

TECHNICAL SUMMARY AND REQUEST FOR WAIVER

TELEVISION STATION WPIX
NEW YORK, NEW YORK
CHANNEL 11 26 KW 405 M HAAT

1. The instant application is for an expanded facility for the authorized facility of WPIX, New York, NY (Channel 11).^{*} By means of this application, the maximum effective radiated power (ERP) of WPIX will be increased from 7.5 kW to 26 kW. There are no other changes proposed. A waiver of the maximum permissible ERP for high-band VHF stations located in Zone I under Section 73.622(f)(7)(ii) of the FCC Rules is respectfully requested.

2. The proposed facility meets the ‘largest station in the market’ provision of Section 73.622(f)(5) of the FCC Rules. It is proposed to operate on Channel 11 with a nominal non-directional ERP of 26 kW and an antenna height above average terrain (HAAT) of 405 meters. These facilities exceed the normal maximum permissible facilities specified in Section 73.622(f)(7)(ii) of the FCC Rules. However, the proposed facilities have been calculated in accordance with the largest station in the market provision of Section 73.622(f)(5) of the FCC Rules.[†] Specifically, the largest station in the New York market is WJLP, Middletown Township, NJ, Channel 3, which is authorized to provide noise-limited 28 dBu, f(50,90) service to an area of 42,640 square kilometers.[‡] The proposed WPIX operation is predicted to provide noise-limited 36 dBu, f(50,90) service to an area of 36,730 square kilometers. Therefore, the proposed WPIX facility meets the largest station provision of the FCC Rules.

3. The instant proposal is compliant with the interference protection requirements of the FCC Rules with the exception of stations WTNH, New Haven, CT (Ch. 10); WWLP, Springfield, MA (Ch. 11); and, WBRE-TV, Wilkes-Barre, PA (Ch. 11). Interference consent agreements are being arranged with WTNH, WWLP and WBRE-TV. These will be submitted as an amendment to the instant application. The

^{*} See FCC File No. BLCDDT-20090911ABN.

[†] Clarification of the largest station provision is provided in the *Report and Order and Further Notice of Proposed Rule Making* in MM Docket No. 00-39 at paragraphs 73-74.

[‡] WJLP is authorized for operation with a non-directional ERP of 9 kW and an antenna HAAT of 476 m. See Predicted Coverage Contours map exhibit.

results of the FCC's *TVStudy* analysis are attached hereto as an exhibit. It is noted that use of a higher resolution terrain profile increment of 0.1 km is requested for the *TVStudy* analysis.

4. Waiver of Section 73.622(f)(7)(ii): WPIX is in the precise situation as WABC-TV in the New York market. WABC-TV is licensed to New York on VHF Channel 7 with an ERP of 34 kW and an antenna HAAT of 405 m. WPIX and WABC-TV share the same transmitting antenna located at the Empire State Building. As was well demonstrated by WABC-TV in its applications to increase ERP above the normal limits, VHF stations such as WABC-TV and WPIX are severely handicapped by over-the-air reception issues, particularly in built-up urbanized areas such as the New York City metropolitan area. See FCC File Nos. BPCDT-20090626ABL, and BPCDT-20120216ADO. By means of this application, WPIX intends to help alleviate some of its over-the-air reception issues for its viewers in a like manner to that which was approved and licensed by the FCC for the WABC-TV facility in 2012.[§]



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[§] It is notable that the FCC issued a *Notice of Proposed Rulemaking* on November 30, 2010 to address the VHF reception issues of DTV stations, amongst other things. *See Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, ET Docket No. 10-235, 25 FCC Red 16498 (2010) (Notice). Specifically, in that regard the FCC stated that: ...the propagation characteristics of these [VHF] channels allow undesired signals and noise to be receivable at relatively farther distances, nearby electrical devices tends to emit noise in this band that can cause interference, and reception of VHF signals requires physically larger antennas that are generally not well suited to the mobile applications expected under flexible use, relative to UHF channels. We recognize that television broadcasters have had some difficulty in ensuring consistent reception of VHF signals, and we seek comment through this Notice on technical changes to Commission rules, broadcast transmission equipment, or television receiver technology, that would improve VHF for television broadcasts... Therein, the FCC proposed a change in the technical Rules that would allow for the allotment ERP of high-band VHF stations in Zone I to be increased to a maximum of 120 kW. Under the provisions of the proposed Rule, WPIX would be permitted a maximum ERP of 46.7 kW.