

REQUEST FOR WAIVER

On April 5, 2013 the Media Bureau issued a Public Notice (April 2013 Freeze Public Notice) imposing limitations on the filing and processing of certain applications by full power and Class A television stations in light of the then forthcoming broadcast incentive auction¹. On July 22, 2019 the Media Bureau issued a Public Notice (July 2019 Freeze Public Notice) lifting the freeze imposed on April 5, 2013 for full power and Class A stations that were reassigned to new channels as part of the incentive auction and repacking process that have not yet completed the transition to their post-auction channels². To date, the Media Bureau will not accept modification applications from reassigned stations that have already transitioned to their new post-auction channels for changes to existing digital television service areas that would increase a station's protected contour in one or more directions. The April 2013 Freeze Public Notice remains in place for all other stations that were not repacked or have completed the repack process; however, the Bureau will consider, on a case-by-case basis, requests for waiver of the filing limitation imposed by the Public Notice when a modification application is necessary or otherwise in the public interest for technical or other reasons to maintain quality service to the public, such as when zoning restrictions preclude tower construction at a particular site or when unforeseen events, such as extreme weather events or other extraordinary circumstances, require relocation to a new tower site.

The WVEC facility was licensed to operate on pre-auction Channel 13 with an ERP of 35 kW using a top-mounted non-directional antenna and the post-auction facility is licensed to operate on Channel 11 with an ERP of 34.8 kW using a top-mounted non-directional antenna. The WVEC-D11 post-auction facility is operating at 100% power pursuant to its

¹ *Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate*, Public Notice, 28 FCC Rcd 4364 (MB 2013)

² *Media Bureau Lifts the Freeze on the Filing of Minor Modification Applications That Expand the Contour of Full Power and Class A Television Stations for Certain Repacked Stations, Effective Immediately*

post-auction license (File No. 0000113317) and the antenna manufacturer verified that the antenna proofed within the parameters of the specifications; however, reception issues in large quantities are being experienced based on complaints from off-air viewers who were able to receive the pre-auction signal but are unable to receive the post-auction signal. The viewers were provided detailed instructions with respect to rescanning; however, the reception issues were not resolved. The station is in the process of hiring a company to perform field strength measurements in order to verify coverage; however, due to the Covid-19 pandemic, it is not expected that the measurements will be performed any time soon. It is believed that the reception issues are due to a combination of the following:

- Additional post-auction interfering stations due to repack
- Frequency change due to repack
- Antenna RF system change due to repack
- Noise floor increase from 2-channel reduction in high-VHF band due to repack

Therefore, the station hereby respectfully requests a waiver of §73.622(f) of the FCC Rules to increase the WVEC transmitter power output (TPO) up to its maximum rated level which will result in an ERP increase from 34.8 kW to 45.0 kW in order to provide a stronger signal to off-air viewers using indoor antennas for reception since a stronger signal is required to compensate for all the aforementioned issues outlined above which would serve the public interest; especially during the Covid-19 pandemic where every viewer relies on health and safety information provided by the station (See Exhibit 1).

LARGEST STATION IN THE MARKET

Section 73.622(f)(5) of the FCC rules states that licensees and permittees of an assigned DTV channel may request an increase in either ERP in some azimuthal direction or antenna HAAT, or both, that exceed the authorized facilities, up to that needed to provide the same geographic coverage area as the largest station within their market, whichever would allow the largest service area. It was determined that the WSKY-DT Channel 13 Manteo, NC

licensed facility is the largest station in the Norfolk-Portsmouth-Newport News Market (See Exhibit 2). The licensed WSKY-DT Channel 13 facility's F(50,90) 36.0 dBuV/m protected noise limited contour encompasses an area of 37,203.1 sq. km. With an ERP of 45 kW, the WVEC-DT Channel 11 post-auction facility will encompass an area of 37,710.3 sq. km which is essentially equivalent in area to the area within the WSKY F(50,90) 36.0 dBuV/m contour (plus *de minimis*). Therefore, WVEC hereby requests an ERP of 45 kW for the WVEC-DT Channel 11 post-auction facility.

TVSTUDY RESULTS

The attached TVStudy Report demonstrates that the proposed WVEC-DT Channel 11 post-auction facility operating with an ERP of 45 kW will not cause impermissible interference to any stations.

EXHIBITS


Exhibit 1 is a map displaying the licensed WVEC-DT Channel 11 facility's F(50,90) 36.0 dBuV/m protected noise limited contour (green), the proposed WVEC-DT Channel 11 facility's F(50,90) 36.0 dBuV/m protected noise limited contour (red), and the proposed WVEC-DT Channel 11 facility's F(50,90) 43.0 dBuV/m principal community contour which fully encompasses the community of Hampton, VA in all azimuthal directions.

