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WRITER'S DIRECT DIAL

November 23, 2011

FILED/ACCEPTED

NOV 23 2011

Via Hand Delivery

Ms. Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary 445 12th Street, S.W. Washington, DC 20554 Federal Communications Commission Office of the Secretary

Re: MB Docket No. 11-159, RM-11644

Dear Ms. Dortch:

Enclosed please find, on behalf of Winston Broadcasting Network, Inc., an original and one copy of comments for filing in the above-referenced proceeding. We would also appreciate your stamping the extra copy as "Filed" and returning it in the enclosed postage prepaid envelope.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Sincerely,

[Handwritten signature]

Stephen Hartzell Laura S. Chipman Counsel to Winston Broadcasting Network, Inc.

Enclosures cc: Joyce Bernstein, FCC (via email)

No. of Copies rec'd 091 List ABCDE

service on June 12, 2009, and began digital-only operations on its self-selected post-transition VHF channel 8, “a sizable number of the Station’s viewers could not receive the Station’s over-the-air signal, and many apparently still cannot.” Petition at 2. According to WJW, viewer ratings have declined and the station has received complaints from viewers about reception quality. *See* Petition at 2; Supplement to Petition at 3. In support of its Petition, however, WJW has offered only unreliable, aggregated data that fails to show the substitution is necessary and in the public interest. Further, WJW has failed to attempt to execute the reasonable alternative solutions that exist to resolve its purported coverage difficulties.

WJW is licensed to operate on Channel 8 at 11 kW ERP. *See* File No. BLCDDT-20090612AJC. WJW holds a valid construction permit to increase its ERP to 30 kW. *See* File No. BMPCDDT-20080620AHI. There is no indication that WJW has attempted to operate at the authorized power increase, an increase which, logically, may resolve some or all of WJW’s concerns. Moreover, WJW has pending at the Commission two applications for digital replacement translators, which the station apparently intended to use to resolve precisely the reception issues for which it now seeks a more dramatic and deleterious solution. *See* File No. BDRTCDT-20101123AOI, Attachment 14, Technical Exhibit at 1 (“This translator will serve the Austintown, Ohio area, which is considered an area that lost WJW analog television service after the station transitioned to digital only service based upon call-in information received to the station from affected viewers.”); File No. BDRTCDT-20101123AOJ, Attachment 14, Technical Exhibit at 1 (“This translator will serve the Canton, Ohio area, which is considered an area that lost WJW analog television service after the station transitioned to digital only service based upon call-in information received to the station from affected viewers.”).

It is unclear precisely why WJW has (apparently) decided to abandon its earlier well-

conceived plans to increase power, directionalize its signal, and fill-in with digital replacement translators. The Petition and Supplement are virtually silent on this issue, observing only that WJW already has the equipment necessary to begin operations on Channel 31. *See* Petition at 3. This sounds like little more than a cost-saving measure,² which is either ironic or entirely predictable given the fact that WJW is ultimately owned by a private equity firm and is commonly held with attributable interests in approximately 20 other full power television stations across the country. *See, e.g.*, File No. BOA-20100701BKQ, Attachment 5 (Organizational Chart) & Section II-B, Item 3(c) (Broadcast Interests Spreadsheet). Notably, however, as discussed below, any cost-savings to be realized would be at the expense of the viewers of WBNX, which is an independently owned station.

In fact, WJW's channel change would detrimentally impact the ability of viewers to receive WBNX's broadcast service on the first adjacent channel, which is contrary to the public interest. Accordingly, WBNX urges the Commission to reject WJW's proposal. The proposed Channel 31 facility is not co-located with WBNX's Channel 30 transmission facility and would result in interference with WBNX's signal reception. *See* Engineering Statement pp.1-2. Specifically, additional interference would be caused to numerous WBNX viewers. *See id.* at pp. 3-4. The petitioner's arguments are unpersuasive and its data unreliable. Moreover, WJW has not attempted to resolve its coverage issues by alternative solutions—for which it already has the authority—that would not interfere with WBNX's signal. WJW's proposal should be denied, or, at a minimum, the Commission should defer consideration of the proposal until after a reasonable time to determine more definite data about the impact of the proposed substitution.

² Or, perhaps it is an effort to jockey for position for prime UHF real estate in the event of a spectrum auction and repacking.

II. WJW's Proposal Is Contrary to the Public Interest Because Additional Interference Would Be Caused to Numerous WBNX Viewers

WJW's proposal would result in detrimental interference problems for reception of WBNX's signal to 2800 households—6,999 persons—in its primary market. *See* Engineering Statement p.4. These households would be detrimentally affected, indeed disenfranchised, in their ability to receive WBNX's signal by the presence of WJW on first-adjacent Channel 31. *See id.* The areas affected are centrally located in the densely populated, urbanized area of the Cleveland-Akron DMA. *See id.* Such interference would substantially harm the ability of significant populations to receive WBNX's signal who, since the end of the digital transition two-and-a-half years ago, have come to rely on the station's program service. *See id.*

Although the predicted level of interference does not rise above the *de minimis* threshold tolerated by the Commission's rules in 73.623(c), WJW's proposal would nonetheless result in hundreds of complaints from WBNX viewers about interference in its core market viewing area. Where, as here, a proposal results in interference to a substantial number of viewers, such a proposal is not in the public interest. Case law has long recognized that "losses in service are *prima facie* inconsistent with the public interest," *West Mich. Telecasters, Inc. v. FCC*, 460 F.2d 883, 889 (D.C. Cir. 1972), and "that . . . curtailment of service is not in the public interest is axiomatic," *Hall v. FCC*, 237 F.2d 567, 572 (D.C. Cir. 1956). Effectively, WJW's proposal seeks to trade-out the complaints of its viewers for interference to and complaints of WBNX's viewers, but it cites to no Commission precedent that would recognize such a trade-off as being in the public interest.

