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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**ORIGINAL**

In re Application of )  
 )  
KM LPTV of Milwaukee, L.L.C. )  
 )  
To Convert Low Power )  
Television Station WMKE-LP, )  
Milwaukee, Wisconsin )  
To Class A Station Status )

File No. BLTVA-20001206ADM

Facility ID No. 35091

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To: Chief, Mass Media Bureau

**OPPOSITION TO PETITION FOR RECONSIDERATION**

Respectfully submitted,

**KM LPTV of Milwaukee, LL.C.**

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February 6, 2001

**TABLE OF CONTENTS**

Table of Contents .....	i
Executive Summary .....	ii
Introduction .....	1
The Application Satisfied, And WMKE Satisfies, The “No Interference” Showing Required By The Class A Statute .....	2
Neither The Class A Statute Nor The Commission Has Limited The Showing of “No Interference” To The Predicted Contour Overlap Method .....	5
WLS’s Procedural Arguments .....	7
Finality of WMKE’s Authorization .....	7
Lack of Due Process Claims .....	8
Conclusion .....	12

## EXECUTIVE SUMMARY

WLS Television, Inc. ("WLS"), licensee of WLS-TV, analog Channel 7, Chicago, Illinois is seeking reconsideration of the Commission's grant of a Class A license for WMKE-CA, analog Channel 7, Milwaukee, Wisconsin, licensed to KM LPTV of Milwaukee, L.L.C. ("KM"), on claims of interference by WMKE-CA to WLS-TV, analog Channel 7, Chicago, Illinois. WLS bases its claims of interference solely on overlap of the stations' predicted contours, to the exclusion of other methods of predicting interference that the Commission expressly permits.

KM has demonstrated that WMKE-CA does not and will not cause interference to WLS-TV, in the manner required by the Class A statute, as interpreted and implemented by the Commission. KM submits a Longley-Rice terrain dependent propagation study - - which are expressly permitted by Section 73.6011 of the Commission's rules, the rule which governs the interference protection that Class A applicants must demonstrate to analog full power television stations - - that demonstrates that WMKE-CA is predicted to cause no (as in zero) new interference to WLS-TV. KM also has been operating WMKE-CA on Channel 7 at the authorized parameters since June 2000, with no complaints of actual interference to date.

KM had previously demonstrated that WMKE-CA should cause no new interference to WLS-TV using the predicted contour overlap method, based on existing interference caused to WLS-TV from two other full power co-channel Channel 7 television stations (one analog and one digital), and also that no contour overlap is predicted if a 6 dB receive antenna front-to-back ratio is considered. The Commission expressly permitted the use of these showings of no interference under policies adopted in the digital television ("DTV") proceeding, and confirmed in the Class A proceeding that Class A applicants may continue to rely on these techniques.

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To Convert Low Power	)	Facility ID No. 35091
Television Station WMKE-LP,	)	
Milwaukee, Wisconsin	)	
To Class A Station Status	)	
To: Chief, Mass Media Bureau		

**OPPOSITION TO PETITION FOR RECONSIDERATION**

KMLPTV of Milwaukee, L.L.C. ("KM"), licensee of Class A television station WMKE-CA, Milwaukee, Wisconsin ("WMKE"), by its counsel, and pursuant to Section 1.106(g) of the Commission's rules, 47 C.F.R. § 1.106(g), respectfully submits this Opposition to the Petition for Reconsideration (the "Petition") filed on January 24, 2001, by WLS Television, Inc. ("WLS"), licensee of full power television station WLS-TV, analog Channel 7, Chicago, Illinois ("WLS-TV"), seeking reconsideration of the Commission's grant of KM's above-captioned application (the "Application") for a Class A license for WMKE. In support of this Opposition, the following is shown:

**I. Introduction**

1. WLS bases the Petition, as well as an earlier string of pleadings against WMKE's operation on Channel 7, on claims of predicted interference by WMKE to WLS-TV. See Petition at 5-7. WLS relies solely on predictions of overlap of the stations' predicted contours, without

consideration of existing predicted interference that WLS-TV receives within the contour overlap area or of other methods of predicting interference which are expressly permitted by the Commission. KM has demonstrated that WMKE will not cause interference to WLS-TV, and therefore is in compliance with the Class A statute.

