

ORIGINAL

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 73.622(i), )  
DTV Table of Allotments, )  
For Station WSKY-TV (Fac. ID No. 76324) )  
(Manteo, North Carolina) )

MB Docket No. \_\_\_\_\_  
RM- \_\_\_\_\_

FILED/ACCEPTED

To: Secretary, Federal Communications Commission  
Attn: Chief, Video Division, Media Bureau

FEB 12 2010  
Federal Communications Commission  
Office of the Secretary

**PETITION FOR RULEMAKING**

Sky Television, L.L.C. ("Sky"), licensee of broadcast station WSKY-TV, Fac. ID No. 76324, Manteo, North Carolina, by its attorneys, hereby requests that Section 73.622(i) of the Federal Communications Commission's Rules, the post-transition DTV Table of Allotments ("DTV Table"), be amended to revert from WSKY-TV's post-transition Channel 9 digital allotment to its pre-transition and licensed Channel 4 allotment so that the station's currently licensed facilities may serve as the station's post-transition facilities. This channel substitution would serve the public interest by ensuring that WSKY-TV remains operational and will enable the station to continue to provide free over-the-air broadcast service to residents of northeast North Carolina and southeast Virginia.

Currently, Sky provides digital service on its licensed pre-transition Channel 4 facilities pursuant to special temporary authority ("STA"). See BEDSTA-20090918AB1. Sky's allotted post-transition channel, however, is Channel 9, and Sky holds a construction permit for Channel 9. Both the Channel 9 construction permit and the

Channel 4 STA are scheduled to expire on February 17, 2010.

Subsequent to obtaining its Channel 9 post-transition allotment, Sky has worked diligently to construct its authorized post-transition facilities. The station purchased a broadcast transmitter and antenna previously used by WSOC-TV, Charlotte, North Carolina, to provide analog service on Channel 9. Sky has also relocated the former WSOC-TV analog transmitter to its own facilities and worked with Harris Corporation to develop a conversion plan by which the transmitter would be modified to permit digital operation. However, Sky is unable to complete construction of the Channel 9 facilities by February 17, 2010, the date on which that permit is scheduled to expire.

Therefore, in order to allow WSKY-TV to continue to provide free, over-the-air broadcast service beyond February 17, 2010, Sky Television hereby petitions the Commission to amend the DTV Table of Allotments to change WSKY-TV's post transition allotment from Channel 9 to Channel 4 at Manteo, North Carolina. This change to the DTV Table of Allotments will permit the station to continue to provide digital service to existing viewers using its currently licensed Channel 4 facilities. *See* BLCDT-20071128ADC. As the attached technical documents demonstrate, continued use of these facilities will not create impermissible interference to any other station.

Recognizing that final action on this petition for rulemaking will not occur before February 17, 2010, when both the station's existing STA and post-transition construction permit are set to expire, Sky Television is contemporaneously filing a request for STA to allow WSKY-TV to continue to operate its existing Channel 4 facilities pending action on this petition for rulemaking and grant of a construction permit for post-transition facilities on digital Channel 4. The proposed change to the DTV Table of Allotments

will further the public interest by allowing WSKY-TV to continue to provide free digital broadcast service beyond February 17, 2010.

Since launching service in September 2001, WSKY-TV has provided significant amounts of locally-produced and locally-responsive programming. The station currently produces "Tidewater Amateur Sports," a weekly high school sports program, "My Heart Will Always Be In Carolina," a weekly magazine program focusing on people and places in northeastern North Carolina, and "Hampton Roads Live," a weekly program targeting small business and businesspersons. The station has also broadcast numerous regional sporting events and live, locally-produced programs, including 16 hours of live coverage of the 100<sup>th</sup> Anniversary of Flight, celebrating Orville and Wilbur Wright's flight experiments in North Carolina.

The station has also produced live broadcasts of Norfolk, Virginia's AAA baseball team, the Norfolk Tides, both from the team's home stadium as well as from numerous road games. In addition, the station has provided coverage of both Old Dominion University's men's and women's college basketball teams. The station also regularly broadcasts live from local events such as the Norfolk Harborfest, the Oceana Naval Air Show, and local Fourth of July celebrations. Thus, the ability for WSKY-TV to continue to provide free broadcast service beyond February 17, 2010 through grant of the accompanying request for STA and action on the instant petition for rulemaking will serve the public interest.