Indeed, in this instance, the potential harm to WBNX's viewers is not counterbalanced by an improvement in broadcast service for WJW. As discussed below, the coverage problems WJW reports at the three test sites arise in distant locations where reception is spotty for most

signals—including for UHF channels like WBNX. *See* Freeman Declaration ¶¶ 5-8 (discussing test results and locations). By contrast, WBNX’s losses would occur in densely populated, primary areas of the market. *See* Engineering Statement p.4. It also appears that the channel change would, in effect, shrink the contour for WJW’s signal, particularly on the southeast side of the coverage area, resulting in an additional loss of coverage for WJW itself, in the same areas where it complains of viewer reception difficulties.³ If the channel substitution is allowed, many viewers in the area would have to rescan and reset their DTV equipment to accommodate the change, which would result in further complaints among viewers of all stations who have come to rely, for nearly two-and-a-half years on the post-transition channel line-up. Taken as a whole, the public interest would not be served by the proposed substitution when it would cause hundreds of viewers to suffer interference with WBNX’s signal and others to lose coverage of WJW’s signal (by virtue of the contour shrinking).

In sum, the proposal would result unnecessarily in a detrimental impact on the broadcast service provided by an independently-owned small station to thousands of households in core portions of the market. Accordingly, the Commission should deny WJW’s proposal.

III. WJW Has Not Attempted to Increase Power Nor Use Fill-in Translators to Resolve Its Perceived Issues

The public interest is not counterbalanced by any benefit to WJW viewers that might not be otherwise available through alternative solutions. WJW asserts that it has “no other means” to restore service but to move to a UHF channel,⁴ but it has not attempted (nor explained its failures

³ Compare Technical Exhibit to Petition, Figure 1 with FCC Coverage Maps for TV Station WJW, Map Sets 1 & 3, available at http://transition.fcc.gov/dtv/markets/maps_current/Cleveland-Akron_OH.pdf. See also Petition at 2.

⁴ See Petition for Rule Making p.2.

to attempt) to resolve the alleged issues by using any reasonable alternative available to it. *See generally* Technical Exhibit at Attachment A to Petition for Rule Making.

First, WJW has not attempted to increase power in its current facility up to 16 kW.⁵ Second, as noted above, WJW holds a valid construction permit to directionalize its signal and increase its power to 30 kW on its current channel. *See id.* at p.3; *see also* File No. BMPCDT-20080620AHI. The Commission has recognized that increasing power may help VHF stations address viewer reception issues. *See Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, 25 FCC Rcd 16498 (2010), ¶¶ 42 *et seq.* Before causing a loss of service to WBNX viewers by changing channels, it is incumbent on WJW to first take advantage of its valid construction permit and increase its operating power as authorized.

Moreover, WJW has pending before the Commission applications for two digital replacement translators. These fill-in translators are intended to resolve exactly the kind of coverage problems about which WJW complains and are a reasonable alternative which would benefit the public interest without causing interference to WBNX viewers. *See generally Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Replacement Digital Low Power Television Translator Stations*, Report and Order, 24 FCC Rcd 5931 (2009), ¶ 1 (“With this Report and Order, we create a new, ‘replacement’ digital television translator service to permit full-service television stations to continue to provide service to viewers within their coverage areas who have lost service as a result of those stations’ digital transition.”). And,

⁵ *See* Technical Exhibit at Attachment A to Petition for Rule Making p.4 “WJW(TV) could only increase its effective radiated power from the present 11 kilowatts to 16 kilowatts if the present non-directional antenna is to continue to be employed.”

as observed above, *see supra* p. 2, WJW's intention with the two digital replacement translators is precisely consistent with these goals.

Any of these options to improve WJW's service would resolve their coverage issues without causing interference to WBNX viewers in the market. Because adoption of WJW's proposal would cause interference to WBNX's viewers, and WJW has not exhausted reasonable alternatives which would cause *no* interference, the Commission should deny WJW's proposal or, at a minimum, defer consideration of the proposal until a testing period has taken place and the impact of the substitution can be more accurately assessed in light of the alternatives.⁶

IV. WJW's Proposal Is Based Conclusory Assertions and Aggregated, Unreliable Data

Although on its face WJW's proposal appears to produce results within the *de minimis* interference range tolerated by the Commission's rules in 73.623(c), the aggregated data offered by WJW is unreliable. It would be unreasonable and inequitable to grant the proposal on account of WJW's conclusory assertions and without the benefit of more definite information.⁷

First, in support of its petition, WJW asserts that its ratings decreased sharply between first quarter 2009 and fourth quarter 2009, a decrease that WJW definitively attributes to viewer reception difficulties. *See* Petition at 2; Supplement at 3; Attachment C to Supplement. WJW posits that, in light of the ratings data and tests at three sites, "the only conclusion that can reasonably be drawn" is that viewers can no longer receive the signal due to VHF technical problems. *Id.* The inference is not supported, however, by the generalized data shown on the ratings chart attached as Attachment C to the Supplement to Petition. In fact, WJW's chart in

⁶ *See* Engineering Statement p.5 (proposing a cooperative effort to measure and locate interference problems with temporary authorization for the reestablishment of WJW operation on Channel 31); *see infra* Section V.

⁷ *See supra* n.6.

Attachment C shows that the dip in viewership is consistent with viewership patterns in prior years and with the overall trend over the span of several years. Even without the benefit of exact numbers on WJW's chart, the 2009 decline is not significantly different in magnitude than a similar dip between first quarter 2007 and fourth quarter 2007. The data offered by WJW shows, in a generalized depiction, that such dips are not unusual and not unique to its station. Further, other than WJW's own conclusory assertions, there is no other indication that the decline was not caused by any number of factors other than VHF technical problems. In reality, the ratings dip appears to be more appropriately attributable to the change in Nielsen's data collection methodology that occurred in the Cleveland DMA in 2009. Specifically, Nielsen commenced the use of its Local People Meter methodology around that time, and at least one neutral observer recognized that the new methodology "was not kind to WJW."⁸ Without additional support and more detailed data that properly accounts for other external factors such as programming changes, seasonal viewing cycles, and the change in Nielsen's ratings methodology, WJW has failed to show both that its decline in ratings was a function of VHF reception issues and that it would be improved by the proposed channel substitution.

