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* NOT ADMITTED IN VIRGINIA

1300 NORTH 17th STREET, 11th FLOOR
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400
FAX: (703) 812-0486
www.fhhlaw.com
www.commlawblog.com

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RICHARD HILDRETH
GEORGE PETRUTSAS

OF COUNSEL
ALAN C. CAMPBELL
THOMAS J. DOUGHERTY, JR.
ROBERT M. GURSS*
KATHRYN A. KLEIMAN
TONY S. LEE
ROBERT J. SCHILL
RICHARD F. SWIFT

September 12, 2013

DONALD J. EVANS
(703) 812-0430
EVANS@FHHLAW.COM

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Re: WC DOCKET NO. 12-268
Summary of *Ex Parte* Meeting

Dear Ms. Dortch:

This letter summarizes for the record an *ex parte* meeting yesterday at the Commission's offices among myself, Robert McAllan and John Mullaney on behalf of PMCM TV, LLC, and the persons copied at the end of this letter. The purpose of the meeting was to discuss with the Commission's staff a proposal for incentivizing UHF station licensees to relocate to the low VHF band. The substance of the meeting is laid out in the attached PDF version of the PowerPoint presentation we made, a copy of which was left with Commission staff.

The gist of our proposal was two-fold. We suggested that the Commission could make the low VHF band more attractive as a relocation site by boosting the authorized power levels to somewhere between 50 and 75 kW at 305 m. This would permit these VHF stations to have a service area comparable to the 28 dBu contour that they had or were intended to have under the analog regime. The current low power level which is authorized (or increased on a station by station ad hoc basis) serves as a strong disincentive for UHF licensees to relocate.

We also suggested that the Commission, in addition to doing away with the current "UHF discount" applicable to the national multiple ownership equation (as recently proposed by

Chairwoman Clyburn), should take the further step of creating a low band VHF discount to reflect the disability that such stations operate under relative to UHF stations. This would be in keeping with the intent of the original UHF discount and would also further incentivize large multiple station owners to relocate to the VHF band without incurring multiple ownership penalties.

Sincerely,

/s/ Donald J. Evans

Donald J. Evans/per HFC
Counsel for PMCM TV, LLC

Cc: Edward Smith
Gary Epstein
Barbara Kreisman
Alison Neplokh
William Lake
Rebecca Hanson
Mark Colombo
Louis Bell

PMCM TV, LLC

MAKING THE LOW BAND VHF CHANNELS MORE ATTRACTIVE

A win-win-win proposition

September 11, 2013

The FCC is seeking to clear TV operations from large swaths of the UHF band.

Many stations currently in the UHF band who wish to continue to operate will have to relocate, either elsewhere in the UHF band or to the VHF band.

The more stations willing to migrate to the VHF band, the more UHF spectrum will be retrievable by the FCC and the more successful will be the incentive auction process.

Largely as a result of channel changes in connection with the 2009 DTV transition, more than 250 stations that had previously operated on low band VHF channels moved either to high band VHF channels or to the UHF band. Occupancy of low band VHF channels by full-power stations dropped from 300 analog stations to 41 DTV stations.

By contrast, occupancy of high band VHF channels increased from 416 analog stations to 427 DTV stations.

Thus, the only relatively available VHF space to which current UHF stations could be easily relocated is the low band VHF channels.

But the FCC can*NOT* force UHF licensees to move to low band VHF channels.

So unless migration to low band VHF channels is made attractive, the likelihood of migration is minimal. (This is akin to revitalizing run-down neighborhoods to make them attractive to new commercial and residential occupants – like many once-languishing neighborhoods in D.C. that are now flourishing.)

At present, low band VHF channels are not desirable for TV operations for several reasons, some incurable, some curable.

Incurable:

VHF propagation characteristics for digital transmissions are inferior to UHF. This is a matter of physics, not regulation.

Curable:

(a) Low band VHF stations are subject to severe power limitations imposed by the Commission.

(b) Populations served by UHF stations are subject to the "UHF discount" for multiple ownership purposes; VHF licensees get no such discount.

Both of these can be easily fixed by the Commission.

POWER LIMITS

Current low band VHF power limits, combined with VHF's inferior digital propagation, make low band VHF channels plainly unattractive to existing UHF licensees.