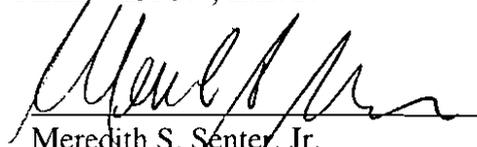
For the reasons set forth above, Sky Television requests that the Commission institute a rulemaking proceeding to amend Section 73.622(i) of its rules to substitute DTV Channel 4 for DTV Channel 9 as WSKY-TV's digital post-transition allotment.

Upon grant of this petition and modification of the DTV Table of Allotments, Sky will apply for a post-transition construction permit for the Channel 4 allotment.

Respectfully submitted,

**SKY TELEVISION, L.L.C.**

By:



Meredith S. Senter, Jr.  
John W. Bagwell

Leventhal Senter & Lerman PLLC  
2000 K Street, N.W., Suite 600  
Washington, D.C. 20006-1809  
(202) 429-8970

February 12, 2010

Its Attorneys

# Technical Exhibit

ENGINEERING STATEMENT

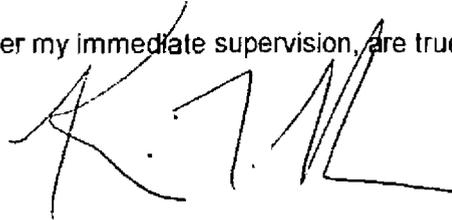
The engineering data contained herein have been prepared on behalf of SKY TELEVISION, L.L.C., licensee of digital television station WSKY-DT in Manteo, North Carolina, in support of its request to operate on Channel 4.

It is proposed to utilize the existing Dielectric directional antenna, which is mounted at the 274-meter level of an existing 316-meter tower. Exhibit B provides elevation and azimuth pattern data for the proposed antenna. Proposed operating parameters are tabulated in Exhibit C. Exhibit D is a map upon which the predicted service contours are plotted. As shown, the city of license is completely contained within the proposed 35 dBu service contour. An interference study is included in Exhibit E, and it is important to note that the study utilized a cell size of 2.0 kilometers and an increment spacing of 1.0 kilometers. A power density calculation is provided in Exhibit F.

It is not expected that the proposed facility would cause objectionable interference to any other broadcast or non-broadcast station authorized to operate at or near the WSKY-DT site. However, if such should occur, the owner of this station recognizes its obligation to take whatever corrective actions are necessary.

Since no change in overall height or location of the existing tower is proposed herein, the FAA has not been notified of this application. In addition, the FCC assigned Antenna Structure Registration Number 1252202 to this tower.

I declare under penalty of perjury that the foregoing statements and the attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'K. T. Fisher', written in a cursive style.

KEVIN T. FISHER

February 4, 2010

# Dielectric

Proposal Number  
Date 28 Sep 2000  
Call Letters WSKY  
Location Manteo, NC  
Customer  
Antenna Type THB-C2-4/6-1

Revision  
Channel 4

## ELEVATION PATTERN

RMS Gain at Main Lobe	4.0 (8.02 dB)	Beam Tilt	0.00 Degree
RMS Gain at Horizontal	4.0 (8.02 dB)	Frequency	89.00 MHz
Calculated / Measured	Calculated	Drawing #	04H040000-90



Remarks:

**EXHIBIT B-1**  
**ANTENNA ELEVATION PATTERN**  
**PROPOSED WSKY-DT**  
**CHANNEL 4 - MANTEO, NORTH CAROLINA**  
**SMITH AND FISHER**

# Dielectric

Proposal Number  
Date 28 Sep 2000 Revision  
Call Letters WSKY Channel 4  
Location Manteo, NC  
Customer  
Antenna Type THB-02-4/3-1

