

Technical Summary

WPXJ-TV Batavia New York Channel 24 500 kW 374.44 (HAAT)

ION Media Buffalo License, Inc. ("ION") licensee of television station WPXJ-TV, Facility ID 2325, Batavia, New York (the "Station") hereby amends its pending minor construction permit application to relocate its transmitter from its currently authorized site to a site that will accommodate post-repack operations (FCC LMS File No. 0000064525).

This application is necessary because ION does not have access to its current tower for post-repack operations. Following the Commission's assignment of post-repack facilities to WPXJ-TV, ION was unable to reach accommodation with the tower landlord that would permit the station to continue operating from its current site. This forced ION to identify a new site for the station's post-repack operations.

Before selecting the proposed tower location, ION performed an analysis of available tower sites in the Buffalo market. In the immediate vicinity of the current tower site, ION's market analysis found no acceptable alternatives that would provide equivalent interference-free coverage as compared to the Station's pre-auction or authorized post-auction facilities. ION determined that the proposed tower site was the closest site that would provide comparable coverage with minimal or no interference to other broadcast stations.

The new tower is located 38 kilometers to the southwest of the current site. Accordingly, the Station's proposed noise limited service contour ("NLSC") will shift to the southwest, creating areas of service gain and loss. Figure 1 shows the loss area and the number of stations predicted to serve the loss areas using the Commission's standard prediction methodology. Under this analysis, the total size of the WPXJ-TV loss area would be 196,496 persons over an area of 4,700.3 sq. km. WPXJ-TV also would have a gain area of 292,820 persons and 14,066.9 sq. km. Thus, under the Commission's traditional counter prediction methodology, WPXJ-TV will have a net gain area of 96,324 persons and 9,366.6 sq. km. WPXJ-TV currently provides an over-the-air signal to 2,258,400 persons in its service area, so

the predicted service gain using 50/90 curves represents approximately 4.3% of WPXJ-TV's service population.

While the Commission's 50/90 curves predict that nearly all of the loss area would remain well served by 5 or more over-the-air full-power television stations, this methodology indicates that a small area would be served by 4 full service stations. This area serves approximately 2,801 persons (.12% of WPXJ-TV's total service population).

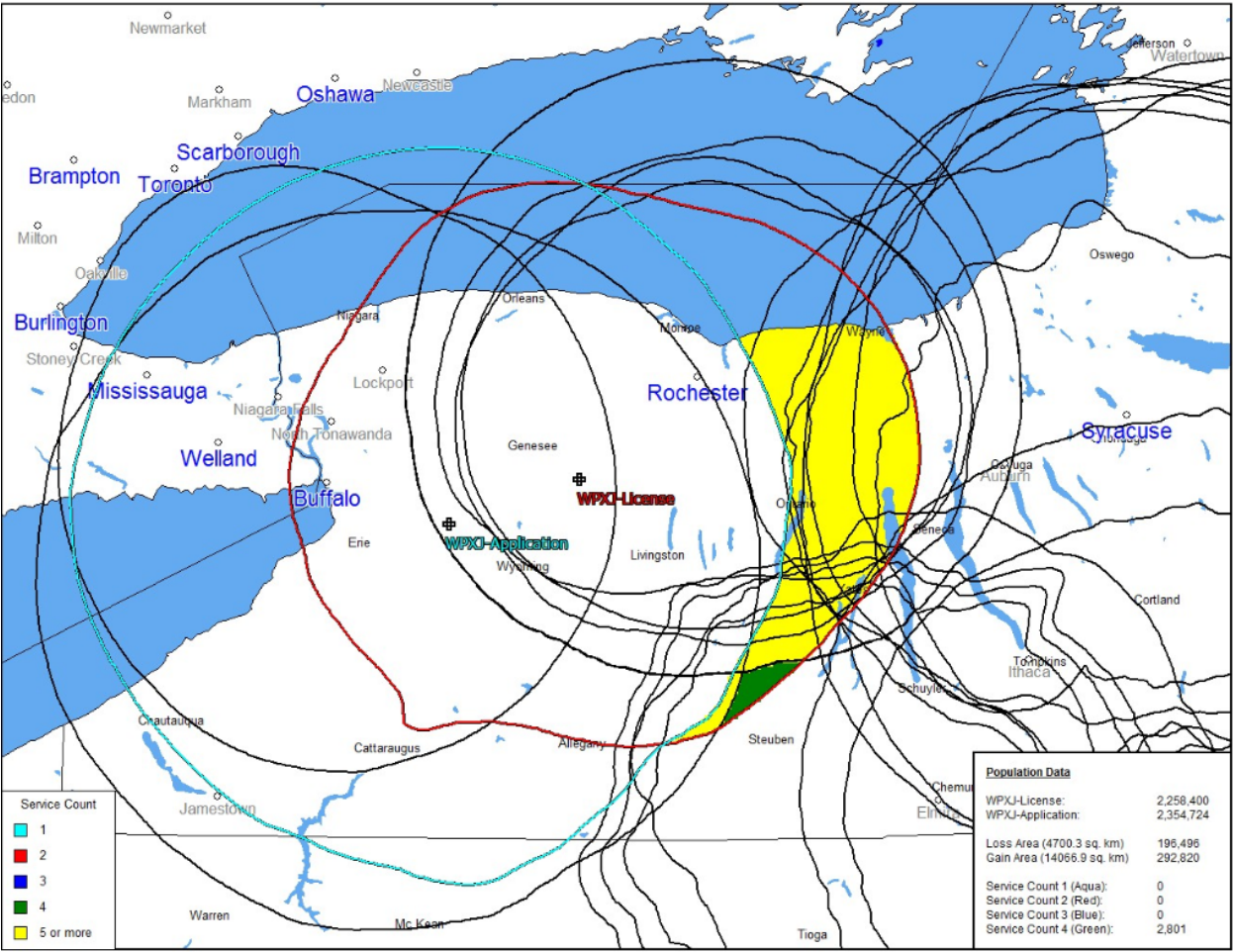
ION has reviewed the impact of this application on low power and Class A television stations in the Buffalo DMA. The application does not create harmful interference to any low-power television station that participated in the post-auction displacement window that occurred in 2018.