The inadequacy of the power permitted for low band VHF DTV stations became apparent immediately upon the DTV transition: multiple VHF stations – and their viewers – notified the FCC that VHF signals were not reaching the stations' audiences.

The FCC has acknowledged the problem with VHF DTV power limits.

But rather than provide an across-the-board power increase for VHF stations, it instead has chosen to grant power increases on a case-by-case waiver basis.

While case-by-case waivers may have been an appropriate means of dealing with the limited number of stations opting to stay on low band VHF channels post-DTV transition, they are NOT conducive to attracting non-VHF stations to move to the low band VHF channels.

That is because the waiver process is uncertain and inefficient.

The solution:

Amend the power limits for low band VHF stations to provide them substantially greater power. Where existing lower power limits could be expected to discourage migration from the UHF band to low band VHF channels, a significant across-the-board VHF power increase would incentivize such migration.

How much additional power would be involved?

The current 10 kW limit imposed on low band VHF stations in Zone I should be increased to at least 50 kW, and preferably 75 kW. (A corresponding increase for low band VHF channels in Zone II would also be appropriate.)

Some potentially relevant considerations for determining appropriate power level:

– In MB Docket No. 03-185, the Commission has already increased the power of low power VHF stations from 0.3 kW to 3.0 kW, a ten-fold increase. An equivalent increase for full power stations would result in 100 kW.

– At present the maximum power available to full power Zone I low band VHF stations is only 3.3 times the power available to low power VHF stations. Contrast that with full power UHF stations, which are given more than 66 times the power available to low power UHF stations.

An increase to 50-75 kW, at a minimum, would begin to bring low band VHF service into greater parity with UHF and would serve as an important inducement to UHF licensees to opt for low band VHF channels.

CAVEAT: An across-the-board low band VHF power increase would expand service contours, which would increase the areas/populations encompassed within the 28 dBu contour currently identified as the protected DTV contour.