**II. The Application Satisfied, And WMKE Satisfies, The “No Interference” Showing Required By The Class A Statute**

2. The Class A statute, as codified at Section 336(f) of the Communications Act of 1934, as amended, 47 U.S.C. § 336(f), addresses the interference showing that an applicant for a Class A license must make with regard to analog full power television stations. Specifically, Section 336(f)(7)(A)(i) states, in pertinent part, that:

The Commission may not grant a class A license ... unless the applicant or licensee shows that the class A station for which the license ... is sought will not cause [] interference within [] the predicted Grade B contour ... of any television station transmitting in analog format ...

See § 336(f)(7)(A)(i). The statute does not limit, or even address, the types of non-interference showings that are permitted or required, quite properly leaving that determination to the Commission. Id. The Commission, in turn, in implementing the Class A statute, stated that “Class A applicants should be permitted to utilize *all* means for interference analysis afforded to LPTV stations in the DTV proceeding” when demonstrating no interference to analog full power television stations.<sup>1/</sup>

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<sup>1/</sup> See Establishment of a Class A Television Service, MM Docket No. 00-10, Report and Order, FCC 00-115, 15 FCC Rcd 6355, 20 CR 154 at ¶¶ 76-77 (2000)(the “Class A Order”)(*emphasis added*). This statement is made in ¶ 76 as a recitation of the “proposal” made in the earlier Notice of Proposed Rule Making (“*Notice*”) in the Class A implementation proceeding, and then the Commission expressly states that it is “adopting the proposal from the *Notice*” in ¶ 77.

3. This “no interference” showing requirement is codified in Section 73.6011 of the Commission’s rules, 47 C.F.R. § 73.6011, which provides that Class A stations must protect authorized analog television stations “based on the requirements specified in § 74.705” of the Commission’s rules. See 47 C.F.R. § 73.6011. Section 74.705, in turn, expressly contemplates waiver of the predicted contour interference protection rules based on alternate showings of no predicted interference, expressly including the Longley-Rice terrain dependent propagation prediction method. See 47 C.F.R. § 74.705(e). WLS concedes that Section 73.6011 incorporates the requirements of Section 74.705, see Petition at 8, but apparently wants to delete the one subsection of Section 74.705 that it doesn’t happen to like -- Section 74.705(e), which expressly permits waiver of the contour overlap protections based on a Longley-Rice study showing of no interference.<sup>2/</sup> In short, WLS wants to have its cake and eat it too (i.e., to be able to rely on the contour overlap protection rules, but not the rules for waiver of those same rules), but the Commission should not permit that result.

4. Attached hereto as Exhibit 1 is an Engineering Report dated February 2001 prepared by Cohen, Dippell and Everist, P.C., (“CD&E”) KM’s consulting engineers, which presents the results of a Longley-Rice terrain dependent propagation study that demonstrates that WMKE is predicted to cause no (as in zero) new interference to WLS-TV<sup>3/</sup> (KM does not even need to rely on

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<sup>2/</sup> Section 74.705(e) states that an applicant may make “*full use* of terrain shielding and Longley-Rice ... to demonstrate that a proposed facility *would not be likely to cause interference*”. See § 74.705 (*emphasis added*). KM submits that this language, by its wording, appears to encourage applicants to submit these type of alternate showings, and does not appear to even require a showing of no interference, but rather only a showing that interference is “not likely”. For the Commission to not accept Longley-Rice showings of zero interference, such as KM’s, would render the subsection meaningless, which is a result that could not be intended.