Exhibit 2 is a map displaying the proposed WVEC-DT Channel 11 facility's F(50,90) 36.0 dBuV/m protected noise limited contour (green) and the licensed WSKY-DT Channel 13 Largest Station in the Market facility's F(50,90) 36.0 dBuV/m protected noise limited contour (red) and demonstrates that the proposed area is equivalent to the WSKY area within *de minimis*.

Exhibit 3 is a TVStudy based on the most current FCC database which demonstrates that the proposed WVEC-DT Channel 11 facility will not cause impermissible interference to any stations and therefore, complies with the 0.5% interference protection requirements.

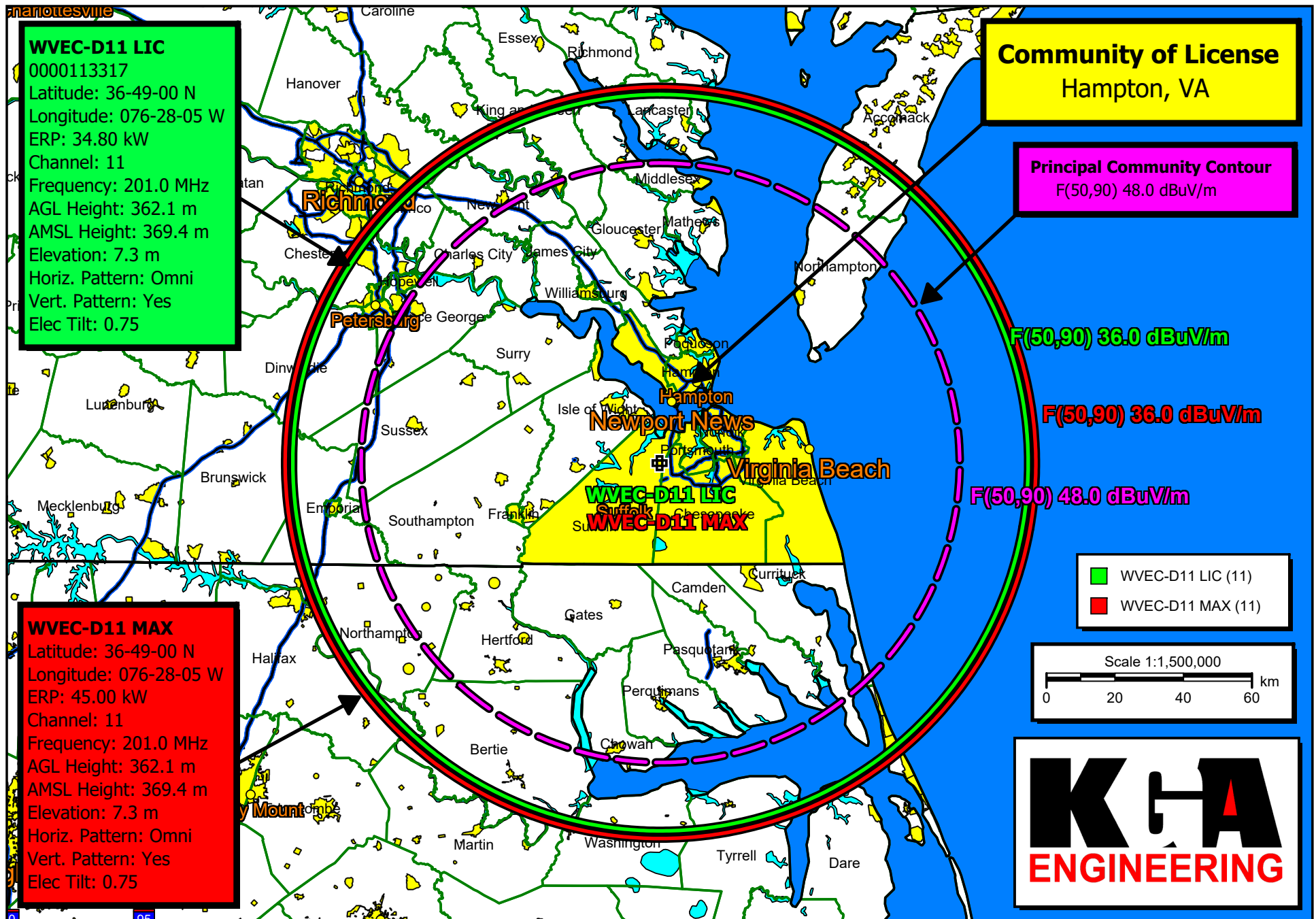
CERTIFICATION

This technical statement was prepared by William T. Godfrey, Jr., Engineering Associate with the firm Kessler and Gehman Associates, Inc. having offices in Gainesville, Florida, and has been working with the firm in the field of radio and television broadcast consulting since 1998. Mr. Godfrey was a graduate from the University of North Florida and a Distinguished Military Graduate from the University of Florida. As a Professional in the field of Telecommunications he states under penalty of perjury that the information contained in this report is true and correct to the best of his knowledge and belief.