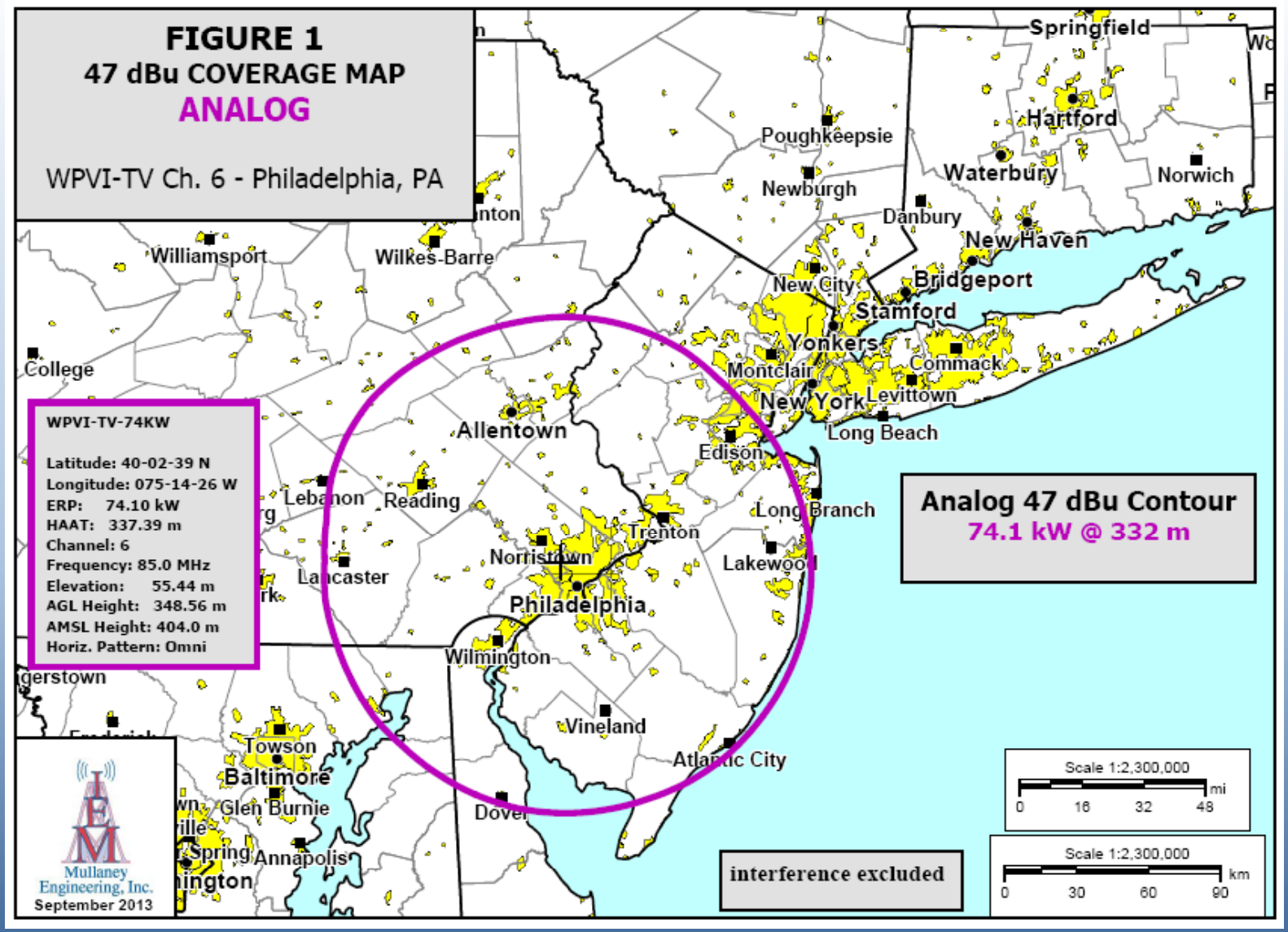
FIGURE 1
47 dBu COVERAGE MAP
ANALOG
WPVI-TV Ch. 6 - Philadelphia, PA
WPVI-TV-74KW
Latitude: 40-02-39 N
Longitude: 075-14-26 W
ERP: 74.10 kW
HAAT: 337.39 m
Channel: 6
Frequency: 85.0 MHz
Elevation: 55.44 m
AGL Height: 348.56 m
AMSL Height: 404.0 m
Horiz. Pattern: Omni
Analog 47 dBu Contour
74.1 kW @ 332 m
interference excluded
Scale 1:2,300,000
mi
0 16 32 48
Scale 1:2,300,000
km
0 30 60 90
Mullaney Engineering, Inc.
September 2013
Springfield
Hartford
Poughkeepsie
Waterbury
Norwich
Newburgh
Danbury
New Haven
Williamsport
Wilkes-Barre
New City
Bridgeport
Stamford
Yonkers
College
Montclair
Commack
New York
Levittown
Long Beach
Allentown
Edison
Lebanon
Reading
Long Branch
Trenton
Norristown
Lancaster
Philadelphia
Wilmington
Vineland
Towson
Baltimore
Glen Burnie
Annapolis
Dover

