

## Legal Statement in Support of the Amendment

ION Media License Company, LLC ("ION"), the licensee of television station WPXN-TV, New York, NY, hereby amends its pending application for a construction permit for WPXN-TV at the new One World Trade Center ("1WTC") location.<sup>1</sup> ION's original application proposed a directional antenna with an ERP of 285 kW, and ION has now learned that the master antenna at 1WTC will be non-directional. Accordingly, this amendment proposes a non-directional master antenna and a proposed ERP of 100 kW. The amendment also reflects the change in the licensee's name.

The Commission in the Incentive Auction R&O provided licensees, like ION, affected by the destruction of the World Trade Center with the option to protect either their licensed facilities at the Empire State Building ("ESB") or the facilities at 1WTC,<sup>2</sup> as long as this new facility has been granted a construction permit by the Pre-Auction Licensing Deadline of May 29, 2015. This amendment is being filed to enable ION to obtain its construction permit for 1WTC in accordance with the Commission's announced procedures.

This amendment will provide WPXN-TV with a 41 dBu noise limited contour that will encompass its existing licensed coverage from ESB<sup>3</sup> while continuing to protect WTIC-TV, Hartford, CT (as does the existing license) and meeting all other FCC de minimis interference protection requirements (as set forth more fully in the attached Engineering Statement). With the grant of this amended application, ION will be in a position to make a true choice for its final transmitter location at either ESB or 1WTC without affecting the station's coverage area or the Commission's station database for post auction repacking purposes.

The amendment will enable WPXN-TV to make the election provided by the Commission to continue to serve its viewers from ESB or to possibly reconnect with viewers whose access to WPXN-TV ended on September 11, 2001 by broadcasting at 1WTC. To advance that possibility, ION has joined other UHF and VHF broadcasters in New York City to test signal coverage from 1WTC<sup>4</sup> and those tests, along with other considerations, will enable ION to select either 1WTC or ESB as the transmission location that will better serve its audience going forward.

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<sup>1</sup> File No. BMCDDT-20080620ALZ.

<sup>2</sup> *In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, §219-220 (2012) ("Incentive Auction R&O").

<sup>3</sup> File No. BLCDDT-20110729AAQ.

<sup>4</sup> File No. #BEDSTA-20150213ACJ.