<sup>3/</sup> The Engineering Report is being filed with a facsimile signature on the affidavit, as permitted by and in compliance with Section 1.52 of the Commission’s rules, 47 C.F.R. § 1.52.

the 0.49% rounding allowance that the Commission would permit with this type of showing). This Longley-Rice study demonstrates that WLS-TV is predicted to serve 8,315,058 persons within its existing interference-free service area,<sup>4/</sup> whether WMKE is operating on Channel 7 or not.<sup>5/</sup> This showing of “no interference” is expressly permitted by the Class A statute, as interpreted and implemented by the Commission, and as codified in the Commission’s rules.<sup>6/</sup>

5. The Application, as originally filed, demonstrated that no interference would occur to WLS-TV using an interference analysis and waiver showing which the Commission expressly

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<sup>4/</sup> The Longley-Rice study shows a reduction in the geographic service area of 12 square kilometers, from 25,434.3 to 25,422.3 square kilometers, which CD&E advises KM is over water (Lake Michigan).

<sup>5/</sup> This result from the Longley-Rice study is of course completely consistent with KM’s earlier showings that no new interference is predicted using the predicted contour overlap method, since as KM has demonstrated WLS-TV is predicted to receive interference from two other full power television stations (one analog, the other digital) within the entire area of contour overlap.

<sup>6/</sup> KM believes the Application made a more than adequate and permissible showing of no interference to WLS-TV. However, in the event that the Commission reconsiders the grant of the Application (which it should not), KM requests that the Commission consider this supplementary Longley-Rice study. Since the deadline for filing Class A applications has not passed, WLS would not be prejudiced by consideration of this supplemental showing of no interference.

permitted in the DTV proceeding.<sup>2/</sup> In the Application, the showing of no new interference was made using the predicted contour method, by demonstrating that the area of predicted contour overlap between WMKE and WLS-TV was predicted to receive interference from two other existing full power television stations. KM also notes that WMKE has demonstrated that its predictions that WMKE will not cause interference to WLS-TV have been borne out by one of the best means possible - - there have been no claims that WMKE has caused actual interference with WLS-TV during WMKE's operation on Channel 7 from June 2000 through this date.

**III. Neither The Class A Statute Nor The Commission Has Limited The Showing Of "No Interference" To The Predicted Contour Overlap Method**

6. WLS places great reliance on the fact that WMKE does not satisfy the contour overlap provisions of Section 74.705 and attacks KM's waiver showings, see Petition at 6-10, while ignoring that Section 74.705 itself (as well as the Class A Order) expressly permit waiver of the

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<sup>2/</sup> WLS's suggestion that the Commission has "implicitly rejected" the continued use of waiver showings by Class A applicants, by not addressing the issue when KM raised it in its pleadings in the Class A proceeding, see Petition at 8-9, is contradicted by express statements in the Class A Order. KM's Petition for Reconsideration in the Class A proceeding asked only for clarification on this point, to ensure that the rules that are codified properly reflect the Commission's decision, as expressed in the text of the Class A Order, that Class A applicants may rely on "all means for interference analysis" permitted in the DTV proceeding, and not just Longley-Rice or terrain shielding showings. KM's request for clarification is due solely to a disparity between the text of the Commission's decision, where the Commission states that it will allow use of all means of interference analysis from the DTV proceeding "including the Longley-Rice terrain-dependent propagation model", see Class A Order at ¶ 76, and Section 74.705(e) (as incorporated into Section 73.6011), which references only terrain shielding and the Longley-Rice method. Compare, § 74.705(e). Indeed, WLS's Petition is evidence that KM's plea for clarification is justified, since WLS misunderstands the very policy adopted by the Commission in the Class A Order that KM has urged the Commission to state more explicitly. KM notes that, as referenced in the Application, the Commission staff that prepared the Class A Order has verified informally for KM that the Commission did not intend to limit the means of interference analysis that may be used by Class A applicants, and also advised KM to file a Class A application with an explanatory exhibit addressing this issue, as KM did in the Application.

contour overlap provisions of Section 74.705. *See infra* at ¶ 3. WLS continues to demonstrate by its Petition that it is unable (or unwilling) to understand or distinguish among: (i) predicted interference, where the potential for interference is predicted based on engineering procedures specified by the Commission's rules; (ii) the waiver process, where waivers of the predicted interference rules may be granted by the Commission using certain Commission-approved alternate showings to demonstrate that interference or new interference is not predicted and therefore should not actually occur; and (iii) actual interference - - what happens in the real world, once stations are constructed and operating, which often differs from predicted interference since the interference prediction models are necessarily based on assumptions and averages. There is a difference among these means of evaluating and preventing interference, which WLS fails or refuses to recognize.