Secondly, WJW's data is unreliable because only three sites were tested by WJW. *See* Attachment A to WJW's Supplement to Petition ¶ 4. At one of the three sites, the WJW signal was recorded. *See id.* When WBNX tested two of these sites independently, its technical consultant determined that the sample sites are more than forty miles away from the WJW transmitter site and that at such distances it should not be surprising—instead, it should be expected—that reception would be difficult. *See* Freeman Declaration ¶ 8. Moreover, WBNX's

⁸ Washington, Julie, "A Snapshot of the Switch to Local People Meters," *Plain Dealer Extra* (Mar. 30, 2010) (copy attached as Exhibit 1), available at <http://blog.cleveland.com/pdextra/2010/03/a_snapshot_of_the_switch_to_lo.html>.

technical consultant was able to record a WJW signal at one of the two locations. *See id.* ¶¶ 6-7. It is unlikely that any Cleveland station would be received consistently at such distances, particularly in these areas of market. *Cf.* Freeman Declaration ¶ 8. Put simply, the data does not support the need for a channel change based on inconsistent data from these three distant locations alone, and WJW's petition does not demonstrate a measurable need for a channel change.

As a final source of data in support of its proposal, in Attachment B to its Supplement to Petition, WJW has compiled an aggregated list of viewer complaints. In its Supplement to Petition, WJW makes the blanket statement that "the vast majority of the complaints specifically related to VHF reception difficulties." *Supplement to Petition* p.3. The list at Attachment B contains aggregated data and does not provide the substance of the complaints to determine if they are relevant to WJW's request, or any indication of whether the complaints are redundant. Without context or additional specificity, the data are unreliable and, as such, cannot provide an empirical basis to support WJW's proposal. And, in any event, WBNX would expect to receive at least as many complaints about interference if WJW's request is granted.

Finally, even assuming, *arguendo*, that WJW's supporting materials show a potential benefit to the public interest from the proposed channel change, any such benefit is outweighed by the significant detriment to the substantial number of viewers who will lose over-the-air service from WBNX. The loss of service to nearly 3000 households is an overriding public interest harm. Accordingly, the Commission should deny WJW's proposal.

V. WBNX's Request for Testing

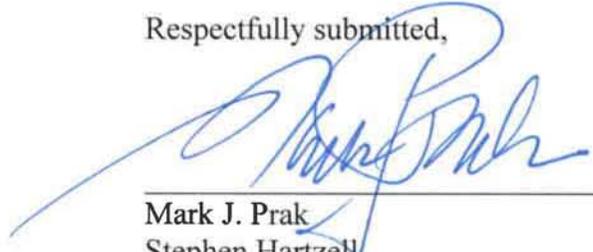
In the event the Commission is inclined to grant WJW's Petition, WBNX respectfully requests any such grant be conditioned on the results of an extended test period during which

WJW would have authority to operate Channel 31 on a test basis. (The Petition and Supplement suggest that WJW already has the Channel 31 equipment on-site and installed, as a remnant of the station's dual-channel operations during the digital transition period. Thus, as a practical matter, testing should be feasible.) By doing so, the stations would be positioned to work together (and with the Commission Staff as warranted) to measure, evaluate, ascertain, and resolve interference instances of interference caused by WJW to WBNX viewers or, in the alternative, to demonstrate that the public interest harms are too great to permit WJW to make a permanent channel change.

Conclusion

For the foregoing reasons, WBNX respectfully requests that the Commission reject the amendment to the Post-Transition Table of DTV Allotments proposed in the *Notice*.

Respectfully submitted,



Mark J. Prak
Stephen Hartzell
Laura S. Chipman

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Its Attorneys

November 23, 2011

Certificate of Service

The undersigned, of the law firm of Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., hereby certifies that she has caused a copy of the foregoing **Comments in Opposition of Winston Broadcasting Network, Inc.** to be placed in the U.S. Mail, first-class postage prepaid, addressed as follows:

Scott S. Patrick, Esq.
Dow Lohnes PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036-6802

This the 23rd day of November, 2011.



Pamela Bair



**STATEMENT OF JOHN E. HIDLE, P.E.
IN SUPPORT OF COMMENTS IN
NOTICE OF PROPOSED RULE MAKING
MB Docket No. 11-159; RM-11644
AMENDMENT OF THE DTV TABLE OF ALLOTMENTS
FOR CLEVELAND, OHIO TO SUBSTITUTE
CHANNEL 31 FOR CHANNEL 8**

Prepared for: Winston Broadcasting Network, Inc.

I am a Consulting Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission. I am a Licensed Professional Engineer in the Commonwealth of Virginia, License No. 7418, and in the State of New York, License No. 63418.

GENERAL

This office has been authorized by Winston Broadcasting Network, Inc., the licensee of WBNX-TV, channel 30, Akron, Ohio, to prepare this statement, and the associated exhibits in support of comments regarding the instant Notice of proposed Rule Making. The licensee of WBNX-TV has vital interests in the outcome of this proceeding because WBNX-TV operates on channel 30 serving the Cleveland-Akron, Ohio Designated Market Area (DMA), and the licensee is concerned that WJW's proposed DTV operation on first adjacent channel 31 will result in a detrimental impact on WBNX-TV's broadcast service to its viewers.

COMPARISION OF PROPOSED FACILITY TO LICENSED WBNX-TV

WBNX-TV is currently licensed (BLCDT-20070430AXX) to operate on channel 30 with an Effective Radiated Power (ERP) of 1000 kW using a directional antenna positioned

on its tower structure at a center line Height Above Average Terrain (HAAT) of 334 meters. The proposed facility for channel 31 seeks to operate with an ERP of 600 kW using a non-directional antenna positioned at a HAAT of 317 meters.

REASONS FOR CONCERN

The two most significant reasons for concern are: the fact that the two facilities will not be co-located, and the proposed channel 31 non-directional antenna which will result in much stronger signal strengths in many areas where WBNX-TV's signal is suppressed by its antenna's directional horizontal azimuth pattern. Additional reasons will become evident in the course of investigation.

In most instances first-adjacent channel DTV stations can be co-located without much concern for detrimental effects to each other. A viewer's receive antenna will always be oriented toward the stations' common location. A significant positive result of this common location arrangement is that, the ratio between the stations' ERPs remains essentially the same at most receive locations. It is when the stations are separated by some arbitrary distance that mutual interference effects appear. In general terms, the greater the separation distance between the stations, the more pronounced and wide spread the detrimental mutual interference effect becomes.