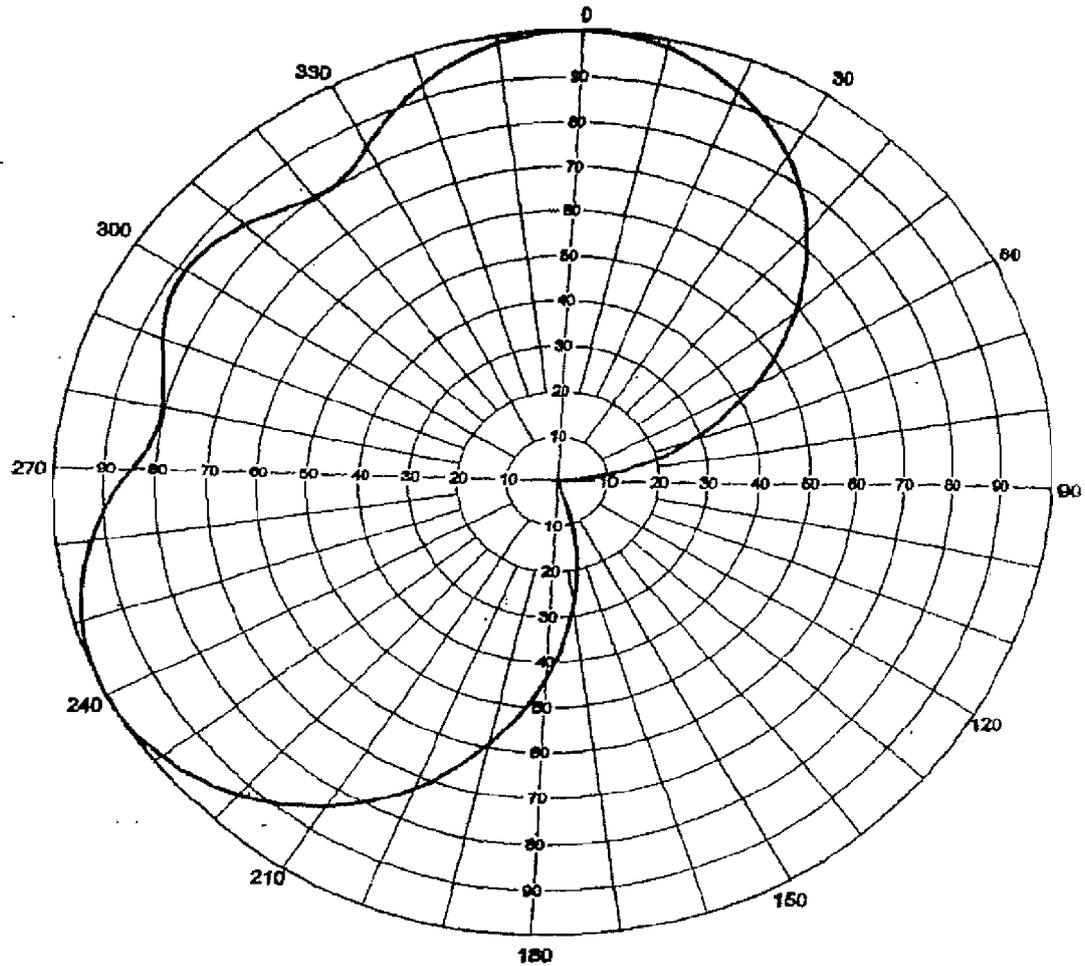
## AZIMUTH PATTERN

RMS Gain at Main Lobe  
Calculated / Measured

2.00 (3.01 dB)  
Calculated

Frequency  
Drawing #

69 MHz  
THB-02



Note: Antenna will be mounted such that 0° on graph is oriented at 135°T.

**EXHIBIT B-2**

**ANTENNA AZIMUTH PATTERN**

**PROPOSED WSKY-DT**  
**CHANNEL 4 - MANTEO, NORTH CAROLINA**

SMITH AND FISHER

ANTENNA AZIMUTH PATTERN DATA  
PROPOSED WSKY-DT  
CHANNEL 4 – MANTEO, NORTH CAROLINA

<u>Azimuth</u> <u>(° T)</u>	<u>Relative</u> <u>Field</u>	<u>ERP</u> <u>(dbk)</u>	<u>Azimuth</u> <u>(° T)</u>	<u>Relative</u> <u>Field</u>	<u>ERP</u> <u>(dbk)</u>
0	0.960	10.6	180	0.664	7.2
10	0.996	10.8	190	0.519	5.1
20	0.996	10.8	200	0.362	2.0
30	0.960	10.6	210	0.203	-3.1
40	0.890	9.8	220	0.056	-14.2
50	0.810	9.0	230	0.001	-49.2
60	0.823	9.1	240	0.001	-49.2
70	0.874	9.6	250	0.001	-49.2
80	0.874	9.6	260	0.001	-49.2
90	0.823	9.1	270	0.001	-49.2
100	0.810	9.0	280	0.001	-49.2
110	0.890	9.8	290	0.056	-14.2
120	0.960	10.6	300	0.203	-3.1
130	0.996	10.8	310	0.362	2.0
140	0.996	10.8	320	0.519	5.1
150	0.960	10.6	330	0.664	7.2
160	0.890	9.8	340	0.790	8.8
170	0.790	8.8	350	0.890	9.8