PMCM TV, LLC

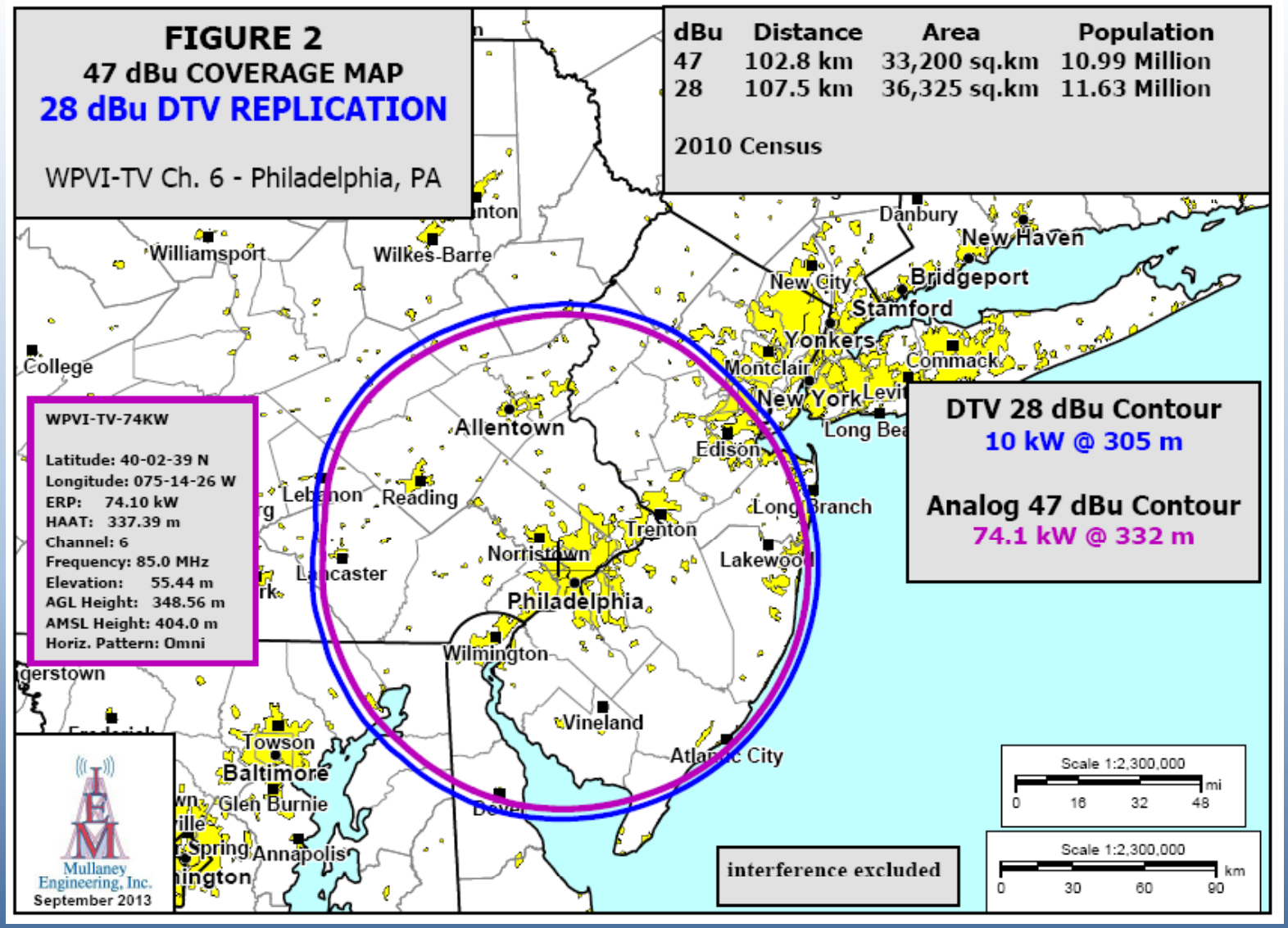
FIGURE 2
47 dBu COVERAGE MAP
28 dBu DTV REPLICATION
WPVI-TV Ch. 6 - Philadelphia, PA
dBu Distance Area Population
47 102.8 km 33,200 sq.km 10.99 Million
28 107.5 km 36,325 sq.km 11.63 Million
2010 Census
WPVI-TV-74KW
Latitude: 40-02-39 N
Longitude: 075-14-26 W
ERP: 74.10 kW
HAAT: 337.39 m
Channel: 6
Frequency: 85.0 MHz
Elevation: 55.44 m
AGL Height: 348.56 m
AMSL Height: 404.0 m
Horiz. Pattern: Omni
DTV 28 dBu Contour
10 kW @ 305 m
Analog 47 dBu Contour
74.1 kW @ 332 m
Williamsport
Wilkes-Barre
College
Allentown
Reading
Lancaster
Norristown
Philadelphia
Trenton
Edison
Wilmington
Vineland
Towson
Baltimore
Glen Burnie
Annapolis
Danbury
New Haven
Bridgeport
Stamford
Yonkers
Commack
Montclair
New York
Long Branch
Lakewood
Scale 1:2,300,000
mi
0 16 32 48
Scale 1:2,300,000
km
0 30 60 90
interference excluded
Mullaney Engineering, Inc.
September 2013