7. WLS's insistence on focusing solely on one means of evaluating the potential for interference, to the exclusion of the alternate means of showing no interference that are expressly authorized by the Commission under the waiver process, is misguided at best (and malicious at worst). There is no dispute from KM, and never has been, that WMKE's predicted 28 dBu interference contour overlaps the predicted 56 dBu Grade B protected contour of WLS-TV (however, KM does point out that once a 6 dB receive-antenna front-to-back ratio is considered and applied, there is no predicted contour overlap). The grant of the Application,<sup>8/</sup> though, was based

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<sup>8/</sup> As well as WMKE's earlier displacement application to change to Channel 7 that WLS opposed, File No. BPTVL-980918JG (the "Displacement Application").

on a demonstration of no new interference, in a manner expressly permitted by the Commission and its waiver policies,<sup>9/</sup> and by a means upon which KM is entitled to rely.

8. The validity of the grant of the waiver showings have also now been reinforced by over 7 full months of actual operation of WMKE on Channel 7 at its authorized parameters, without a single complaint of actual interference to date. WLS's repeated statements in the Petition that WMKE causes interference to WLS-TV, see Petition *passim*, are simply incorrect, and misleading since WLS is relying only on predictions of interference based on predicted contour overlap without addressing KM's showings of no interference and no new interference under the permitted waiver showings. The Commission should not fall for WLS's attempts to cloud the issues.

#### **IV. WLS's Procedural Arguments**

9. Finality of WMKE's Authorization. WLS spends about a page claiming that the grant of WMKE's Displacement Application and related waiver are not final,<sup>10/</sup> and makes a passing reference in its Executive Summary that KM did not disclose that fact in the Application, without

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<sup>9/</sup> See Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket No. 87-268, Sixth Report and Order, FCC 97-115, 12 FCC Rcd 14588, 7 CR 994 at ¶ 146 (1997)(the "DTV 6<sup>th</sup> R&O"). In the DTV 6<sup>th</sup> R&O, the Commission stated that it "will entertain requests to waive the LPTV protection standards where it can be demonstrated that proposed LPTV or TV translator stations would not cause any *new* interference to the reception of TV broadcast analog stations; that is, an LPTV or TV translator station would not be predicted to interfere at locations where there is not already predicted interference from other NTSC TV broadcast stations." Id. (*emphasis added*).

<sup>10/</sup> WLS's Petition for Reconsideration of the grant of the Displacement Application and related waiver was procedurally defective, since it relied on Section 1.429 of the Commission's rules (regarding petitions for reconsideration in rule making proceedings) rather than Section 1.106 (which relates to actions taken pursuant to delegated authority), and therefore should be dismissed without consideration. See Opposition to Petition for Reconsideration filed by KM on March 30, 2000 in File No. BPTVL-980918JG, at ¶ 1.

getting to much of a point about the relevance of that assertion. See Petition at 2-3, 10 and Executive Summary. The grant of the Displacement Application and the related waiver are effective until such time that the Commission may grant reconsideration and reverse its decision. The pendency of a petition for reconsideration does not make WMKE any less “established”, id. at 10, which is not a requirement for Class A status to begin with, WLS’s view of the statute’s intent notwithstanding.<sup>11/</sup> Furthermore, nothing on the Form 302-CA application for Class A license requires or would suggest a need for disclosure of WLS’s earlier petition for reconsideration.