ION's proposed relocation of WPXJ-TV is in the public interest and should be granted. ION's pre-repack tower site is unavailable for post-repack operations, and the current proposal is ION's best solution to implementing its reassignment to Channel 24. Given the loss of its current tower site, grant of authority to construct at the proposed location is necessary to ensure that ION can timely complete construction of the station's facilities by the August 2, 2019 Phase 4 transition deadline. Second, ION proposes technical facilities that will lead to a significant net service area gain.¹ Third, the requested tower site change is necessary for WPXJ-TV to continue serving the vast majority of its viewers in the Buffalo market. Indeed, by shifting service to the southwest, ION will reach portions of the Buffalo market that have not previously received an over-the-air signal from the Station. Fourth, as a practical matter, very few viewers are likely to lose access to the programming available on WPXJ-TV. Many of the viewers that will no longer receive an over-the-air signal from WPXJ-TV are located in the Rochester DMA and will continue to receive over-the-air service from ION station WSPX-TV, which is licensed to Syracuse. ION network programming also will remain available on area cable and satellite providers, which currently serve well over 80% of the television households in the loss area.

¹ Moreover, standing alone, WPXJ-TV's service loss area, which represents less than 9% of WPXJ-TV's current service population, is only slightly larger than the 5% service loss that the Commission permitted when it approved initial post-repack construction permit applications that did not expand service in any direction. See Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition, Public Notice, 32 FCC Rcd 858 (2017); 47 CFR § 73.3700(b)(1)(v)(A)-(C). Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order, 29 FCC Rcd 6567, 6792 para. 551 (2014), *aff'd*, *Nat'l Assoc. of Broadcasters, et al v. FCC*, 789 F.3d 165 (D.C. Cir. 2015).

For the foregoing reasons, WPXJ-TV requests that the staff promptly grant this Construction Permit Modification, as hereby amended. If the application is not granted, ION's ability to complete its transition to Channel 24 operations before the close of Phase 4 will be jeopardized.

Figure 1



Tabulation of other NLSC Services Available to WPXJ-TV Loss

Call Sign	License	Channel	Community of License	State
WPXJ-TV	LI	23	Batavia	NY
WKBW-TV	LI	38	Buffalo	NY
WUTV-D	LI	14	Buffalo	NY
WROC-TV	LI	45	Rochester	NY
WHEC-TV	LI	10	Rochester	NY
WHAM-TV	LI	13	Rochester	NY
WXXI-TV	LI	16	Rochester	NY
WUHF-D	LI	28	Rochester	NY
WSTM-TV	LI	24	Syracuse	NY
WTVH-D	LI	47	Syracuse	NY
WSYR-TV	LI	17	Syracuse	NY
WCNY-TV	LI	25	Syracuse	NY
WNYS-TV	LI	44	Syracuse	NY
WNYI-D	LI	20	Ithaca	NY
WSYT-D	LI	19	Syracuse	NY
WETM-TV	LI	18	Elmira	NY
WSKA-D	LI	30	Corning	NY
WENY-TV	LI	36	Elmira	NY
WYDC-D	LI	48	Corning	NY
WBNG-TV	LI	7	Binghamton	NY
WICZ-TV	LI	8	Binghamton	NY

***Current Licensed Authorization**