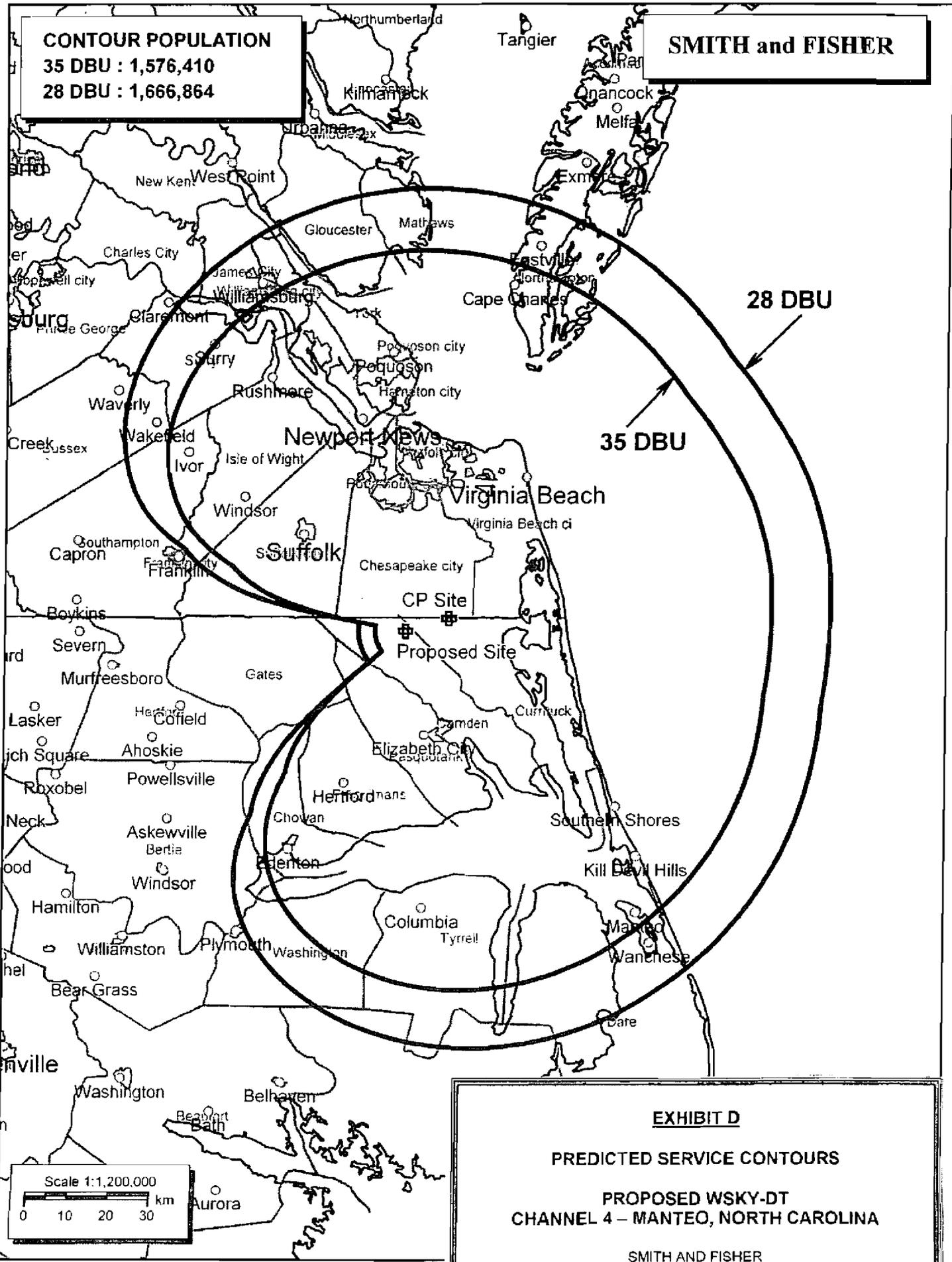
PROPOSED OPERATING PARAMETERS

PROPOSED WSKY-DT  
CHANNEL 4 – MANTEO, NORTH CAROLINA

Transmitter Power Output:	2.3 kw
Transmission Line Efficiency:	78.2 %
Antenna Power Gain – Main Lobe:	6.6
Effective Radiated Power – Main Lobe:	12.0 kw
Transmitter Make and Model:	Type-accepted
Rated Output	3 kw
Transmission Line Make and Model:	Andrew HJ8-50B
Size and Type:	3" air heliax
Length:	925 feet*
Antenna Make and Model:	Dielectric THB-C2-4/8-1
Orientation	75° T**
Beam Tilt	0 degrees
Radiation Center Above Ground:	274 meters
Radiation Center Above Mean Sea Level:	278 meters

\*assumed

\*\*line of symmetry



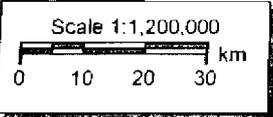
**CONTOUR POPULATION**  
**35 DBU : 1,576,410**  
**28 DBU : 1,666,864**

**SMITH and FISHER**

28 DBU

35 DBU

**EXHIBIT D**  
**PREDICTED SERVICE CONTOURS**  
**PROPOSED WSKY-DT**  
**CHANNEL 4 – MANTEO, NORTH CAROLINA**  
 SMITH AND FISHER



INTERFERENCE STUDY  
PROPOSED WSKY-DT  
CHANNEL 4 - MANTEO, NORTH CAROLINA

The instant application specifies an ERP of 12.0 kw (directional) at 274 meters above average terrain, which we have determined to be allowable under the FCC's interference standards with respect to various post-transition digital television facilities.

In evaluating the interference effect of this proposal, we have relied upon the V-Soft Communications "Probe III" computer program, which has been found generally to mimic the FCC's program. In conducting our studies, we employed a cell size of 2.0 kilometers and an increment spacing of 1.0 kilometer along each radial. In addition, we utilized the 2000 U.S. Census. Changes in interference caused by proposed WSKY-DT to other pertinent stations are tabulated in Exhibit E-2.

As shown, the proposed WSKY-DT facility would not contribute any interference to the service population of any potentially affected post-transition DTV station.

