

Amendment

The above identified modification application, filed and accepted prior to the imposition of the "DTV freeze," proposes the relocation of the site of Station WAZE-DT. The application has presented questions as to the level and permissibility of interference which the modified WAZE-DT operation may cause to the operation of analog Station WAZE-TV, Madisonville, also owned by the applicant, South Central Communications Corporation ("SCCC"), which has agreed to accept such interference. In view of that circumstance, the instant application is

HEREBY AMENDED to provide that Station WAZE-DT will construct and commence operation of the proposed modifications within the time provided by the related construction permit, and HEREBY COMMITS PERMANENTLY TO TERMINATE THE OPERATION OF ANALOG STATION WAZE-TV COINCIDENT WITH COMMENCING OPERATION OF STATION WAZE-DT, AS MODIFIED. The applicant suggests, and would accept, a complementing condition on the related construction permit for Station WAZE-DT.

The instant amendment plainly serves the public interest in several respects, including the following:

- **Digital Transition:** The amended proposal manifestly advances the national purpose to achieve the transition to digital television operations at the earliest feasible time.

- Procedural Efficiency: The amended proposal resolves the extant interference issue and obviates the necessity for the Commission and the applicant further to expend public and private resources respecting that matter.
- Digital Enhancement: Grant of the amended proposal will provide an increase of digital service to some quarter of a million people in the relevant service area, as shown in the initial modification application.
- Unique Site Availability: Grant of the amended proposal will allow the applicant to avail itself of a unique but time-limited opportunity to relocate to the existing tower of the local PBS television operation, thus serving the interests of both entities and precluding the necessity of new tower construction and intrusion incident to improvement of the WAZE-DT operation.
- Overall Service Benefits: Grant of the amended proposal will not cause any decisionally significant service loss. Ample other television services are available throughout the vast bulk of the existing WAZE-TV analog service area. The area that may have fewer such services and may not be able to receive the proposed WAZE-DT service, is both quite limited geographically and is one in which there is even now virtually no viewing of WAZE-TV. The proposal will not create any "white area."

Certain of the foregoing points are discussed in further detail herein below.

Unique Site Availability

The proposed site is at this point uniquely available to the applicant alone. The site is owned by the local PBS entity, also the licensee of Station WNIN. The tower will accommodate 4 antennae, three of those being dedicated to PBS' analog, DTV and FM functions, the fourth now effectively reserved for the applicant's DTV operation on Channel

20. There are presently no other existing/available/adequate towers in the relevant universe. The economy of constructing/operating at the site now available from PBS is manifest and plainly consistent with the laudable regulatory goals of supporting DTV development where feasible and minimizing the burdens of new construction, displacements, etc., attending the physical "expansion" into DTV nationwide.

Exclusive Course:

The instant amendment is further commended by the fact that the power and height proposed in the initial application are dictated by the location of the PBS tower and the antenna position assigned to WAZE-DT thereon. The height can therefore not be reduced and a reduction in the proposed power would preclude achievement of the requisite coverage of Madisonville.

Service Analysis

WAZE-TV is in the Evansville, IN DMA. Of the five television stations in that market, four are assigned to Evansville proper and at all relevant times have been dominant in all respects.¹ WAZE-TV, assigned to Madisonville, KY, has consistently ranked last in that universe. The cessation of the WAZE-TV operation - - which will in turn allow a substantial increase in the population served by WAZE-DT - - will have no materially adverse affect upon television viewers predicted to be able to receive the present WAZE-TV service given the fact that the vast majority thereof will be able to view WAZE-DT (and other stations) and that in the minimal remaining area there is now virtually no viewing of WAZE-TV in any event.

¹ Those stations are Station WFIE-TV (NBC), Station WEVV(CBS), Station WEHT(TV)(ABC), and WTVW(TV) (Fox).

The foregoing is evident from relevant viewing statistics. Thus, in the relatively small area which may be predicted to be without either the WAZE analog or digital service subsequent to implementation of the instant proposal, a Nielson report of February 2004 reflects that WAZE-TV had a statistically cognizable viewership in only two of the five counties (Caldwell and Crittenden), each reporting only the minimum one (1) share. (See Attachment 1, hereto). That is to be expected, since these counties are assigned to other DMAs in the first instance. As well, no "white area" will be created by the instant proposal.

The virtually non-existent viewing of WAZE-TV in such area is further reflected by the reported minimal viewing of the station located in the southern-most counties within the Evansville DMA, i.e., Ohio, Hopkins, and Muhlenberg Counties. These counties are located on the fringe of the WAZE-TV predicted service area, and do not report viewership of WAZE-TV above a three (3) share. (See Attachment 2, hereto). As noted in Attachment 2, in each of these counties, WAZE-TV is the lowest-rated station among the five stations licensed to communities within the Evansville DMA.

ATTACHMENT 1

County By County Analysis – Feb. '04
WAZE-TV-Non-DMA Counties
7A-1A (Sign-On – Sign-Off)

Butler-

<u>Station</u>	<u>Total HH's/Sh.</u>	<u>Cable HH's/Sh.</u>	<u>Non-Cable HH's/Sh.</u>
WAZE-TV	No Data Available---Not Significantly Viewed		

Caldwell-

WAZE-TV	19/1 Sh.	6/1 Sh.	14/2 Sh.
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Christian-

WAZE-TV	No Data Available----Not Significantly Viewed		
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Crittenden-

WAZE-TV	13/1 Sh.	0/0	13/1 Sh.
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Logan-

WAZE-TV	No Data Available----Not Significantly Viewed		
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Todd-

WAZE-TV	No Data Available---Not Significantly Viewed		
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ATTACHMENT 2

County By County Analysis – Feb. '04
WAZE-TV
7A-1A (Sign-On – Sign-Off)

Muhlenberg

<u>Station</u>	<u>Total HH's/Sh.</u>	<u>Cable HH's/Sh.</u>	<u>Non-Cable HH's/Sh.</u>
WAZE	109/3 Sh.	80/3 Sh.	29/2 Sh.
WEHT	181/4 Sh.	66/3 Sh.	115/6 Sh.
WEVV	296/7 Sh.	228/10 Sh.	68/4 Sh.
WFIE	320/8 Sh.	168/7 Sh.	152/8 Sh.
WTVW	202/5 Sh.	133/6 Sh.	69/4 Sh.

Ohio

WAZE	46/2 Sh.	26/2 Sh.	20/1 Sh.
WEHT	215/8 Sh.	163/14 Sh.	52/2 Sh.
WEVV	103/4 Sh.	62/5 Sh.	41/3 Sh.
WFIE	200/7 Sh.	123/10 Sh.	78/5 Sh.
WTVW	259/10 Sh.	112/9 Sh.	147/10 Sh.

Hopkins

WAZE	212/3 Sh.	136/3 Sh.	76/5 Sh.
WEHT	524/8 Sh.	414/9 Sh.	110/8 Sh.
WEVV	360/6 Sh.	293/6 Sh.	67/5 Sh.
WFIE	804/13 Sh.	627/13 Sh.	177/12 Sh.
WTVW	381/6 Sh.	261/5 Sh.	120/8 Sh.

Union

WAZE	61/4 Sh.	0/0	61/5 Sh.
WEHT	200/12 Sh.	115/22 Sh.	85/7 Sh.
WFIE	240/14 Sh.	92/17 Sh.	149/13 Sh.
WEVV	140/8 Sh.	77/14 Sh.	63/5 Sh.
WTVW	154/9 Sh.	48/9 Sh.	106/9 Sh.