WILLIAM T. GODFREY, JR., CBT
Kessler and Gehman Associates, Inc.

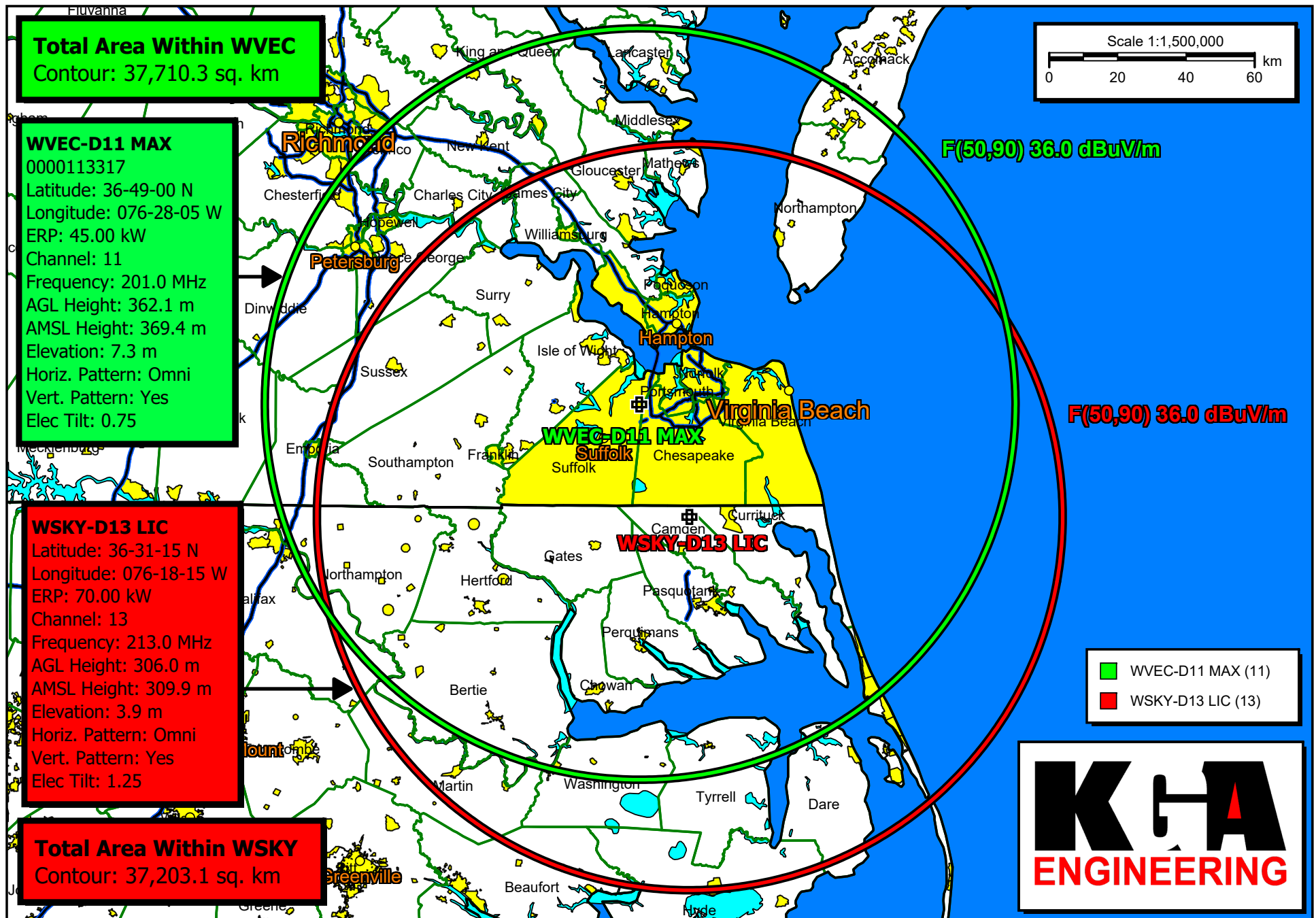
Consulting Engineers

23 July, 2020



WVEC-D11 Post-Auction LIC vs. WVEC-D11 Maximization

EXHIBIT 1



Largest Station in the Market Study