In the instance of one station utilizing a non-directional antenna while its co-located first-adjacent channel neighbor utilizes a directional antenna, their resultant signal ratio can vary significantly, and detrimentally for viewers, especially in those directions in which the directional station's signal is suppressed.

The potential detrimental effects that might result from either of these situations can be further exacerbated when they are both present together, such as in this instance. The fact that the proposed channel 31 facility is not co-located with WBNX-TV's channel 30 transmission facility combined with the fact that it proposes a non-directional antenna compared to WBNX-TV's directional antenna, creates an environment that will be detrimental to a significant number of viewers who have come to rely, since the end of the digital transition two-and-a-half years ago, on the program service of WBNX-TV but who will no longer be able to receive the station's signal.

STUDIES TO DETERMINE POTENTIAL EFFECTS OF PROPOSAL

Several studies were undertaken, using various incarnations of the Longley-Rice interference prediction methodology. Two of the studies utilized the FCC's application processing software, tv_process. One study was done to confirm the petitioner's claim that its proposal would comply with the Commission's technical requirements set forth in Sections 73.616 and 73.623 regarding limitations on proposed new interference.

Another study was intended to calculate the difference between the population of potential WBNX-TV viewers predicted to receive interference, both with and without the presence of the WJW proposal on channel 31. The study result, see exhibit 1, shows that currently 1,633 potential viewers of WBNX-TV are predicted to receive interference from various sources. When the WJW proposal is factored in, the number of viewers affected by the predicted interference increases to 8,351, an increase of 6,718 viewers, which represents more than a 400 percent increase.

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IN SUPPORT OF COMMENTS
WBNX-TV - AKRON, OHIO
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Since the FCC's application processing software does not readily reveal the location of the predicted interference population, an additional study was performed, using V-Soft Probe 3, another implementation of the Longley-Rice prediction methodology, which is able to pinpoint the locations of the predicted interference, count the persons and households located within those areas of predicted interference, and to list those data by state and county. As can be seen on the map in exhibit 2, a significant percentage of the predicted interference area is located near the center of the urbanized area of the DMA, a rather disturbing result. Exhibit 3 contains the population data in both housing units and persons by state and county.

It is noted that there is a small difference between the tv_process prediction and the V-Soft prediction of some 281 persons, and either count results in fewer persons predicted to receive interference than the 0.5% of WBNX-TV's baseline population that is permitted by the FCC's rules. But, putting the FCC's 0.5% permissible new interference aside (it is, after all, only one factor in an examination of whether the public interest would be served by granting the proposal), the disturbing prediction remains that, using the V-soft data, 2,887 TV households, containing 6,999 persons, will be detrimentally affected, indeed disenfranchised, in their ability to receive WBNX-TV, by the proposed presence of WJW on channel 31 and, significantly, these TV households appear to be centrally located in the densely populated urbanized area of the Cleveland-Akron DMA.

POTENTIAL ACTIONS TO AMELIORATE OR MINIMIZE PREDICTED EFFECTS

The licensee of WBNX-TV is very concerned with the potential loss of service to its viewers. In that regard WBNX-TV would suggest a cooperative effort to devise a method, or methods, which might be able to identify, and therefore permit any identifiable reception problems to be solved, or at least minimized. It is noted that channel 31 was WJW's pre-transition DTV channel. Prior to the transition date any potential WBNX-TV viewer who might have received interference from channel 31 would have had the option of tuning to WBNX-TV's former analog facility. Post transition, WJW's channel 31 vanished and any interference it might have caused to viewers attempting to watch WBNX-TV on channel 30 would have also vanished.

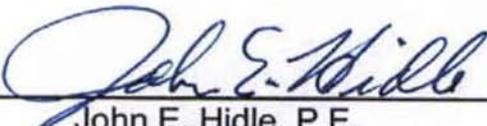
WJW's licensee has stated in its petition that it has retained much of the channel 31 transmission system, suggesting that it would be relatively easy for WJW to return to broadcasting on channel 31. This fact begs a suggestion that perhaps, as a cooperative effort, for measurement, locating interference problems and learning how to resolve them, WJW could, with a temporary authorization, reestablish its channel 31 system, to operate on a predetermined schedule, for the purpose of identification, location and solution of any actual interference to the reception of WBNX-TV, prior to any permanent reestablishment of WJW operation on channel 31.

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SUMMARY

This statement, the aforementioned studies, evaluations, recommendations and conclusions, and the attached exhibits were prepared by me, or under my direct supervision, and are believed to be true and correct to the best of my knowledge and belief.

DATED: November 18, 2011



John E. Hidle, P.E.



The seal is circular with a decorative border of small diamonds. The text inside the seal reads: "COMMONWEALTH OF VIRGINIA" at the top, "PROFESSIONAL ENGINEER" at the bottom, and "J E HIDLE Lic. No. 007418" in the center.



**WBNX-TV - EXHIBIT 1
LONGLEY-RICE INTERFERENCE ANALYSIS**

Percent allowed new interference: 0.500
Percent allowed new interference to non Class A LPTV: 2.000
Census data selected 2000
Data Base Selected
./data/tvdb.sff

TV INTERFERENCE and SPACING ANALYSIS PROGRAM

Date: 10-31-2011 Time: 15:31:50

Record Selected for Analysis

WBNX-TV BLCDT -20070430AXX AKRON OH US
Channel 30 ERP 1000 kW HAAT 331. m RCAMSL 589.8 m
Latitude 041-23- 2 Longitude 0081-41-44
Status LIC Zone 1 Border C Site number: 01
Dir Antenna Make CDB Model 00000000071743 Beam tilt Y Ref Azimuth 0.0
Last update 00000000 Cutoff date 20070802 Docket
Comments
Applicant WINSTON BROADCASTING NETWORK, INC.

