

Loss In Population Served In Excess Of One Percent

FCC Public Notice DA 17-107 states in paragraph # 32 the criteria for filing in the First Priority Window is:

A reassigned station or band changing station that demonstrates that it is predicted to experience a loss in population served in excess of one percent as a result of its channel assignment specified in the *Closing and Reassignment Public Notice*, either because of new aggregate station-to-station interference or terrain loss (or a combination of both), may propose expanded facilities or an alternate channel by filing an amendment to the application it filed by the initial 90-day filing deadline or, if the application has been granted, by filing an application to modify its construction permit.

WPXS was changed from Channel 21 to Channel 11. In DA 14-1579, the FCC stated "We believe the public interest will be served by substituting channel 11 for channel 21 at Mount Vernon because doing so will further the Commission's goal of clearing UHF spectrum for new uses and allow WPXS to provide improved service to viewers." The WPXS owners held off on construction to see if it might be moved again after the auction, and it was.

WPXS's construction permit based on DA 14-1579 has a 36 dBu population count of 2,860,153. WPXS's channel assignment specified in the Technical Parameters for Post Auction Table of Allotments is channel 13 and a 36 dBu population count of 2,571,863, creating a loss of $(2,860,153 - 2,571,863) / 2,571,863 = 11.2\%$. That is more than outlined above, therefore, WPXS can apply in the First Priority window. In addition, the assigned channel 13 does not provide a 43 dBu contour "over the entire principle community to be served" and construction would be in violation of 73.625(a).