

Legal Statement

ABC, Inc. (“ABC”), licensee of commercial digital television (“DTV”) station WPVI-TV, Philadelphia, Pennsylvania (“WPVI”), is submitting the instant application (“Application”) for special temporary authority to increase its currently authorized effective radiated power (“ERP”) of 34.0 kilowatts (“kW”) by 2.67 dB, to 62.9 kW (“Proposed STA Facilities”).¹ As explained below, ABC anticipates that the Proposed STA Facilities will provide a sufficient signal level to those viewers that experience problems receiving an over-the-air digital signal from WPVI, particularly those in large apartment buildings and condominiums in the city of Philadelphia.

ABC has previously explained in filings with the Federal Communications Commission (“FCC”) that, following the DTV transition, WPVI was unable to serve many of its former over-the-air analog viewers with a reliable digital signal on channel 6. In an attempt to remedy the significant reception problems faced by its viewers, WPVI undertook multiple engineering initiatives, which culminated in the construction and licensing of WPVI’s broadcast facility at 34.0 kW ERP (“Licensed Facility”). The Licensed Facility has enabled WPVI to resolve many of the reception problems faced by its viewers, but certain of WPVI’s viewers continue to experience difficulties with reception of an over-the-air signal from WPVI. Specifically, although the 34.0 kW ERP signal transmitted by the Licensed Facility is receivable by viewers utilizing indoor antennas, it does not adequately penetrate the masonry construction in large apartment buildings and condominiums in the city of Philadelphia. For example, while a viewer residing in an apartment located on the side of a building that faces the WPVI transmitter site can receive WPVI’s signal using a window-placed antenna, a viewer residing on the opposite side of the building (*i.e.*, the side of the building where the viewer’s home does not face the transmitter site) cannot receive a signal because the 34.0 kW ERP signal does not penetrate the building. WPVI believes that by increasing its power by 2.67 dB, to 62.7 kW ERP, it can resolve most of the remaining reception problems that have plagued WPVI and its viewers since the digital transition. Specifically, WPVI anticipates that, unlike the signal transmitted by the Licensed Facility, a 62.9 kW ERP signal will penetrate masonry construction and reach viewers residing in many of the city’s large apartment buildings and condominiums.

Importantly, the need to resolve these reception difficulties is becoming more critical as television viewers increasingly are “cutting the cord” from multichannel video programming distributors. As a result, the percentage of households that rely solely on over-the-air broadcast television has been increasing in recent years. For example, as of July 2017, the percentage of broadcast-only U.S. households has risen to 13.2%,² and in Philadelphia, approximately 8.4% of the households are dependent upon over-the-air broadcast television. Because the number of households that rely solely on over-the-air television for access to WPVI will only continue to increase as more and more viewers cut the cord, it is critical that ABC determine how best to

¹ The Application proposes only to increase WPVI’s authorized power, and does not propose any physical modification of WPVI’s transmission system.

² See National ADS, Wired-Cable & Broadcast Only Household Penetration Trends, *available at* <https://www.tvb.org/Public/Research/CompetitiveMedia/CableADS/NationalADS,Wired-CableBroadcastOnlyHouseholdPenetrationTrends.aspx> (last visited Nov. 2, 2017).

provide a reliable over-the-air signal to WPVI's viewers. Accordingly, grant of the instant Application for STA is in the public interest because it will enable ABC to evaluate whether the proposed power increase does, in fact, resolve the reception difficulties faced by certain of WPVI's viewers.³

As set forth in the attached engineering statement, the Proposed STA Facilities are predicted to cause 1.69% additional interference to WRGB, Schenectady, New York ("WRGB"). Accordingly, ABC has discussed the Proposed STA Facility as specified in the instant Application with WRGB, and WRGB has told WPVI that it does not object to the operation of the Proposed STA Facility.⁴

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For the reasons set forth herein, ABC respectfully requests that the FCC grant the Application.

³ To the extent necessary, WPVI requests waivers of Sections 73.622(f)(7)(ii) and 73.622(f)(5) of the FCC's rules. The Media Bureau previously has approved WPVI's applications for construction permits to operate facilities at power levels in excess of the Zone I limits, which applications specified facilities that would define WPVI as the largest station in the Philadelphia DMA. *See* FCC File Nos. BPCDT-20090617ADQ, BPCDT-20110525ACX, and BMPCDT-20110831ABM. As explained herein, WPVI anticipates that the Proposed STA Facility will enable it to resolve most, if not all, of the remaining reception problems. Accordingly, it is in the public interest to waive 73.622(f)(7)(ii) and 73.622(f)(5) if necessary for grant of this application.

⁴ *See* Engineering Statement at 4.