

Technical Summary

WSPX-TV Syracuse New York Channel 36 82 kW 452.1 (HAAT)

ION Media Syracuse License, Inc. ("ION") licensee of television station WSPX-TV, Facility ID 64352, Syracuse, New York (the "Station") submits this Construction Permit Modification application to allow it to relocate its transmitter from the currently authorized site to a site that will accommodate post-repack operations (File Number 0000029579).

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 WSPX-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 site, ION performed an analysis of available tower sites in the Syracuse market. ION's market analysis found no tower alternatives in the immediate vicinity of the current site that would provide equivalent interference-free coverage as compared to the Station's pre-auction or authorized post-auction facilities. ION determined, however, that the closest tower to the current site, which is also nearer to the Station's principal community of license, is acceptable.

The new tower is located approximately 40 kilometers to the southeast of the current site. Accordingly, the Station's proposed noise limited service contour ("NLSC") will shift to the southeast, resulting in some areas of service gain and loss. Figure 1 shows the loss area and the number of stations predicted to serve the loss area using the Commission's standard prediction methodology. Under this analysis, the total size of the WSPX-TV loss area would be 19,764 persons over an area of 1,489 sq. km. WSPX-TV also would have a gain area of 203,142 persons and 4,828.4 sq. km. Thus, under the Commission's traditional counter prediction methodology, WSPX-TV will have a net gain area of 183,378 persons and 3,339.4 sq. km. WSPX-TV currently provides an over-the-air signal to 1,105,649 persons in its service area, so the predicted service gain using 50/90 curves would represent 16.5% of WSPX-TV's service population.

Figure 1 also demonstrates that the Commission's 50/90 curves predict that the majority of the loss area would remain well served by 5 or more over-the-air full-power television stations with some areas served by 3 or 4 stations. Where there would be fewer than 5 services available, the loss of over-the-air service amounts to approximately 5,901 persons (.53% of WSPX-TV's total service population). The proposed site relocation would not, of course, create any television coverage "white area."

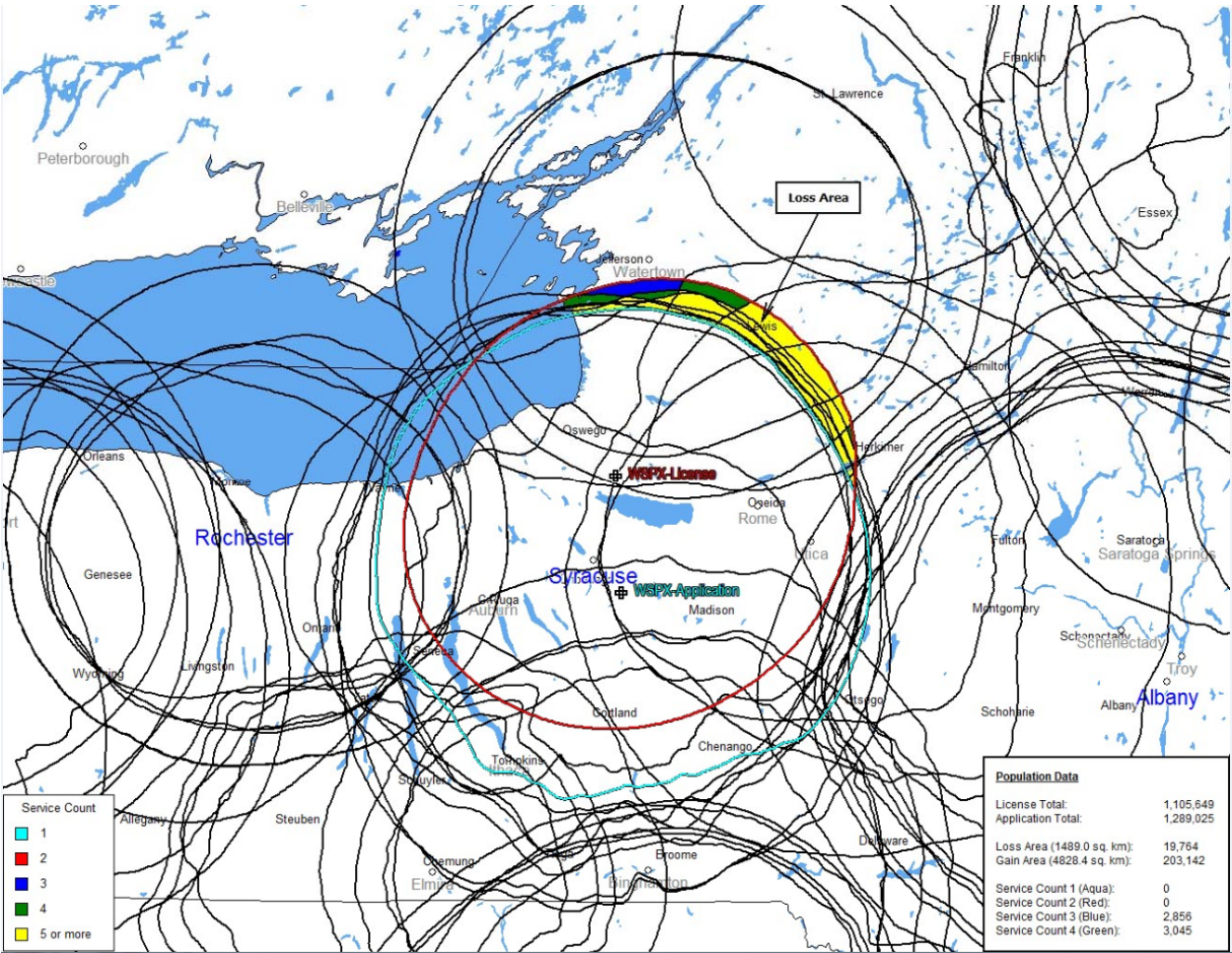
ION has reviewed the impact of this application on low power and Class A television stations in the Syracuse DMA. The application does not create harmful interference to any low-power television station that participated in the post-auction displacement window that occurred in 2018.

