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FCC FORM 301, EXHIBIT 1
APPLICATION FOR MODIFICATION OF
DTV STATION CONSTRUCTION PERMIT
(FCC FILE NUMBER BPCDT-19991029ABQ)
PREPARED FOR
SMITH TELEVISION OF NEW YORK, INC.
STATION WKTV-DT
UTICA, NEW YORK
CH 29 708 KW (MAX-BT) 402 METERS

This engineering exhibit was prepared on behalf of Smith Television of New York, Inc. (hereinafter Smith), permittee of station WKTV-DT, Utica, New York, in support of an application for modification of construction permit (FCC File Number BPCDT-19991029ABQ). The instant application is responsive to a letter (FCC File Number 1800E-MFC) dismissing Smith's pending application for modification of construction permit (FCC File Number BMPCDT-20010126ABG) because implementation of the proposal was predicted to increase interference to the population that would be served by WUTR-DT, channel 30, Utica, New York, operation as specified in FCC File Number BPCDT-19991027ACO, by 3.4 percent.

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Smith herein proposes to comply with Section 723(c)(2) of the FCC Rules by reducing the requested WKTV-DT maximum effective radiated power (ERP) to 708 kilowatts (kW) to maintain the interference caused to WUTR-DT below the 2 percent new/10 percent aggregate limits. With the exception of the WKTV-DT ERP, the facilities requested in the instant application are identical to those requested in the dismissed BMPCDT-20010126ABG application.

The instant application proposes WKTV-DT operation on channel 29 (560 to 566 megahertz (MHz)), 708 kW maximum average ERP, horizontally polarized, 402 meters antenna radiation center HAAT, from a site located at geographic coordinates 43° 06' 09" North Latitude, 74° 56' 27" West Longitude, referenced to 1927 North American Datum.

Compliance with Section 73.623(c) of the FCC Rules was verified using this firm's implementation of the FCC interference analysis program, *TV_Processs*, using a cell size for service analysis of 2.0 kilometers per side. Exhibit 41 of the instant application is a copy of the *TV_Process* program output.

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WUTR-DT has a pending application (FCC File Number BPCDT-19991027ACO) to operate on channel 30 (566 to 572 MHz), 50 kW average ERP, horizontally polarized, 238 meters antenna radiation center HAAT, from a site located at geographic coordinates 42° 58' 35" North Latitude, 75° 02' 08" West Longitude, (NAD 27). An amendment to this application was received by the FCC on March 29, 2002, requesting WUTR-DT operation on channel 30, 50 kW maximum average ERP, horizontally polarized, 247.2 meters antenna radiation center HAAT, from a site located at geographic coordinates 43° 08' 43" North Latitude, 75° 10' 35" West Longitude, (NAD 27). Both WUTR-DT facilities were studied in the *TV_Process* program analysis. The WUTR-DT amendment to FCC File Number BPCDT-19991027ACO was assigned file number "BMPCDT-19991027ACO new" in the *TV_Process* database file.

The *TV_Process* program output also indicates predicted interference between the instant WKTV-DT proposal and Class A television station W29BJ(TV), Burlington, New York. W29BJ(TV) is licensed for operation on channel 29, 10.7 kW peak ERP, horizontally polarized, 55 meters antenna radiation center height above ground level (AGL), from a site located at

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geographic coordinates 42° 42' 50" North Latitude, 75° 08' 45" West Longitude, (NAD 27). The licensed W29BJ(TV) site is located 46.3 kilometers from the authorized WKTV-DT site on an azimuth of 201 degrees True.

The channel 29 DTV allotment at Utica, New York, specifies allotment facilities of 546.1 kW average ERP, 421 meters antenna radiation center HAAT, at a site located at the authorized and proposed WKTV-DT geographic coordinates. Since the predicted W29BJ(TV) 74 dBμ F(50,50) signal strength contour is wholly enclosed by the predicted 41 dBμ F(50,90) signal strength contour of the channel 29 allotment at Utica, New York, WKTV-DT is not required to protect W29BJ(TV). A pending application is on file (FCC File Number BPTTL-20010711ADS) to change the W29BJ(TV) operating channel from channel 29 to channel 36.

Finally, the instant proposal specifies WKTV-DT operation on channel 29 with 708 kW average ERP and antenna radiation center HAAT of 402 meters. Using linear interpolation based on the units employed in the table of Section 73.622(f)(8) of the FCC Rules, the maximum ERP for a HAAT of

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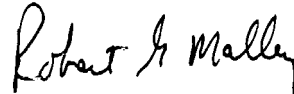
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402 meters is 865 kW. Thus, the instant application complies with Section 73.622(f)(8) of the FCC Rules.

CERTIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on April 2, 2002.

A handwritten signature in black ink, appearing to read "Robert G. Mallery". The signature is written in a cursive style with a large initial 'R'.

Robert G. Mallery