10. Lack of Due Process Claims. WLS also makes a weak argument that it somehow has been denied a “due process” right to oppose the Application. Id. at 4-5. The weakness of this argument is evidenced by the support that WLS has grasped to cite, and is contradicted by precedent more directly on point that it declined to present. First, WLS reaches back to 1960 to cite to a report from only one side of Congress, the House of Representatives, for the proposition that interested parties should have an opportunity to protect their interests. Id. at 4 and n.15. Assuming for the sake of argument that this House Report were law (it’s not), WLS has more than availed itself of all opportunities to challenge WMKE’s operation on Channel 7 and Class A status. The Commission has expressly found that there has been no deprivation of due process in cases where parties have had an opportunity to participate in a matter by presenting their cases in petitions for

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<sup>11/</sup> KM has owned and operated WMKE since 1994, and has operated on Channel 7 since June 2000. WLS’s reading into the statute of an “intent” that Class A-eligible Low Power Television stations must have some special undefined status of being “established” is contradicted by the eligibility provisions of the Class A station itself, see § 336(f)(2)(A) (*e.g.*, the Class A eligibility requirements, with which WMKE complied), and the Commission’s policy of permitting Low Power Television station permittees to file for Class A status for their unbuilt construction permit facilities. See Class A Order at ¶ 107. Once again, WLS tosses out an argument without due contemplation.

reconsideration,<sup>12/</sup> or even through untimely petitions to deny (such as the untimely Petition to Deny filed by WLS in this matter on January 17, 2001) that receive consideration.<sup>13/</sup> Since WLS has timely-filed a petition for reconsideration, KM has no doubt that its concerns will be addressed by the Commission, and therefore WLS has not been deprived of due process.

11. Next, WLS cites Cleveland Bd. Of Educ. v. Loudermill,<sup>14/</sup> a venerable U.S. Supreme Court decision on due process and the need for notice and an opportunity to respond, but also a decision that gives little support to WLS on its application to the facts in this case. Cleveland involved the deprivation of a claimed property right in continued employment, with no opportunity for a predetermination showing at all, and included a weighing of the competing interests at stake. See Cleveland at 542. Here, even assuming for the sake of argument that WLS has a property right of which it is being deprived, WLS can not claim that it had no opportunity at all to present its claims prior to the Commission's grant of the Application, and a balancing of the competing interests involved weigh heavily in KM's favor as well.

12. The adverse precedent that WLS does not present is that the "notice and opportunity for hearing" that is required by due process must only be "appropriate to the nature of the case";<sup>15/</sup>

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<sup>12/</sup> See, e.g., 10 MDS Applications, 10 FCC Rcd 11671 at ¶ 57 (1995) ("no deprivation to which a due process claim might apply" where return of MDS application was put on a Public Notice and an interested party timely-filed a petition for reconsideration); Metromedia, Inc., 56 RR 2d 1198 ¶ 9 (1984) (no basis for assertion of denial of due process or opportunity to be heard where petitioner for reconsideration of grant of broadcast application had enjoyed "continued participation" in the proceeding).

<sup>13/</sup> See, e.g., Improvement Leasing Company, 73 FCC 2d 655, 46 RR 2d 335 at ¶ 21 (1979).

<sup>14/</sup> See Petition at 4 and n.16, citing Cleveland Bd. Of Educ. v. Loudermill, 470 U.S. 532 (1985) ("Cleveland").

<sup>15/</sup> See Cleveland at 542 (citing Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 313 (1950)).

there is no set minimum period of time required before action can be taken, and indeed there are “some situations in which a postdeprivation hearing will satisfy due process requirements.”<sup>16/</sup> KM submits that the 8 day pre-grant period in this case<sup>17/</sup> provided WLS and any other interested party an appropriate opportunity to present its concerns where, as WLS concedes, the Commission was required by the Class A statute to act on the Application “within 30 days after receipt” of the Application.<sup>18/</sup> And unlike in Cleveland, where the “balancing of the competing interests at stake” weighed in favor of employees that lost their jobs (and therefore their only means of support), see Cleveland at 542-543, WLS is not adversely affected in any present sense by the grant of Class A status to WMKE -- KM would have every right to continue to operate WMKE as an LPTV station with the exact same parameters (at least until such time that they Commission may act on WLS’s petition for reconsideration of the grant of the Displacement Application) as it currently is operating WMKE as a Class A station. Therefore, WLS’s reliance on Cleveland is misapplied, and misleading.