ION's proposed relocation of WSPX-TV is in the public interest and should be granted. First, ION's pre-repack tower site is unavailable for post-repack operations, and the current proposal is ION's best solution to implementing its post-auction reassignment to Channel 36. 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, the loss area proposed by ION, when considered on its own, is within the 5% tolerance the Commission adopted for initial post-repack construction permit applications that propose to serve fewer viewers than their pre-repack or initially allotted post-auction facilities.¹ Third, the requested tower site change is necessary for WSPX-TV to continue serving the vast majority of its viewers in the Syracuse market. Fourth, as a practical matter, very few viewers are likely to lose access to the programming available on WSPX-TV. ION network programming will remain available on area cable and satellite providers throughout the loss area, and approximately 82% of the viewers in the loss area subscribe to one of such services.

For the foregoing reasons, WSPX-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 36 operations before the close of Phase 4 will be jeopardized.

¹ 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). While this allowance applied only to stations that did not propose to expand their contour in any direction, the fact is that the loss area here is less than what the Commission recently considered an acceptable service loss for repack stations.

Figure 1



Tabulation of other NLSC Services Considered

<u>Call Sign</u>	<u>Channel</u>	<u>Community of License</u>	<u>State</u>
WBBZ-TV	7	Springville	NY
WBNG-TV	7	Binghamton	NY
WBRE-TV	11	Wilkes-Barre	PA
WCAX-TV	22	Burlington	VT
WCFE-TV	38	Plattsburgh	NY
WCNY-TV	25	Syracuse	NY
WCWN-D	43	Schenectady	NY
WENY-TV	36	Elmira	NY
WETK-D	32	Burlington	VT
WETM-TV	18	Elmira	NY
WFFF-TV	43	Burlington	VT
WFXV-D	27	Utica	NY
WGRZ-D	33	Buffalo	NY
WHAM-TV	13	Rochester	NY
WHEC-TV	10	Rochester	NY
WICZ-TV	8	Binghamton	NY
WIVT-D	34	Binghamton	NY
WKBW-TV	38	Buffalo	NY
WKTV-D	29	Utica	NY
WMHT-D	34	Schenectady	NY
WNED-TV	43	Buffalo	NY
WNEP-TV	50	Scranton	PA
WNLO-D	32	Buffalo	NY
WNPI-DT	23	Norwood	NY
WNYA-D	13	Pittsfield	MA
WNYB-D	26	Jamestown	NY
WNYI-D	20	Ithaca	NY
WNYO-TV	49	Buffalo	NY
WNYS-TV	44	Syracuse	NY
WNYT-D	12	Albany	NY
WOLF-TV	45	Hazleton	PA
WPBS-DT	41	Watertown	NY
WPTZ-D	14	Plattsburgh	NY
WPXJ-TV	23	Batavia	NY
WQMY-D	29	Williamsport	PA
WQPX-TV	32	Scranton	PA
WRGB-D	6	Schenectady	NY
WROC-TV	45	Rochester	NY
WSKA-D	30	Corning	NY
WSKG-TV	42	Binghamton	NY
WSTM-TV	24	Syracuse	NY
WSWB-D	31	Scranton	PA

WSYR-TV	17	Syracuse	NY
WSYT-D	19	Syracuse	NY
WTEN-D	26	Albany	NY
WTVH-D	47	Syracuse	NY
WUHF-D	28	Rochester	NY
WUTR-D	30	Utica	NY
WUTV-D	14	Buffalo	NY
WVER-D	9	Rutland	VT
WVNY-D	13	Burlington	VT
WVTA-D	24	Windsor	VT
WWNY-TV	7	Carthage	NY
WWTI-D	21	Watertown	NY
WXXA-TV	7	Albany	NY
WXXI-TV	16	Rochester	NY
WYCI-D	40	Saranac Lake	NY
WYDC-D	48	Corning	NY
WYOU-D	13	Scranton	PA
WYPX-TV	50	Amsterdam	NY

***Licensed Authorization**