Cell Size for Service Analysis 2.0 km/side

Distance Increments for Longley-Rice Analysis 1.00 km

Facility (site # 01) meets maximum height/power limits

Site number	1			
Azimuth	ERP	HAAT	41.0 dBu F(50,90)	
(Deg)	(kW)	(m)	(km)	
0.0	946.729	393.8	105.0	
45.0	127.092	340.8	84.2	
90.0	324.900	343.1	91.7	
135.0	691.392	341.9	97.9	
180.0	577.600	269.8	87.0	
225.0	53.130	294.4	74.3	
270.0	84.100	340.1	81.3	
315.0	112.225	360.9	85.3	

Evaluation toward Class A Stations from site # 01

Contour overlap to Class A station
WAOH-LP 29 AKRON OH BLTTL 19900430KA

Contour overlap to Class A station
WRAP-LP 32 CLEVELAND OH BLTTL 19960911JC

Contour overlap to Class A station
WRAP-LP 32 CLEVELAND OH BPTTA 20110722AED

Class A Evaluation Complete

WBNX-TV - Exhibit 1

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SPACING VIOLATION FOUND BETWEEN STATION

WBNX-TV 30 AKRON OH BLCDT 20070430AXX Site # 01

and station

SHORT TO: WNNB-CD 30 BEAVER PA BDISDTL 20100125AAH

040-43- 0 0080-19- 5

Req. separation 196.3 Actual separation 137.5 Short 58.8 km

SHORT TO: WBNX-TV 30 AKRON OH DTVPLN DTVP1102

041-23- 2 0081-41-44

Req. separation 196.3 Actual separation 0.0 Short 196.3 km

LANDMOBILE SPACING VIOLATIONS FOUND

NONE from Site # 01

Checks to Site Number 01

Proposed facility OK to FCC Monitoring Stations

Proposed facility OK toward West Virginia quiet zone

Proposed facility OK toward Table Mountain

Proposed facility is within the Canadian coordination distance
Distance to border = 59.8km

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
30	WBNX-TV	AKRON OH	BLCDT 20070430AXX

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
22	WMNO-CA	BUCYRUS OH	118.5	LIC	BLTTL	19890227IQ
29	WAOH-LP	AKRON OH	41.8	LIC	BLTTL	19900430KA
29	WGTE-TV	TOLEDO OH	147.7	LIC	BLEDT	20031110AKO
30	WEYI-TV	SAGINAW MI	263.1	LIC	BLCDT	20040123ASH
30	WSKA	CORNING NY	392.0	LIC	BLEDT	20060705ABL
30	WRGT-TV	DAYTON OH	284.1	LIC	BLCDT	20050621AAU
30	WNNB-CD	BEAVER PA	137.2	CP	BDISDTL	20100125AAH
31	WPXD-TV	ANN ARBOR MI	225.1	LIC	BLCDT	20090612AIP
31	WJW-DR	CLEVELAND OH	2.9	APP	BPRM	20110111ACO
32	WRAP-LP	CLEVELAND OH	13.8	LIC	BLTTL	19960911JC
32	WRAP-LP	CLEVELAND OH	14.3	CP	BPTTA	20110722AED

WBNX-TV - Exhibit 1

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Analysis of Interference to Affected Station 12

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
30	WBNX-TV	AKRON OH	BLCDT	-20070430AXX

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
29	WGTE-TV	TOLEDO OH	147.7	LIC	BLEDT	-20031110AKO
30	WEYI-TV	SAGINAW MI	263.1	LIC	BLCDT	-20040123ASH
30	WSKA	CORNING NY	392.0	LIC	BLEDT	-20060705ABL
30	WRGT-TV	DAYTON OH	284.1	LIC	BLCDT	-20050621AAU
31	WPXD-TV	ANN ARBOR MI	225.1	LIC	BLCDT	-20090612AIP
31	WJW-DR	CLEVELAND OH	2.9	APP	BPRM	-20110111ACO

Total scenarios = 3

Result key: 17

Scenario 1 Affected station 12

Before Analysis

Results for: 30A OH AKRON BLCDT 20070430AXX LIC
 HAAT 331.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	3730207	25452.2
not affected by terrain losses	3714301	25160.6
lost to NTSC IX	0	0.0
lost to additional IX by ATV	1633	55.9
lost to ATV IX only	1633	55.9
lost to all IX	1633	55.9

Potential Interfering Stations Included in above Scenario 1

30A MI SAGINAW	BLCDT	20040123ASH	LIC
30A OH DAYTON	BLCDT	20050621AAU	LIC

Result key: 18

Scenario 2 Affected station 12

Before Analysis

Results for: 30A OH AKRON BLCDT 20070430AXX LIC
 HAAT 331.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	3730207	25452.2
not affected by terrain losses	3714301	25160.6
lost to NTSC IX	0	0.0
lost to additional IX by ATV	8351	135.8
lost to ATV IX only	8351	135.8
lost to all IX	8351	135.8

Potential Interfering Stations Included in above Scenario 2

30A MI SAGINAW	BLCDT	20040123ASH	LIC
30A OH DAYTON	BLCDT	20050621AAU	LIC
31A OH CLEVELAND	BPRM	20110111ACO	APP

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Result key: 19
Scenario 3 Affected station 12
Before Analysis

Results for: 30A OH AKRON BLCDT 20070430AXX LIC
HAAT 331.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	3730207	25452.2
not affected by terrain losses	3714301	25160.6
lost to NTSC IX	0	0.0
lost to additional IX by ATV	1633	55.9
lost to ATV IX only	1633	55.9
lost to all IX	1633	55.9

Potential Interfering Stations Included in above Scenario 3
30A MI SAGINAW BLCDT 20040123ASH LIC
30A OH DAYTON BLCDT 20050621AAU LIC