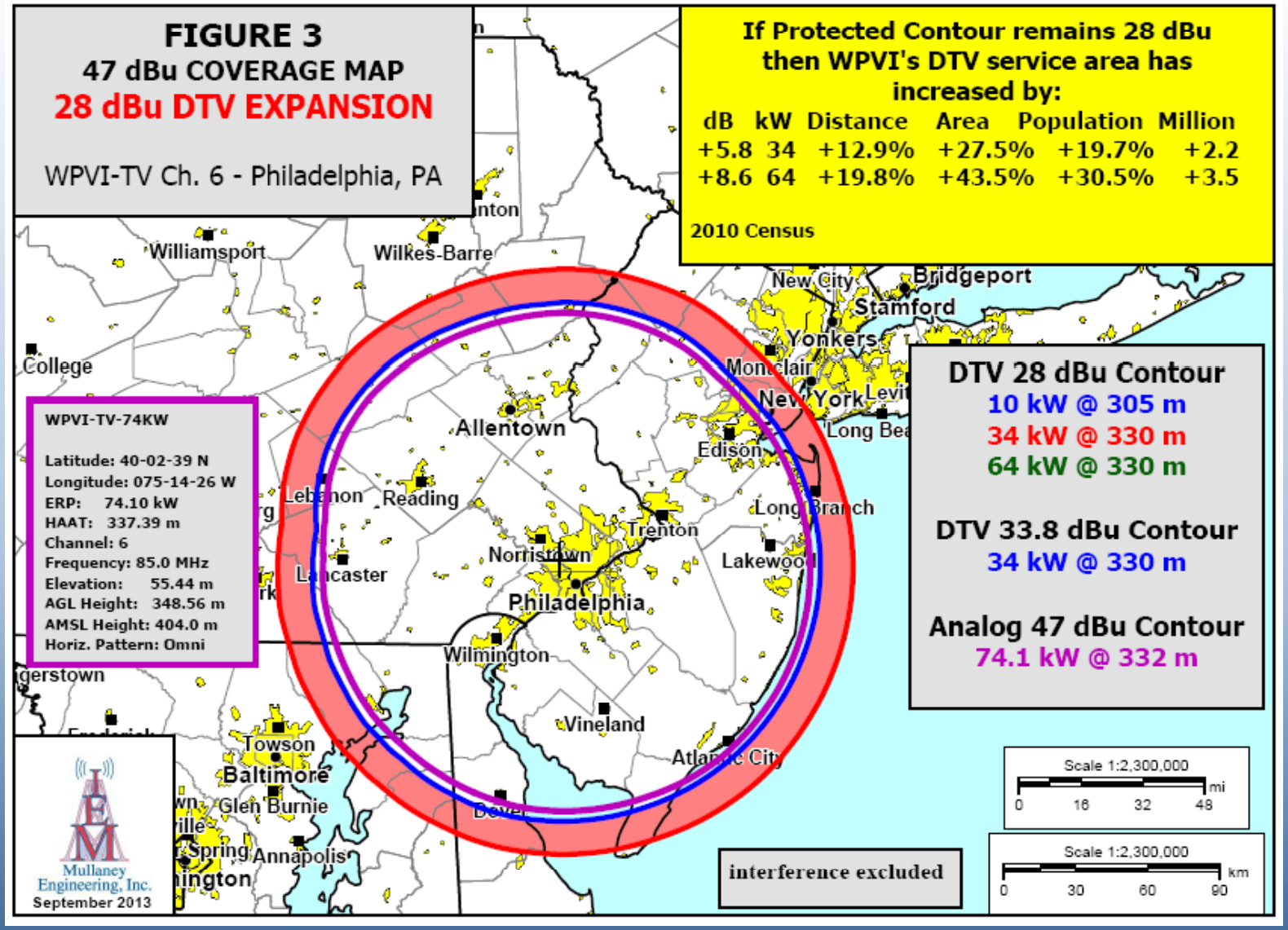
FIGURE 3
47 dBu COVERAGE MAP
28 dBu DTV EXPANSION
WPVI-TV Ch. 6 - Philadelphia, PA
If Protected Contour remains 28 dBu then WPVI's DTV service area has increased by:
dB kW Distance Area Population Million
+5.8 34 +12.9% +27.5% +19.7% +2.2
+8.6 64 +19.8% +43.5% +30.5% +3.5
2010 Census
WPVI-TV-74KW
Latitude: 40-02-39 N
Longitude: 075-14-26 W
ERP: 74.10 kW
HAAT: 337.39 m
Channel: 6
Frequency: 85.0 MHz
Elevation: 55.44 m
AGL Height: 348.56 m
AMSL Height: 404.0 m
Horiz. Pattern: Omni
DTV 28 dBu Contour
10 kW @ 305 m
34 kW @ 330 m
64 kW @ 330 m
DTV 33.8 dBu Contour
34 kW @ 330 m
Analog 47 dBu Contour
74.1 kW @ 332 m
Williamsport
Wilkes-Barre
College
Allentown
Reading
Lancaster
Norristown
Philadelphia
Trenton
Edison
Wilmington
Vineland
Towson
Baltimore
Glen Burnie
Annapolis
Bridgeport
Stamford
Yonkers
Montclair
Long Branch
Lakewood
Atlantic City
Mullaney Engineering, Inc.
September 2013
interference excluded
Scale 1:2,300,000
mi
0 16 32 48
Scale 1:2,300,000
km
0 30 60 90

