

WLKY's Channel 14 Land Mobile Efforts Satisfy the Threshold for PTA

The applicant wishes to advise the Commission of the following information, which is supplementary to the information provided in the Engineering Exhibit of Joseph M. Davis, P.E., of Chesapeake RF Consultants, LLC attached to this program test authority (PTA) application.

- The CP for WLKY includes the following condition (the “Channel 14 Land Mobile Condition”):

• During equipment tests, authorized by Section 73.1610 of the Commissions Rules, the permittee shall take adequate measures to identify and substantially eliminate objectionable interference which may be caused to existing land mobile radio facilities in the 460 to 470 MHz band. Documentation that objectionable interference will not be caused to existing land mobile radio facilities shall be submitted along with the request for Program Test Authority. Program tests shall not be commenced under Section 73.1620(a) of the Commissions Rules and may only be started after specific authority is granted by the Commission. An application for a license must be filed within 10 days after the start of program tests.

- Upon grant of WLKY's initial repack CP (in LMS File No. [0000025154](#)), the applicant began planning for compliance with the Channel 14 Land Mobile Condition. In other words, WLKY did not wait for the Phase 6 equipment testing period to undertake the process of “identify[ing] and substantially eliminat[ing] objectionable interference.”
- The applicant hired an outside vendor (RF Notifications) for assistance in identifying and communicating with potentially affected land mobile operators. In the first quarter of 2018 (approximately 18 months prior to WLKY's transition deadline), the vendor used the FCC's ULS database to identify potentially affected land mobile licenses and mailed 1,553 letters to 950 potentially affected land mobile licensees (using multiple addresses in many cases in order to make the notification as robust as possible).
- RF Notifications established a webpage dedicated to WLKY's channel 14 repack project for potentially affected land mobile operators to provide information and data in order to facilitate the applicant's ability to identify and address relevant land mobile interference situations. The letters mailed to potentially affected land mobile licensees urged such licensees to visit the dedicated webpage and to provide relevant information and data. To date, 238 operators holding 655 PLMR licenses in the aggregate responded by providing information via the dedicated webpage.
- In October 2018, the licensee filed a request for STA to engage in extended equipment testing on WLKY's post-transition channel 14 so that the extent of the potential effects of WLKY's channel 14 operations on PLMR operations could be better understood, investigated, and addressed. *See* LMS File No. [0000062772](#) (STA for early program testing at reduced power granted March 7, 2019). The licensee appreciated the STA grant, as it allowed for important advance equipment testing and cooperation between WLKY and LM operators. More information about the advance equipment testing is referenced in

other attachments to this PTA application. The applicant believes that it would have been impracticable and contrary to the public interest for WLKY to have waited until the commencement of the Phase 6 equipment testing period to attempt to identify potentially-affected land mobile operators and address potential interference, and the Commission's grant of permission for WLKY to engage in early testing and diagnosis of potential interference issues was critical to WLKY's timely transition to channel 14.

- The inactions of potentially affected land mobile operators who were unwilling to communicate with WLKY *despite WLKY's direct outreach* should not be allowed to compromise WLKY's ability to satisfy the Channel 14 Land Mobile Condition.
- WLKY anticipates putting its final, full-power post-transition primary antenna (shared with WAVE) on the air during the week of October 28. (WLKY has been operating with interim facilities from its post-transition aux antenna since the end of Phase 6 on October 18, 2019.) Indeed, if WLKY had not engaged in advance efforts to identify and engage with potentially-affected land mobile operators, the public interest may have been compromised as antenna fabrication issues have already delayed the implementation of WLKY's final, full power post-transition facility. (*See* LMS File No. [0000083618](#), Repack CP Extension in light of antenna fabrication issues.) Thus, not only has WLKY taken all necessary and proper steps in advance of testing, but also time is of the essence with respect to a grant of PTA to WLKY so that the station can commence full-power post-transition operations as soon as the final primary antenna is properly installed and ready to operate (target date of Monday, October 28, or Tuesday, October 29, 2019).

In light of the technical design of WLKY's channel 14 repack facility (as described in the Engineering Statement) and in light of the extraordinary efforts that WLKY has made to engage with potentially-affected land mobile operators, WLKY believes that it has met—indeed, *exceeded*—the requirements of the CP's Channel 14 Land Mobile Condition. Moreover, to the extent required by Commission Rules, WLKY is committed to continuing to work with potentially-affected land mobile licensees following commencement of equipment testing and program testing. Consequently, WLKY respectfully submits that it has met the Channel 14 Land Mobile Condition and that prompt grant of PTA is warranted.

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