13. Last, WLS cites to Southern Pacific Satellite Company (“SPSC”) as an analogous case,<sup>19/</sup> even though no due process issue was raised or discussed in that case whatsoever. SPSC also

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<sup>16/</sup> See Cleveland at n.7. The Commission’s decisions in Metromedia and 10 MDS Applications are prime examples where the Commission has relied on just such a post-determination hearing without depriving interested parties of their rights to due process.

<sup>17/</sup> The Application appeared on Public Notice as accepted for filing on January 8, 2001, and was granted 8 days later, on January 16, 2001. See Public Notice, Broadcast Applications, Report No. 24896 (released January 8, 2001), and Public Notice, Broadcast Actions, Report No. 44904 (released January 19, 2001).

<sup>18/</sup> See § 336(f)(1)(C). Indeed, since the Commission received KM’s application on December 6, 2000, the better question may be why the Application was not granted by January 5, 2001.

<sup>19/</sup> See Petition at 4 and n.17, citing Southern Pacific Satellite Co., 92 FCC 2d 666 (1982).

involved a domestic space station application, which was in a group of only four applications in which domestic space station licensees proposed -- for the first time ever -- to sell use of their transponders on a non-common carrier basis, see SPSC at ¶ 1, which is hardly very analogous to the broadcast application context involved here. Despite the novelty of the issue, the interested parties in SPSC were able to file comments in response to the application involved there within only 14 days after it appeared on a Commission public notice, id., which isn't much longer than the 8 day time period WLS had in this case. WLS also does not present any additional background on the case for guidance, such as whether there were any statutory (as here) or Commission requirements for action on such satellite applications within or only after some set period of time.

14. KM submits that Metromedia and Improvement Leasing offer better analogies to the instant proceeding. In Metromedia, the complaining party raised a due process argument on the basis that an applicant should be required to re-file a Form 316 pro forma transfer of control application on a Form 314 long form application so that a statutory public notice and petition to deny period would apply. See Metromedia at ¶ 9. The Commission found that the complainant's due process rights were adequately protected by consideration of their petition for reconsideration. Id. In Improvement Leasing, the complaining party raised a due process argument on the basis of its assertion that the Commission should require an applicant to refile a "minor" amendment to a pending broadcast application as a "major" amendment that would be subject to a statutory public notice and petition to deny period. See Improvement Leasing at ¶ 21. The Commission found that complainant's due process rights were adequately protected since they had been permitted to participate in the matter through consideration of their untimely petition to deny. Id. Both cases involved broadcast applications that were not subject to any minimum petition to deny period before the Commission could act, as was the case with KM's Application, and in both cases the

Commission found that due process was served by the complainants' participation in the matter, in the same way that WLS has participated in this proceeding (i.e., through a petition for reconsideration and an untimely petition to deny).

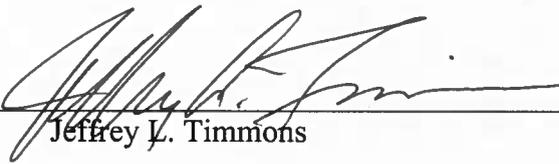
**V. Conclusion**

15. KM has demonstrated, both in this Opposition (including the Engineering Report attached hereto) and in the Application, that WMKE does not and will not cause interference to WLS-TV, in the manner required by the Class A statute as well as the Commission's interpretation and implementation thereof. WLS is "crying wolf" based on the one interference prediction method (i.e., overlap of predicted contours) that advances its position, to the hoped-for exclusion of all other methods of demonstrating interference that the Commission has expressly stated in rule making proceedings of general applicability that it would accept. WLS's procedural arguments are equally unavailing.