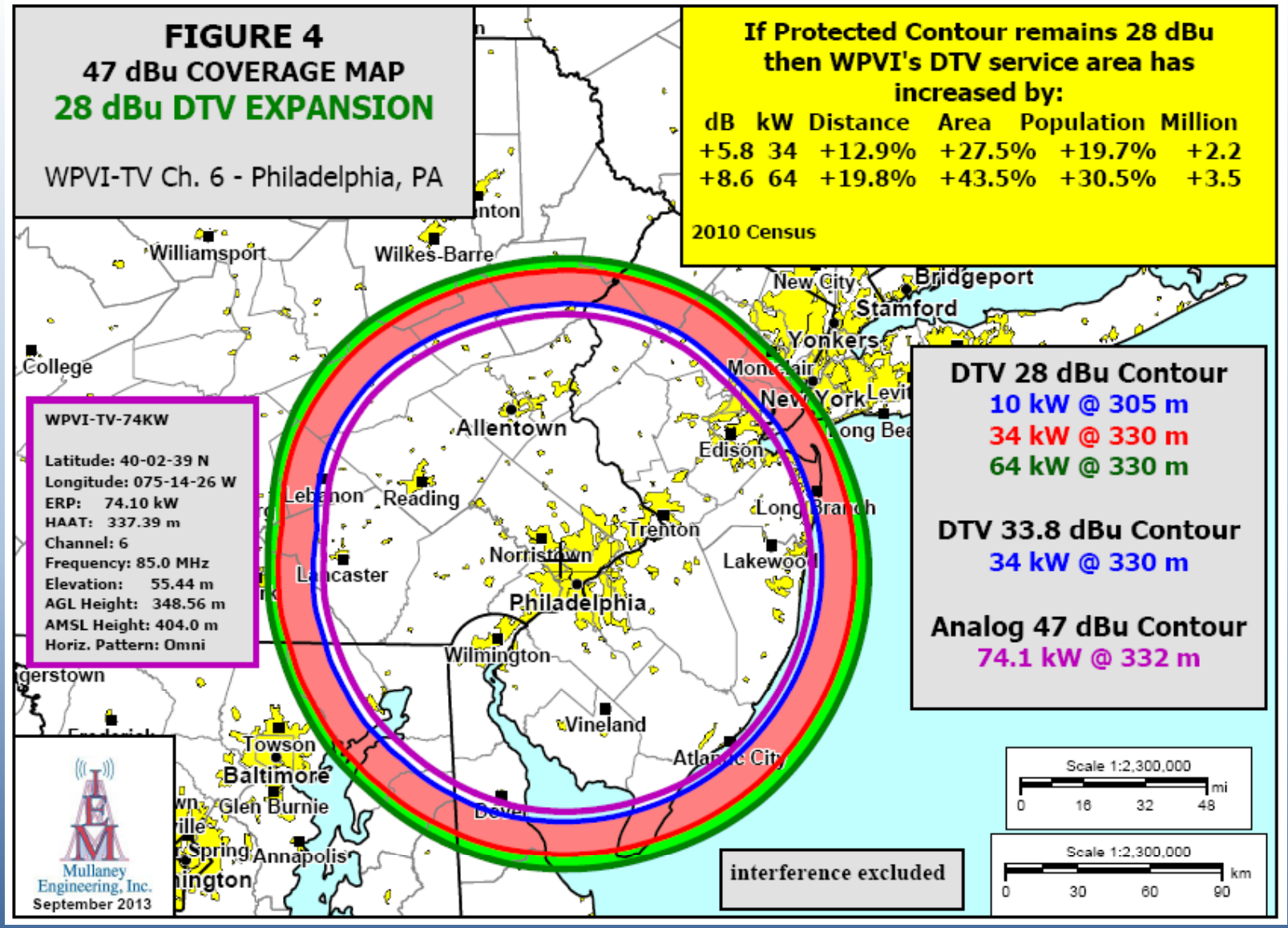
FIGURE 4
47 dBu COVERAGE MAP
28 dBu DTV EXPANSION
WPVI-TV Ch. 6 - Philadelphia, PA
If Protected Contour remains 28 dBu then WPVI's DTV service area has increased by:
dB kW Distance Area Population Million
+5.8 34 +12.9% +27.5% +19.7% +2.2
+8.6 64 +19.8% +43.5% +30.5% +3.5
2010 Census
WPVI-TV-74KW
Latitude: 40-02-39 N
Longitude: 075-14-26 W
ERP: 74.10 kW
HAAT: 337.39 m
Channel: 6
Frequency: 85.0 MHz
Elevation: 55.44 m
AGL Height: 348.56 m
AMSL Height: 404.0 m
Horiz. Pattern: Omni
DTV 28 dBu Contour
10 kW @ 305 m
34 kW @ 330 m
64 kW @ 330 m
DTV 33.8 dBu Contour
34 kW @ 330 m
Analog 47 dBu Contour
74.1 kW @ 332 m
Williamsport
Wilkes-Barre
College
Allentown
Reading
Lancaster
Norristown
Philadelphia
Trenton
Edison
Wilmington
Vineland
Towson
Baltimore
Glen Burnie
Annapolis
Bridgeport
Stamford
Yonkers
Lakewood
Long Branch
Scale 1:2,300,000
mi
0 16 32 48
Scale 1:2,300,000
km
0 30 60 90
interference excluded
Mullaney Engineering, Inc.
September 2013

