#) (Multiplexed); [Starz](#) (Multiplexed); [The Movie Channel](#) (Multiplexed)

Pay Service 1

Subscribers: N.A. (Residential)
Fee: \$24.95 (Installation); \$10 monthly (each)

Programming (via satellite): [Cinemax](#); [HBO](#) (Multiplexed); [Showtime](#)

Pay-Per-View

[IN DEMAND](#) (Delivered Digitally); [Hot Choice](#) (Delivered Digitally); [Playboy TV](#) (Delivered Digitally); [Fresh](#) (Delivered Digitally); [Shorteez](#) (Delivered Digitally); [Pleasure](#) (Delivered Digitally)

Video On Demand

Operational: No

Internet Service

Operational: Yes
Broadband Service: Comcast High Speed Internet

Telephone Service

Digital: Operational

[Click here to report errors or omissions to this listing](#)

Copyright© 2009 Warren Communications News