16. Therefore, the above premises being considered, the Petition for Reconsideration filed by WLS in the above-captioned matter should be promptly dismissed or denied.

Respectfully submitted,

**KM LPTV of Milwaukee, L.L.C.**

By:   
Jeffrey L. Timmons

Its Attorney

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February 6, 2001

ENGINEERING REPORT  
ON BEHALF OF  
KM LPTV OF MILWAUKEE, L.L.C.  
RE WMKE-CA, CHANNEL 7, MILWAUKEE, WISCONSIN

FEBRUARY 2001

COHEN, DIPPELL AND EVERIST, P.C.  
CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington )  
 ) ss  
 District of Columbia )

Warren M. Powis, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer of the University of Canterbury, New Zealand, a Registered Professional Engineer in the District of Columbia, the State of Virginia, the State of South Carolina, and Vice President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005; previously employed for 15 years with the New Zealand Broadcasting Corporation; a member of the Institution of Professional Engineers New Zealand (IPENZ), the Association of Federal Communications Consulting Engineers (AFCCE), and the National Society of Professional Engineers (NSPE).

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and,

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

*Warren M. Powis*

Warren M. Powis  
District of Columbia  
Professional Engineer  
Registration No. 8339

Subscribed and sworn to before me this 5<sup>th</sup> day of February, 2001.

*Carl L. Ryan*  
Notary Public

My Commission Expires: 2/28/2003

## COHEN, DIPPELL AND EVERIST, P. C.

WMKE-CA, MILWAUKEE, WISCONSIN

PAGE 1

This engineering statement has been prepared on behalf of KMLPTV of Milwaukee, L.L.C. in support of its opposition to the Petition for Reconsideration filed by WLS Television, Inc. concerning the FCC's grant of KM's application for Class A status for WMKE-CA, licensed to operate on Channel 7 at Milwaukee, Wisconsin. An interference study was conducted using a Longley-Rice terrain dependent propagation model, in accordance with FCC OET Bulletin 69, to determine any potential impact by WMKE-CA on WLS(TV), Channel 7, Chicago, Illinois (a printout of the results of the Longley-Rice studies are attached hereto for reference). The baseline study (WLS\_BASELINE\_EXH.txt, which does not include WMKE-CA) found a population of 8,315,058 persons served within WLS(TV)'s existing interference-free service area. The study was rerun including the Class A operation of WMKE-LP (WLS\_result\_exh.txt), and the population served within WLS(TV)'s existing interference-free service area remained unchanged, at 8,315,058 persons. Therefore, WMKE-CA is predicted to cause no interference to WLS(TV), when studied using a Longley-Rice terrain dependent propagation model, as permitted by the FCC.

WLS\_BASELINE\_EXH.txt

Problem area defined by grade B contour of 7N IL CHICAGO  
 Defining problem area grid

0:00:01

LAYOUT OF PROBLEM AREA

SE corner 41-00-48, 86-28-14; NW corner 42-44-48, 88-47-26

Total Cells	Center Lat (DMS, N)	Center Long (DMS, W)	Cell Height (sec)	Cell Width (sec)	Area Height (cells)	Area Width (cells)
9216	41-52-48	087-37-50	65	87	96	96

Specified cell size = 2.000 km each side	
Precise cell size = 4.01362 sq km	
Fetching census blocks for problem area	0:00:01
Sorting census blocks by latitude	0:00:08
Loading problem area grid with population data	0:00:08
Initializing problem area grid	0:00:09
Allocating memory for results	0:00:09
Determining noise-limited contours using FCC curves	0:00:09
Calculating service fields	0:00:09
Desired station 7N IL CHICAGO	WLS
Counting population covered	0:00:14
Computing IX fields of 9 undesired stations	0:00:14
Undesired station 7N IA WATERLOO	KWWL
Undesired station 7N MI DETROIT	WXYZ-TV
Undesired station 8N MI GRAND RAPIDS	WOOD-TV
Undesired station 7N MI TRAVERSE CITY	WPBN-TV
Undesired station 7N MO HANNIBAL	KHQA-TV
Undesired station 7N OH DAYTON	WHIO-TV
Undesired station 7N WI WAUSAU	WSAW-TV
Undesired station 7A MI GRAND RAPIDS	DWOOD-TV
Undesired station 8A WI MILWAUKEE	DWMVS
Evaluating service and interference	0:00:42