#####

FINISHED FINISHED FINISHED FINISHED FINISHED FINISHED

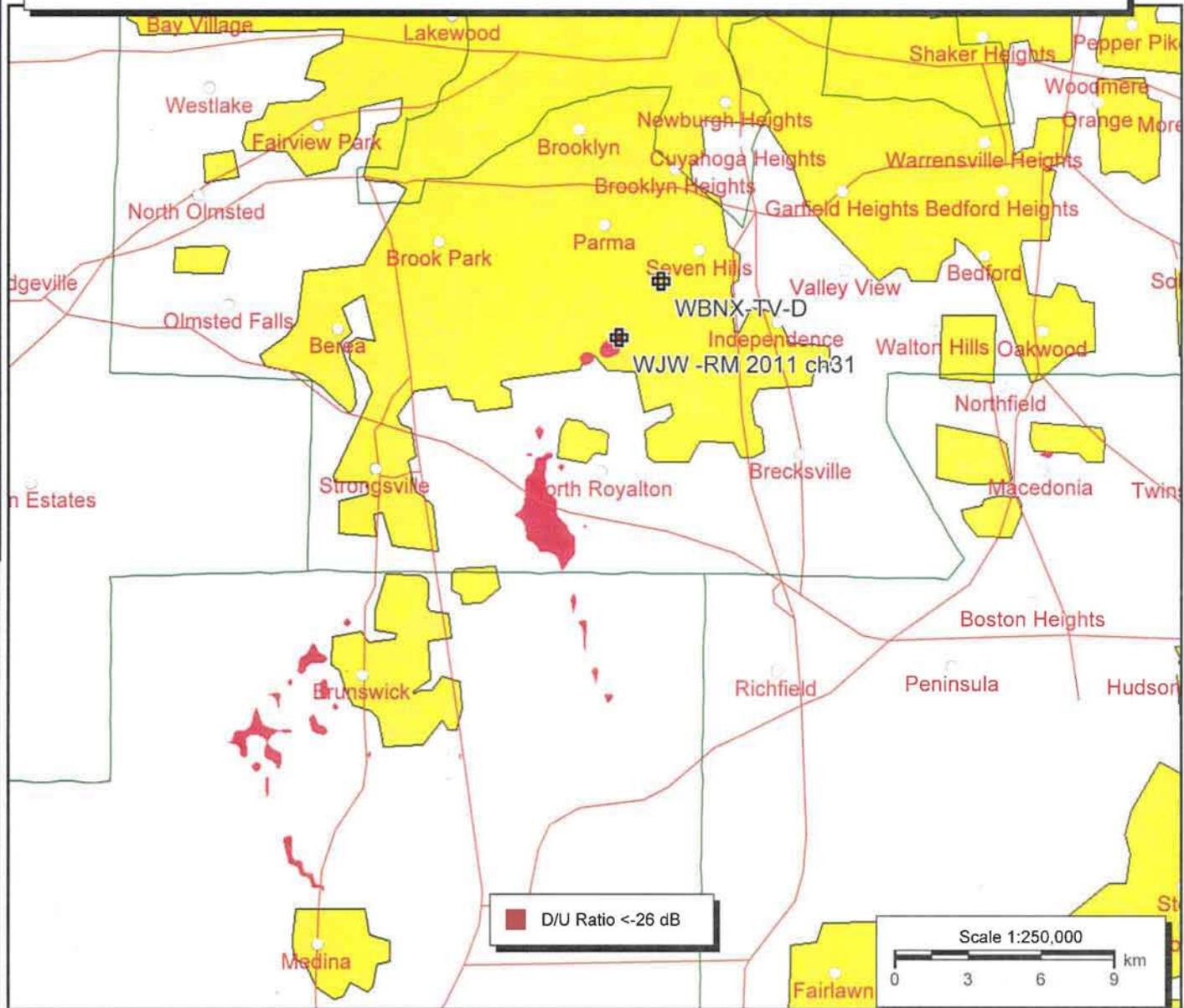
WBNX-TV - EXHIBIT 2 - Predicted Interference from WJW Ch. 31 Proposal

WBNX-TV-D

BLCDT20070430AXX
 Latitude: 41-23-02 N
 Longitude: 081-41-44 W
 ERP: 1000.00 kW
 Channel: 30
 Frequency: 569.0 MHz
 AMSL Height: 589.8 m
 Elevation: 279.8 m
 Horiz. Pattern: Directional
 Vert. Pattern: Yes
 Elec Tilt: 1.65
 Mech Tilt: 0.95
 Tilt Azi: 10.0
 Prop Model: Longley/Rice
 Climate: Mar temp land
 Conductivity: 0.0050
 Dielec Const: 15.0
 Refractivity: 311.0
 Receiver Ht AG: 10.0 m
 Receiver Gain: 0 dB
 Time Variability: 90.0%
 Sit. Variability: 50.0%
 ITM Mode: Broadcast

WJW -RM 2011 ch31

Latitude: 41-21-47 N
 Longitude: 081-42-58 W
 ERP: 600.00 kW
 Channel: 31
 Frequency: 575.0 MHz
 AMSL Height: 597.79 m
 Elevation: 352.76 m
 Horiz. Pattern: Omni
 Vert. Pattern: No
 Prop Model: Longley/Rice
 Climate: Mar temp land
 Conductivity: 0.0050
 Dielec Const: 15.0
 Refractivity: 311.0
 Receiver Ht AG: 10.0 m
 Receiver Gain: 0 dB
 Time Variability: 10.0%
 Sit. Variability: 50.0%
 ITM Mode: Broadcast