A Longley-Rice interference study also reveals that the proposed WSKY-DT facility does not cause any interference within the protected service contour of any potentially affected Class A low power television station.

Therefore, this proposal meets the FCC's *de minimis* interference standards for DTV operations.

INTERFERENCE STUDY SUMMARY  
PROPOSED WSKY-DT  
CHANNEL 4 – MANTEO, NORTH CAROLINA

<u>Call Sign</u>	<u>City, State</u>	<u>CH.</u>	<u>Coverage Population</u>	<u>Interference Population From WSKY-DT</u>	<u>%</u>
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[NO STATIONS AFFECTED]

EXHIBIT F

POWER DENSITY CALCULATION  
PROPOSED WSKY-DT  
CHANNEL 4 – MANTEO, NORTH CAROLINA

Since the FCC considers the possible biological effects of RF transmissions in its environmental determinations, we have studied the matter with respect to this Manteo facility. Employing the methods set forth in *OET Bulletin No. 65* and considering a main-lobe effective radiated power of 12 kw, an antenna radiation center 274 meters above ground, and the elevation pattern of the Dielectric antenna, maximum power density two meters above ground of  $0.000071 \text{ mw/cm}^2$  is calculated to occur 282 meters north-northeast and southeast of the base of the tower. Since this is significantly less than 0.1 percent of the  $0.2 \text{ mw/cm}^2$  reference for uncontrolled environments (areas with public access) surrounding a facility operating on Channel 4 (66-72 MHz), a grant of this proposal may be considered a minor environmental action with respect to public and occupational ground-level exposure to nonionizing electromagnetic radiation.

Further, the station owner will take whatever precautionary steps are necessary, such as reducing power or leaving the air temporarily, to ensure that workers operating in the vicinity of the antenna are not exposed to excessive nonionizing radiation.

