

November 23, 2010

VIA COURIER

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

FILED/ACCEPTED

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Federal Communications Commission
Office of the Secretary

Attention: Video Division, Media Bureau

Re: MB Docket No. 08-194, RM-11488
WHNT-TV, Huntsville, Alabama
Facility I.D. No. 48693
Comments in Support of NPRM to Amend the DTV Table of Allotments

Dear Ms. Dortch:

On behalf of Local TV Alabama License, LLC, licensee of commercial television station WHNT-TV, Huntsville, Alabama, we hereby transmit an original and four copies of *Comments* in support of the Notice of Proposed Rulemaking to keep Channel 19 for Channel 46 at Huntsville, Alabama in the DTV Table of Allotments.

If any additional information is needed in connection with this matter, please contact me.

Respectfully submitted,



Scott S. Patrick

Enclosure

cc: Mr. David Brown (via e-mail)

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Amendment of Section 73.622(i),) MB Docket No. 08-194
Post-Transition Table of DTV Allotments,) RM-11488
Television Broadcast Stations.)
(Huntsville, Alabama))
)

To: Office of the Secretary
Attn: Chief, Video Division
Media Bureau

COMMENTS OF LOCAL TV ALABAMA LICENSE, LLC

Local TV Alabama License, LLC (“Licensee”), licensee of television station WHNT-DT, Huntsville, Alabama (the “Station”), by its attorneys and pursuant to Sections 1.415, 1.419 and 1.420 of the Commission’s Rules (47 C.F.R. §§ 1.415, 1.419, 1.420), hereby submits these comments regarding the above-captioned *Notice of Proposed Rule Making* (“*Notice*”). The *Notice* seeks comment on Licensee’s request, as set forth in its *Petition for Rule Making* dated April 23, 2009 (“*Petition*”), that the Commission amend the post-transition Table of DTV Allotments to revert the Station’s post-transition DTV channel to the initially allotted Channel 19. The Station continues to operate on this channel, so adoption of the proposed channel change will have no impact on actual spectrum usage.

Licensee hereby confirms its continuing interest in the proposal set forth in the *Petition*, which is incorporated herein by reference. As explained in the *Petition*, the Station can better

serve the community if allowed to continue operations on its current Channel 19.¹ Operation on this channel is permissible now at a higher power because of the cancellation of the license for nearby WYLE(TV), Florence, Alabama,² which accordingly no longer is an allocation concern requiring protection.³ At the higher power, the Station can expand broadcast service to a greater number of viewers and provide service more robustly. Moreover, if the channel change is not approved, the Station would be forced to construct on a new channel (Channel 46) at significant expense. As explained in the *Notice*, the channel change fully satisfies the Commission's coverage and interference requirements.⁴

If the channel change is adopted, Licensee hereby expresses its intention to apply for authorization to operate as proposed and to implement the change in accordance with the Commission's rules.

¹ On June 13, 2009, the Station commenced operations pursuant to its granted construction permit (BPCDT-20080313AAC) on Channel 19 with an ERP of 53 kW.

² *ETC Communications, Inc.*, 24 FCC Rcd 3021 (Med. Bur. 2009). A petition for reconsideration of the decision was denied. *See ETC Communications Inc.*, 25 FCC Rcd 10686 (Med. Bur. 2010).

³ When the Commission cancelled WYLE-DT's DTV construction permit, it also effectively deleted the DTV allotment for Channel 20. *See Remedial Steps for Failure to Comply with Digital Television Construction Schedule*, 18 FCC Rcd 7174, ¶ 26 (2003).

⁴ *Notice*, ¶ 3. As explained therein, Licensee obtained the consent of the licensee of WDBB(TV) to impermissible levels of predicted interference. *Id.*, n.5.

For the foregoing reasons and those previously set forth in the *Petition*, Licensee respectfully requests that the Commission promptly adopt the changes proposed in the *Notice*.

Respectfully Submitted,

LOCAL TV ALABAMA LICENSE, LLC

By: 
Scott S. Patrick
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Its Attorneys

Dated: November 23, 2010