

Technical Summary

WYPX-TV Amsterdam New York Channel 19 600 kW 294.47 (HAAT)

ION Media Albany License, Inc. ("ION") licensee of television station WYPX-TV, Facility ID 13933, Amsterdam, 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 0000034884).

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 WYPX-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 Amsterdam and nearby Albany markets. 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 has, however, identified an acceptable tower site to the southeast of the current authorized site.

The new tower is located approximately 41 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 WYPX-TV loss area would be 51,531 persons over an area of 3,448.4 sq. km. WYPX-TV also would have a gain area of 401,023 persons and 11,468.2 sq. km. Thus, under the Commission's traditional counter prediction methodology, WYPX-TV will have a net gain area of 349,492 persons. WYPX-TV currently provides an over-the-air signal to 1,161,616 persons in its service area, so the predicted service gain using 50/90 curves would represent 30% of WYPX-TV's service population.

Figure 1 also demonstrates that the Commission's 50/90 curves predict that the vast 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 128 persons (.01% of WYPX-TV's total service population). The proposed site relocation would not, of course, create any television coverage "white area."

ION has determined that the instant application will cause minimal harmful interference to low-power television stations that participated in the post-auction displacement window that occurred in 2018. The proposed operations would displace a pending construction application for a digital replacement translator for WRGB-TV (File No. 0000054859) and a displacement application for W46EW-D (File No. 0000054772).¹ However, given the exigent circumstances caused by ION's loss of access to its tower for post-auction operations, the temporary displacement of these two secondary services is necessary to ensure the continuation of ION's full-power over-the-air operations.

ION's proposed relocation of WYPX-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 19. 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.² Third, the requested tower site change is necessary for WYPX-TV to continue serving the vast majority of its viewers in the Albany market. Fourth, as a practical matter, very few viewers are likely to lose access to the programming available on WYPX-TV. ION network programming will remain available on area cable and satellite

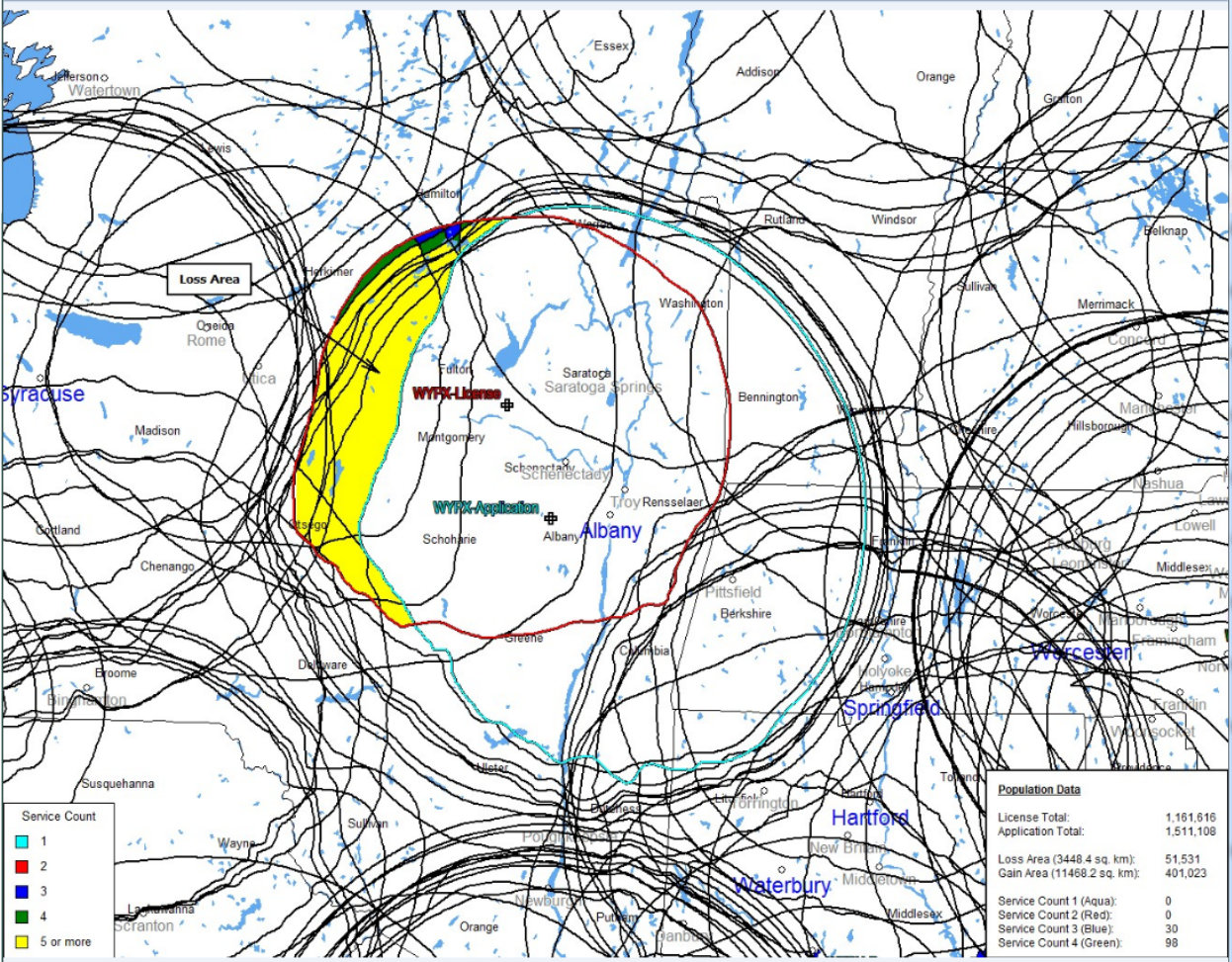
¹ Facilities in this application appear to have been granted to W20EH-D under the same file number.