**Section III - D DTV Engineering**

**TECHNICAL SPECIFICATIONS** Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

**TECH BOX**

1. Channel Number: DTV 4 Analog TV, if any: 4

2. Zone:  I  II  III

3. Antenna Location Coordinates: (NAD 27)  
36° 31' 14.45"  N  S Latitude  
76° 18' 16.22"  E  W Longitude

4. Antenna Structure Registration Number: 1252202  
 Not applicable  FAA Notification Filed with FAA

5. Antenna Location Site Elevation Above Mean Sea Level: 3.9 meters

6. Overall Tower Height Above Ground Level: 315.9 meters

7. Height of Radiation Center Above Ground Level: 274 meters

8. Height of Radiation Center Above Average Terrain: 274 meters

9. Maximum Effective Radiated Power (average power): 12.0 kW

10. Antenna Specifications:

Manufacturer	Model
DIELECTRIC	THB-C2-4/8-1

a. Electrical Beam Tilt: \_\_\_\_\_ degrees  Not Applicable

b. Mechanical Beam Tilt: \_\_\_\_\_ degrees toward azimuth \_\_\_\_\_ degrees True  Not Applicable

Attach as an Exhibit all data specified in 47 C.F.R. Section 73.685(c). Exhibit No.  
B

d. Polarization:  Horizontal  Circular  Elliptical

**TECH BOX**

e. Directional Antenna Relative Field Values:  Not applicable (Nondirectional)  
 Rotation: \_\_\_\_\_ °  No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	0.960	60	0.823	120	0.960	180	0.664	240	0.001	300	0.203
10	0.996	70	0.874	130	0.996	190	0.519	250	0.001	310	0.362
20	0.996	80	0.874	140	0.996	200	0.362	260	0.001	320	0.519
30	0.960	90	0.823	150	0.960	210	0.203	270	0.001	330	0.664
40	0.890	100	0.810	160	0.890	220	0.056	280	0.001	340	0.790
50	0.810	110	0.890	170	0.790	230	0.001	290	0.056	350	0.890
Additional Azimuths		15	1.00	135	1.00						

If a directional antenna is proposed, the requirements of 47 C.F.R. Section 73.625(c) must be satisfied. **Exhibit required.**

Exhibit No.  
B

11. Does the proposed facility satisfy the interference protection provisions of 47 C.F.R. Section 73.623(a)? (Applicable only if **Certification Checklist** Items 1(a), (b), or (c) are answered "No.")  Yes  No

If "No," attach as an Exhibit justification therefor, including a summary of any related previously granted waivers.

Exhibit No.  
A

12. If the proposed facility will not satisfy the coverage requirement of 47 C.F.R. Section 73.625, attach as an Exhibit justification therefor. (Applicable only if **Certification Checklist** Item 3 is answered "No.")

Exhibit No.  
D

13. **Environmental Protection Act. Submit in an Exhibit** the following:

Exhibit No.  
F

a. If **Certification Checklist** Item 2 is answered "Yes," a brief explanation of why an Environmental Assessment is not required. Also describe in the Exhibit the steps that will be taken to limit RF radiation exposure to the public and to persons authorized access to the tower site.

By checking "Yes" to **Certification Checklist** Item 2, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

If **Certification Checklist** Item 2 is answered "No," an Environmental Assessment as required by 47 C.F.R. Section 1.1311.

**PREPARER'S CERTIFICATION IN SECTION III MUST BE COMPLETED AND SIGNED.**

13. **Petition for Rulemaking/Counterproposal to Add New FM Channel to FM Table of Allotments.** If the application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. Section 73.202) to add a new FM channel allotment, petitioner/counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter-proponent will apply to participate in the auction of the channel allotment requested and specified in this application.

Yes  No  N/A

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

**SECTION III PREPARER'S CERTIFICATION**

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name KEVIN T. FISHER	Relationship to Applicant (e.g., Consulting Engineer) Broadcast Consultant	
Signature	Date February 4, 2010	
Mailing Address SMITH and FISHER, 2237 Tackett's Mill Drive, Suite A		
City Lake Ridge	State or Country (if foreign address) Virginia	ZIP Code 22192
Telephone Number (include area code) (703) 494-2101	E-Mail Address (if available) Kevin@smithandfisher.com	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503)