Analysis of: 7N IL CHICAGO

	POPULATION	AREA (sq km)
within Noise Limited Contour	8447771	28821.8
not affected by terrain losses	8405983	28352.2
lost to NTSC IX	58562	1308.4
lost to additional IX by ATV	32363	1609.5
lost to all IX	90925	2917.9
Population/Area Served	8315058	25434.3

WLS\_result\_exh.txt  
 Problem area defined by grade B contour of 7N IL CHICAGO  
 Defining problem area grid 0:00:01

LAYOUT OF PROBLEM AREA

SE corner 41-00-48, 86-28-14; NW corner 42-44-48, 88-47-26

Total Cells	Center Lat (DMS, N)	Center Long (DMS, W)	Cell Height (sec)	Cell Width (sec)	Area Height (cells)	Area Width (cells)
9216	41-52-48	087-37-50	65	87	96	96

Specified cell size = 2.000 km each side  
 Precise cell size = 4.01362 sq km  
 Fetching census blocks for problem area 0:00:01  
 Sorting census blocks by latitude 0:00:07  
 Loading problem area grid with population data 0:00:07  
 Initializing problem area grid 0:00:08  
 Allocating memory for results 0:00:08  
 Determining noise-limited contours using FCC curves 0:00:08  
 Calculating service fields 0:00:08  
 Desired station 7N IL CHICAGO WLS 0:00:08  
 Counting population covered 0:00:13  
 Computing IX fields of 10 undesired stations 0:00:13  
 Undesired station 7N WI MILWAUKEE WMKE-CA 0:00:13  
 Undesired station 7N IA WATERLOO KWWL 0:00:21  
 Undesired station 7N MI DETROIT WXYZ-TV 0:00:23  
 Undesired station 8N MI GRAND RAPIDS WOOD-TV 0:00:25  
 Undesired station 7N MI TRAVERSE CITY WPBN-TV 0:00:25  
 Undesired station 7N MO HANNIBAL KHQA-TV 0:00:32  
 Undesired station 7N OH DAYTON WHIO-TV 0:00:34  
 Undesired station 7N WI WAUSAU WSAW-TV 0:00:35  
 Undesired station 7A MI GRAND RAPIDS DWOOD-TV 0:00:36  
 Undesired station 8A WI MILWAUKEE DWMVS 0:00:49  
 Evaluating service and interference 0:00:50

Analysis of: 7N IL CHICAGO

	POPULATION	AREA (sq km)
within Noise Limited Contour	8447771	28821.8
not affected by terrain losses	8405983	28352.2
lost to NTSC IX	58562	1320.5
lost to additional IX by ATV	32363	1609.5
lost to all IX	90925	2929.9
Population/Area Served	8315058	25422.3

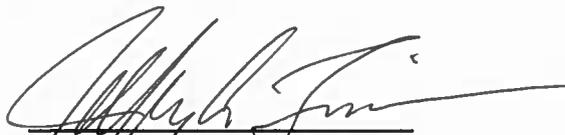
**CERTIFICATE OF SERVICE**

I, Jeffrey L. Timmons, hereby certify that on this 6th day of February, 2001, copies of the foregoing "Opposition to Petition to Deny" have been served by overnight courier then hand delivery or by U.S. Priority Mail, postage prepaid, upon the following:

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\_\_\_\_\_  
Jeffrey L. Timmons, Esq.

\* by Airborne Express to Portals, then hand delivery