² 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.

providers throughout the loss area, and approximately 85% of the viewers in the loss area subscribe to one of such services.

For the foregoing reasons, WYPX-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 19 operations before the close of Phase 4 will be jeopardized.

Figure 1



Tabulation of other NLSC Services Considered

<u>Call Sign</u>	<u>Channel</u>	<u>Community of License</u>	<u>State</u>
WABC-TV	7	New York	NY
WBNG-TV	7	Binghamton	NY
WBPH-TV	9	Bethlehem	PA
WBPX-TV	32	Boston	MA
WBRE-TV	11	Wilkes-Barre	PA
WBZ-TV	30	Boston	MA
WCAX-TV	22	Burlington	VT
WCBS-TV	33	New York	NY
WCCT-TV	20	Waterbury	CT
WCFE-TV	38	Plattsburgh	NY
WCNY-TV	25	Syracuse	NY
WCSH-D	44	Portland	ME
WCVB-TV	20	Boston	MA
WCWN-D	43	Schenectady	NY
WEDH-D	45	Hartford	CT
WEDN-D	9	Norwich	CT
WEDW-D	49	Bridgeport	CT
WEDY-D	41	New Haven	CT
WEKW-TV	49	Keene	NH
WENH-TV	11	Durham	NH
WENY-TV	36	Elmira	NY
WETK-D	32	Burlington	VT
WETM-TV	18	Elmira	NY
WFFF-TV	43	Burlington	VT
WFSB-D	33	Hartford	CT
WFTY-DT	23	Smithtown	NY
WFUT-DT	30	Newark	NJ
WFXT-D	31	Boston	MA
WFXV-D	27	Utica	NY
WGBH-TV	19	Boston	MA
WGBX-TV	43	Boston	MA
WGBY-TV	22	Springfield	MA
WGGB-TV	40	Springfield	MA
WHAM-TV	13	Rochester	NY
WHDH-D	42	Boston	MA
WHEC-TV	10	Rochester	NY
WHPX-TV	26	New London	CT
WICZ-TV	8	Binghamton	NY
WIVT-D	34	Binghamton	NY
WJAR-D	50	Providence	RI
WJLP-D	3	Middletown Township	NJ
WKTV-D	29	Utica	NY

WLED-TV	48	Littleton	NH
WLIW-D	21	Garden City	NY
WLNE-TV	49	New Bedford	MA
WLNY-TV	47	Riverhead	NY
WMEA-TV	45	Biddeford	ME
WMHT-D	34	Schenectady	NY
WMTW-D	8	Poland Spring	ME
WMUR-TV	9	Manchester	NH
WNAC-TV	12	Providence	RI
WNEP-TV	50	Scranton	PA
WNET-D	13	Newark	NJ
WNEU-D	34	Merrimack	NH
WNJB-D	8	New Brunswick	NJ
WNJU-D	36	Linden	NJ
WNPI-DT	23	Norwood	NY
WNYA-D	13	Pittsfield	MA
WNYE-TV	24	New York	NY
WNYI-D	20	Ithaca	NY
WNYS-TV	44	Syracuse	NY
WNYT-D	12	Albany	NY
WNYW-D	44	New York	NY
WOLF-TV	45	Hazleton	PA
WPBS-DT	41	Watertown	NY
WPIX-D	11	New York	NY
WPRI-TV	13	Providence	RI
WPTZ-D	14	Plattsburgh	NY
WPXG-TV	33	Concord	NH
WPXN-TV	31	New York	NY
WPXQ-TV	17	Newport	RI
WQPX-TV	32	Scranton	PA
WRGB-D	6	Schenectady	NY
WROC-TV	45	Rochester	NY
WSBE-TV	21	Providence	RI
WSBK-TV	39	Boston	MA
WSKA-D	30	Corning	NY
WSKG-TV	42	Binghamton	NY
WSPX-TV	15	Syracuse	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
WTIC-TV	31	Hartford	CT
WTNH-D	10	New Haven	CT
WTVH-D	47	Syracuse	NY
WUHF-D	28	Rochester	NY

WUNI-D	27	Marlborough	MA
WUTF-TV	29	Worcester	MA
WUTR-D	30	Utica	NY
WVER-D	9	Rutland	VT
WVIT-D	35	New Britain	CT
WVNY-D	13	Burlington	VT
WVTA-D	24	Windsor	VT
WVTB-D	18	St. Johnsbury	VT
WWDP-D	10	Norwell	MA
WWLP-D	11	Springfield	MA
WWNY-TV	7	Carthage	NY
WWOR-TV	25	Secaucus	NJ
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

***Licensed Authorization**