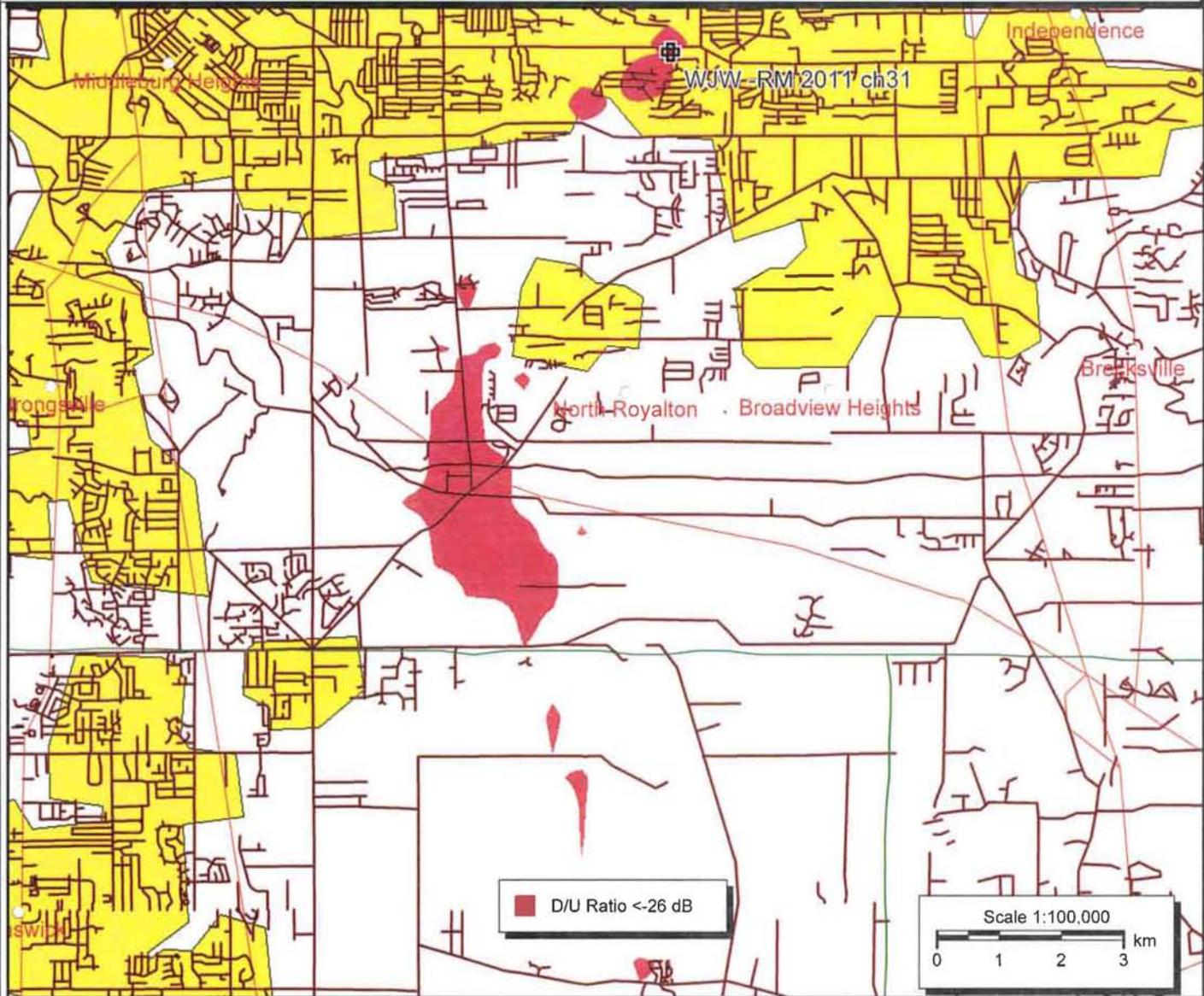
WBNX-TV-D

BLCDT20070430AXX
Latitude: 41-23-02 N
Longitude: 081-41-44 W
ERP: 1000.00 kW
Channel: 30
Frequency: 569.0 MHz
AMSL Height: 589.8 m
Elevation: 279.8 m
Horiz. Pattern: Directional
Vert. Pattern: Yes
Elec Tilt: 1.65
Mech Tilt: 0.95
Tilt Azi: 10.0
Prop Model: Longley/Rice
Climate: Mar temp land
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 311.0
Receiver Ht AG: 10.0 m
Receiver Gain: 0 dB
Time Variability: 90.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast

WJW -RM 2011 ch31

Latitude: 41-21-47 N
Longitude: 081-42-58 W
ERP: 600.00 kW
Channel: 31
Frequency: 575.0 MHz
AMSL Height: 597.79 m
Elevation: 352.76 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: Longley/Rice
Climate: Mar temp land
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 311.0
Receiver Ht AG: 10.0 m
Receiver Gain: 0 dB
Time Variability: 10.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast

WBNX-TV - EXHIBIT 2-A - Predicted Interference from WJW Ch. 31 Proposal





**WBNX-TV - EXHIBIT 3
POPULATION INTERFERENCE ANALYSIS FOR WBNX-TV
PREDICTED BY
LONGLEY-RICE INTERFERENCE ANALYSIS**

D/U Ratio Study

Signal Resolution: 0.5 km
Study Date: 11/9/2011

Population Database: 2000 US Census (SF1)

Reference Station:

WBNX-TV-D (30) Akron, OH BLCDT20070430AXX
1000.0 kW - DA - 589.8 m AMSL

Settings:

Threshold for Reception: 41.0 dBu
Front-To-Back Ratio: 14.0 dB
Using Signal Interpolation: No

Interfering:

Call Letters	City	State	Dist	Bear
WJW -RM 2011 ch31 (31)	Cleveland	oh	2.9	216.6

D/U Ratio (dB)	Housing Units	Population	%
< -26.0	2,887	6,999	0.17
Coverage	1,687,332	4,000,525	

D/U Ratio (dB)	Area (sq. km)	%
< -26.0	51.56	0.18
Coverage	28617.99	

"Coverage" indicates the area under study where the field strength is greater than 41.0 dBu.

	Housing Units	Population
Ohio		
Ashland County		
Total	20,832	52,523
< -26.0	26	68
Cuyahoga County		

WBNX-TV - Exhibit 1**Page 2**

Total	616,903	1,393,978
< -26.0	846	1,879
Erie County		
Total	35,909	79,551
< -26.0	400	874
Huron County		
Total	23,594	59,487
< -26.0	92	263
Lorain County		
Total	111,368	284,664
< -26.0	90	235
Mahoning County		
Total	111,762	257,555
< -26.0	0	0
Medina County		
Total	56,793	151,095
< -26.0	740	1,961
Richland County		
Total	53,062	128,852
< -26.0	181	449
Sandusky County		
Total	25,253	61,792
< -26.0	421	1,001
Seneca County		
Total	23,692	58,683
< -26.0	8	24
Summit County		
Total	230,880	542,899
< -26.0	33	110
Trumbull County		
Total	95,117	225,116
< -26.0	11	34
Wayne County		
Total	42,324	111,564
< -26.0	39	101

Declaration

I, Dirk Freeman, under penalty of perjury and pursuant to Section 1.16 of Federal Communications Commission Rules, 47 C.F.R § 1.16, hereby declare as follows:

1. I am the President of Blair Media Inc. and under retainer with WBNX-TV, Akron, Ohio ("WBNX") as a Technical Consultant. I am over the age of eighteen, and I am competent to testify to the matters set forth in this declaration. Unless and except as specifically stated otherwise, I have personal knowledge of all the facts stated herein. My duties for WBNX are to provide guidance to the station in all areas related to studio and transmission. I have over 25 years of experience in RF measurements in locations in the US and have been doing Digital Measurements since 2001.

