

## Request For Waiver of 73.622(f)(7)

WPXS is defined as being in Zone I because it is in the state of Illinois and 73.609(a)(1) states: *Zone I consists of that portion of the United States located within the confines of the following lines drawn on the U.S. Albers Equal Area Projection Map (based on standard parallels  $29\frac{1}{2}^{\circ}$  and  $45\frac{1}{2}^{\circ}$ ; North American datum): Beginning at the most easterly point on the State boundary line between North Carolina and Virginia; thence in a straight line to a point on the Virginia-West Virginia boundary line located at north latitude  $37^{\circ}49'$  and west longitude  $80^{\circ}12'30''$ ; thence westerly along the southern boundary lines of the States of West Virginia, Ohio, Indiana, and Illinois to a point at the junction of the Illinois, Kentucky, and Missouri State boundary lines; thence northerly along the western boundary line of the State of Illinois to a point at the junction of the Illinois, Iowa, and Wisconsin State boundary lines; thence easterly along the northern State boundary line of Illinois to the 90th meridian; thence north along this meridian to the  $43.5^{\circ}$  parallel; thence east along this parallel to the United States-Canada border; thence southerly and following that border until it again intersects the  $43.5^{\circ}$  parallel; thence east along this parallel to the 71st meridian; thence in a straight line to the intersection of the 69th meridian and the 45th parallel; thence east along the 45th parallel to the Atlantic Ocean. When any of the above lines pass through a city, the city shall be considered to be located in Zone I."*

73.622(f)(7) states "A DTV station that operates on a channel 7-13 allotment created subsequent to the initial DTV Table will be allowed a maximum ERP of 30 kW if its antenna HAAT is at or below 305 meters and it is located in Zone I or a maximum ERP of 160 kW if its antenna HAAT is at or below 305 meters and it is located in Zone II or Zone III."

However, 73.622(f)(5) states: *Licensees and permittees assigned a DTV channel in the initial DTV Table of Allotments may request an increase in either ERP in some azimuth direction or antenna HAAT, or both, that exceed the initial technical facilities specified for the allotment in Appendix B of the Memorandum Opinion and Order (referenced in paragraph (c) of this section), up to the maximum permissible limits on DTV power and antenna height set forth in paragraph (f)(6), (f)(7), or (f)(8) of this section, as appropriate, or up to that needed to provide*

*the same geographic coverage area as the largest station within their market, whichever would allow the largest service area.*

So the intent of the waiver request is to show the proposed coverage of WPXS, Channel 11, is less than the geographic coverage area of the largest station within the market. WPXS is licensed to Mt Vernon, IL and is a part of the Paducah-Cape Girardeau-Harrisburg-Mt Vernon DMA. RadioSoft Comstudy 2 shows the proposed WPXS 36 dBu coverage area to be 26,979.4 Sq Km.

According to the TVB, the stations that serve the Paducah-Cape Girardeau-Harrisburg-Mt Vernon DMA market are:

Call Sign	City License	RF	Virtual	Network	Grade B Sq Km
KBSI	Cape Girardeau, MO	22	23	Fox	33,474.0
KFVS	Cape Girardeau, MO	12	12	CBS	37,560.0
KPOB	Poplar Bluff, MO	15	15	ABC	11,169.1
WDKA	Paducah, KY	49	49	MyTV	26,206.6
WKMU	Murray, KY	36	21	PBS	12,874.9
WKPD	Paducah, KY	41	29	PBS	11,654.0
WPSD	Paducah, KY	32	06	NBC	40,192.4
WSIL	Harrisburg, IL	34	03	ABC	28,630.8

Since the proposed coverage of WPXS is less than KBSI, KFVS, WPSD and WSIL, it meets the criteria spelled out in 73.622(f)(5), therefore, the waiver can be granted.