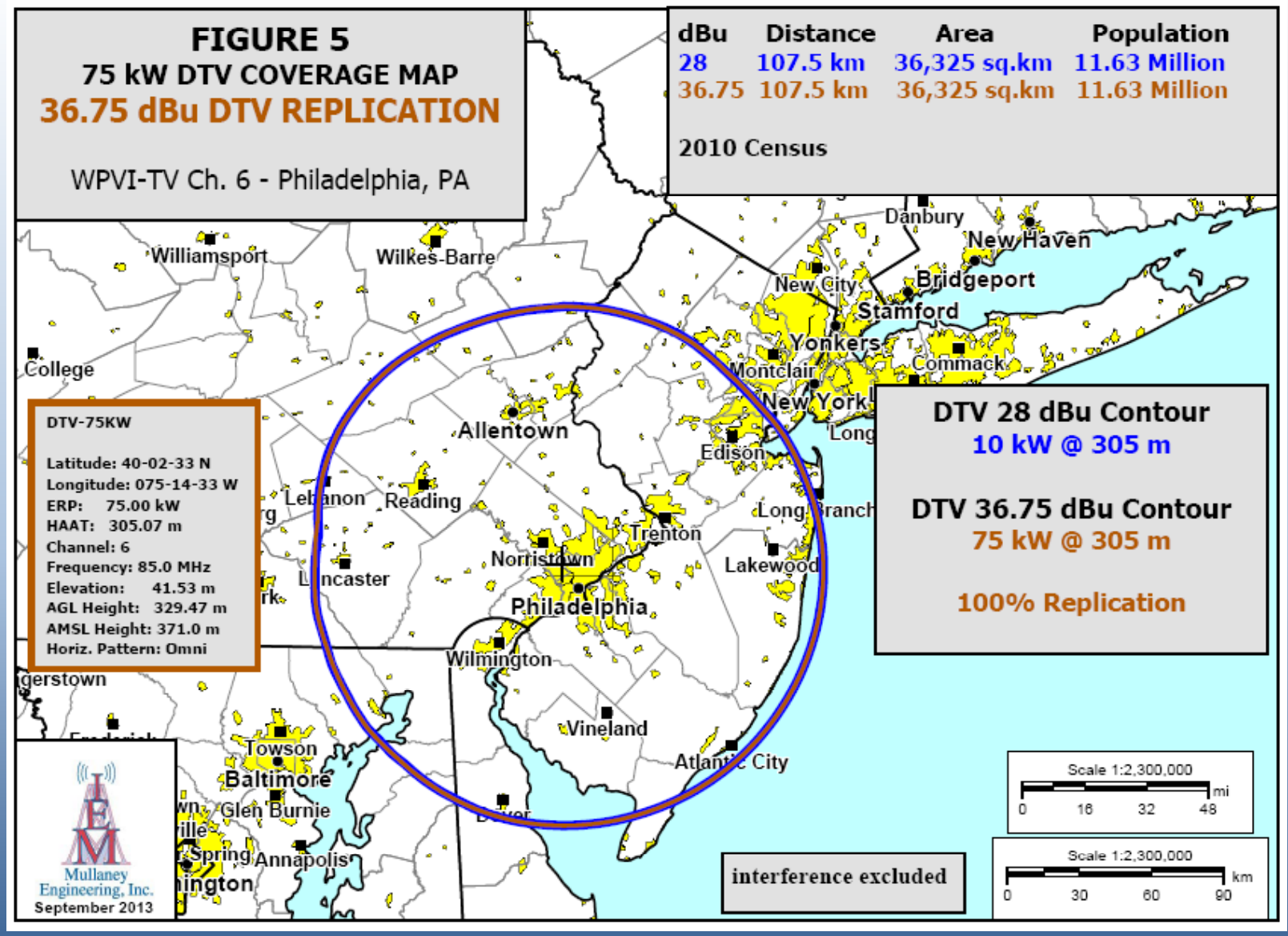
FIGURE 5
75 kW DTV COVERAGE MAP
36.75 dBu DTV REPLICATION
WPVI-TV Ch. 6 - Philadelphia, PA
dBu Distance Area Population
28 107.5 km 36,325 sq.km 11.63 Million
36.75 107.5 km 36,325 sq.km 11.63 Million
2010 Census
DTV-75KW
Latitude: 40-02-33 N
Longitude: 075-14-33 W
ERP: 75.00 kW
HAAT: 305.07 m
Channel: 6
Frequency: 85.0 MHz
Elevation: 41.53 m
AGL Height: 329.47 m
AMSL Height: 371.0 m
Horiz. Pattern: Omni
DTV 28 dBu Contour
10 kW @ 305 m
DTV 36.75 dBu Contour
75 kW @ 305 m
100% Replication
interference excluded
Scale 1:2,300,000
mi
0 16 32 48
Scale 1:2,300,000
km
0 30 60 90
Mullaney Engineering, Inc.
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Williamsport
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Towson
Baltimore
Glen Burnie
Annapolis
Danbury
New Haven
Bridgeport
Stamford
Yonkers
Montclair
New York
Commack

