

Image Video Teleproductions, Inc.  
FRN 0004-3200-57  
WIVX-LD  
Facility ID 50144

REQUEST for WAIVER OF FREEZE

While the Media Bureau has frozen the filing of new applications for changes in LPTV facilities, the public notice (DA 17-1227) stated that:

The Media Bureau will consider, on a case-by-case basis, requests for waiver of the filing limitation imposed by this Public Notice when a minor change application is necessary or otherwise in the public interest for technical or other reasons to maintain quality service to the public.

The applicant respectfully submits that a waiver of the freeze is appropriate in this instance, because the LPTV station operates on Channel 51, only 3.5 miles from a T-Mobile cellular tower transmitting in the Lower 700 MHz block. Correspondence from T-Mobile is reproduced below, showing that there is no possibility of the LPTV station and T-Mobile can co-exist. Although the correspondence asks when WIVX-LD will go on the air on Channel 51, the station is on the air now (see LMS File No. 0000024382). Therefore, unless WIVX-LD is permitted to move to a new channel immediately, it will have to cease operation.

Special temporary authority to change channel is not adequate relief, because WIVX-LD will never be able to return to Channel 51 and must have another permanent channel on which to operate immediately to get out of T-Mobile's way.

The Commission has always stated that it would accept applications to vacate Channel 51 as an exception to the general prohibition on LPTV channel changes. In DA 15-116, the Media Bureau specifically stated that expeditious implementation of Channel 51 displacements had significant public interest benefits and would not undermine repacking activities. That conclusion is even more valid now, because repacking channel assignments have all been made or applied for; and the instant application does not conflict with any granted or pending full power or Class A application.

Footnote 658: Because rulemaking petitions seeking to relocate stations from channel 51 are still permitted to be filed, they are not subject to the Media Bureau's April 5, 2013 freeze on the filing of certain facilities modifications, which is discussed in the following Section. Accordingly, we will not impose the requirement discussed in the next Section that these facilities modifications need to be authorized in a construction permit by April 5, 2013 in order to qualify for protection. We conclude that our ability to plan for the auction and repacking process, and our interest in having a stable station database leading up to the auction, will not be undermined by the processing and grant of such petitions because we do not expect a significant number of such petitions to be filed and, in any event, our interest is outweighed by the significant public interest benefits in clearing channel 51 as expeditiously as possible. Moreover, for the reasons discussed above, we do not expect that protecting a substitute facility rather than the channel 51 facility licensed on February 22, 2012 will significantly impact our repacking flexibility. Further, in determining whether to grant any rulemaking petitions seeking to relocate from

channel 51 that are filed after the release of this Order, the Media Bureau will assess the extent to which grant of the petition will affect repacking flexibility.

Subsequent public notices, including DA 17-584, have focused on using STAs as temporary measures for dealing with displacements from the 600 MHz band, not Channel 51 displacements based on interference to the Lower 700 MHz band. Therefore, DA 17-584 is not an obstacle to granting the relief requested for WIVX-LD.

In light of the foregoing, a freeze waiver is requested, and it is submitted that a waiver is fully justified.

T-Mobile correspondence:

From: Lindsay, Ilona <[Ilona.Lindsay@T-Mobile.com](mailto:Ilona.Lindsay@T-Mobile.com)>  
To: mctonges <[mctonges@aol.com](mailto:mctonges@aol.com)>  
Sent: Thu, May 25, 2017 4:07 pm  
Subject: RE: Potential WIVX Interference to T-Mobile L700 A Block

Ok, thanks for the update.  
Will WIVX also be moving to a lower channel?  
We own L700 A block for nearly the entire state of OH (except for 3 counties in the SE on the border with WV).

-Ilona

**From:** Lindsay, Ilona  
**Sent:** Thursday, May 25, 2017 3:22 PM  
**To:** [MCTONGES@AOL.COM](mailto:MCTONGES@AOL.COM)  
**Subject:** Potential WIVX Interference to T-Mobile L700 A Block

Hi Mr. Tonges,

Thank you for your call the other week regarding WIVX. Sorry about the delay in checking back with you. We've been really busy working on the 600 MHz auction results.

**I'd like to confirm a few details with you for our review.**

1. Has WIVX gone on air yet?
  - If not, what is its estimated on air date?
2. Is there any filter in place that would mitigate interference to L700 A block (698-704 MHz)?
  - LMS show WIVX is operating at 7 kW and the tower is 30 meters above ground height.
3. Is there anything about the antenna pattern that would mitigate interference?
  - Our cell site is about 3.5 miles due north from WIVX near US 30.

Thanks for your help,  
Ilona

Ilona Lindsay  
Project Manager  
Spectrum Management  
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**From:** Lindsay, Ilona  
**Sent:** Thursday, March 16, 2017 11:17 AM  
**To:** 'MCTONGES@AOL.COM' <MCTONGES@AOL.COM>  
**Cc:** Combs, Mark <Mark.Combs@T-Mobile.com>  
**Subject:** Potential WIVX Interference to T-Mobile L700 A Block  
**Importance:** High

Hello Mr. Tonges,

#### WIVX to Operate on Ch. 51

I understand the FCC recently granted your company a CP for [WIVX](#) to operate on Ch. 51 as a translator. This is of interest to T-Mobile because we own L700 A block where WIVX is located (our license [WQJQ704](#) ).

#### Ch. 51 Interference into L700 A block

Because Ch. 51 (692-698 MHz) is directly adjacent to our A block uplink (698-704)

- Ch. 51 can cause interference impairing our cell phones communication to our towers (uplink).
- The closer a Ch. 51 tower is to our cell tower, the greater the risk.

#### Ch. 51 Relocation due to Interference

Because translators operate on a secondary basis, the FCC recognizes that translators cannot cause interference to L700 A block.

- This is codified at [47 CFR 74.703 \(g\)](#) which states
- o a translator has 120 days to relocate to a different channel after being notified of interference caused to a L700 licensee.

#### Interference from WIVX to T-Mobile

- In the past, we have taken field measurements to confirm interference
- o See attached STA request from K51DW-D to relocate based on our interference finding
- Of course, until WIVX goes on air this is not an option
- I've asked our RF engineering dept. to model interference based on WIVX's CP specifications and our towers currently using A block in the area
- o It may be a few weeks before this is complete, I will forward when available.
- I can confirm we have a cell tower using A block 3.5 miles from the WIVX tower, which is an interference risk.
- o *K51DW-D's relocation was due to our cell site 3.5 miles away from their tower*
- In the meantime, I wanted to bring this issue to your attention so you can consider the best path forward for WIVX.

Please let me know if you have any questions. I look forward to hearing from you on this issue. I can also be reached at 425-383-4462.

Regards,  
Ilona  
Ilona Lindsay  
Project Manager  
Spectrum Management  
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