2. When the WBNX became aware of WJW's petition for rule making and intent to operate on Channel 31, WBNX asked me work with the WBNX engineering staff to verify the data in the petition for rule making. As a part of this investigation, we determined to repeat several of the measurements made by WJW.

3. These tests were made on Wednesday, November 16, 2011, in the company of WBNX's Chief Engineer. The test set consisted of a Scala High Band VHF antenna rated at + 10 dB with a 3 meter mast; twenty-five feet of RG 6 coax with an estimated loss of .7 dB; a Sencore SLM 1476CM Digital Signal Strength Meter, calibrated by Sencore on 11/10/2011, and a Portable Digital Receiver made by Auvio.

4. Prior to traveling to Canton, Ohio, to make the comparisons, we made measurements at the Cuyahoga Falls, Ohio, studio location of WBNX of all the Cleveland stations located in the vicinity of WJW's Channel 8 digital transmitter. This enabled us to prescan the receiver and determine a set of Base Line Measurements at a distance of 18.5 miles from the WJW Transmitter location. Perhaps the most salient finding we made was the point at which the signal was lost. Having scanned all channels and accounted for all the stations in the vicinity of WJW, we introduced pads in the receiver input until all signal was lost. Prior to the total loss of signal, four stations were still available. The stations included Channel 8 (Virtual Channel 8.1), Channel 10 (Virtual Channel 19.1), Channel 17 (Virtual Channel 3.1), and Channel 30 (Virtual channel 55.1). Two were VHF stations operating in the range of 10kW ERP, and two were UHF stations operating between 900 and 1000kW ERP. When we added the last 3 dB pad at the input to the receiver, both the VHF and UHF signals disappeared. This caused me to believe that the High Band VHF Signals at their lower power were at least as resilient as the much stronger UHF signals.

5. WJW, in its Supplement to the Petition for Rule Making, identifies three locations at which its own signal measurements purportedly demonstrate the need to change channels. Due to weather and time limitations, we were only able to visit two. The two locations we visited were California Ave. at Reno Drive and Market Ave. N at Colonial Blvd. NE. At the time of the measurement, the sky was overcast and there was intermittent light rain. Terrain in the area is rolling hills.

6. **California Ave. at Reno Drive:** This location is 42.1 miles from the WJW Transmission Facility. We set up in the northwest corner of the intersection. From this location, there was clear line of sight toward the WJW transmit location. Signal strength on Channel 8 was a direct reading of -20 dBmV, MER was 21.9dB. When the receiver was attached to the antenna line, we immediately received a signal on Channel 8.1 WJW DT. As a further experiment, we added attenuators to the line until we lost the signal. At an additional 15 dB of attenuation we lost the signal.

7. **Market Ave. N at Colonial Blvd NE:** This location is 41.3 miles from the WJW Transmission Facility. The intersection is blocked in the direction of the WJW Transmission Facility by a large church building and is in a depression caused by an interchange on Highway 62 to the north of the site and in direct line to WJW. It was noted that a number of older homes in the area had outside antennas of VHF design. We set up to the west of the intersection where we were not blocked by the church building. (To go east of the intersection would have put us in a wooded area.) While we recorded a signal strength of -19.6 dBmV and a MER of 21dB, we were unable to resolve a signal on the portable TV set. When we moved north of Highway 63, we recorded a signal level of -11.9 dBmV, a MER of 30.6 dB and, when we connected the portable TV, we received solid pictures on 8.1 immediately. We then moved to an equal distance south of the Colonial Blvd. location and recorded a signal strength of 17.2 dBmV, MER of 25.5 dB and received solid pictures on 8.1 WJW.

8. At distances of forty-plus miles from the transmitter site, I would not expect to receive a signal at every location. In fact, the number of older VHF antennas in the area of Market and Colonial would indicate that there has been a problem with reception for a number of years. The FCC planning criteria in fact do not expect a signal at all locations all the time. After the digital transition in June 2009, WBNX received numerous viewer complaints. We visited a number of the locations at the time and were unable to get reception, even where the viewer had an outside antenna. We would sometimes find that the signal was present and viewable as close as the next block.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dirk B Freeman



President, Blair Media Inc.

November 23, 2011

Exhibit 1

(Washington, Julie, "A Snapshot of the Switch to Local People Meters,"
Plain Dealer Extra (Mar. 30, 2010))



A snapshot of the switch to Local People Meters

Published: Tuesday, March 30, 2010, 11:39 AM Updated: Tuesday, March 30, 2010, 11:40 AM



By **Julie Washington, The Plain Dealer**

The switch to Local People Meters was not kind to WJW Channel 8.

The usually strong station suffered the biggest audience drop in 2009 -- Cleveland's first full year under LPMs.

Channel 8 general manager Greg Easterly said he's still trying to understand Nielsen's methodology.

"There are cycles in the process," Easterly said, adding his station is still dominant in a competitive market.

Here's a snapshot of viewing trends for 2009 through early 2010 for adults ages 25-54:

5 to 7 a.m. -- WJW Channel 8 started 2009 with a sizable lead over WKYC Channel 3, but Channel 8 lost audience and Channel 3 surged until the stations were tied by December. WEWS Channel 5 and WOIO Channel 19 remained steady in the number 3 and 4 slots, respectively.

6 p.m. -- January 2009 started with Channels 8 and 3 nearly tied at the top of the ratings. Over the course of the year, the gap between Channels 8 and 3 widened as Channel 8 dropped to second place. Channels 5 and 19 consistently trailed the two front-runners.

10 p.m. -- Channel 8 started with high ratings but couldn't hang on to its viewers. Despite some spikes, the channel's newscast had a much smaller audience by February 2010. WUAB Channel 43's numbers ranked lower than Channel 8.

11 p.m. -- This category showed roller coaster-style ups and downs. Channels 19 and 3 began 2009 tied for first place, but in February 2009 Channel 3 established a solid lead and increased it through February 2010. Channel 3 took a temporary hit during Jay Leno's prime-time experiment in October and November, but enjoyed an Olympic-generated bump in February.

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