Because of that, an across-the-board power increase for low band VHF channels would have to include corresponding adjustment of the protected contours of VHF stations in order to assure the optimal allotment of channels. Such adjustments can be easily calculated once the power increase is determined.

VHF Discount

In an effort to attract applicants for UHF facilities, the Commission adopted a "UHF Discount" in the context of its multiple ownership rules. Precisely the same approach can be used now to incentivize migration from the UHF band to the low band VHF channels.

The more UHF stations that migrate to the VHF band, the greater the likelihood of a successful incentive auction. But since the FCC cannot force such migration, the FCC must take steps to make the VHF band an attractive alternative.

As noted previously, the only readily available spectrum in the VHF band is in the low band channels.

In their present state the low band VHF channels are not attractive. But through relatively simple adjustments to its rules – an across-the-board power increase (with corresponding adjustments to the relevant protected contours) and adoption of a low band VHF discount – the low band VHF channels can be made considerably more attractive.

The result will be a win-win-win situation.

The Commission will increase the prospects of a successful incentive auction.

VHF licensees will enjoy increased facilities that will allow them to provide improved service.

And, perhaps most importantly, the over-the-air television audience – a growing universe, thanks to the "cord-cutting" phenomenon – will enjoy substantially improved reception.

Thank you.
Questions?

Robert E. McAllan, President
PMCM TV, LLC
3601 NJ Rte. 66
Neptune, New Jersey 07753

Donald J. Evans (evans@fhhlaw.com)
Harry F. Cole (cole@fhhlaw.com)
Fletcher, Heald & Hildreth, PLC
1300 N. 17th Street – 11th Floor
Arlington, Virginia 22209
703-812-0400

John J. Mullaney
Mullaney Engineering, Inc.
9049 Shady Grove Court
Gaithersburg, Maryland 20877