



Federal Communications Commission  
Washington, D.C. 20554

August 24, 2015

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Suite 240  
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Re: WOCK-CD, Chicago, Illinois  
Facility ID No. 35092  
FCC File No. BDISDTA-20131114BTV

Dear Counsel:

This is with respect to the above-referenced application filed by KM LPTV of Chicago-13, L.L.C. ("KM") for Class A television station WOCK-CD, Chicago, Illinois. The station is currently operating at the John Hancock Building and the application proposes to change the station's channel from 4 to 41. For the reasons discussed below, the application is dismissed.

The Community Broadcasters Protection Act of 1999 accorded certain qualifying low power television stations with "primary" Class A status,<sup>1</sup> and WOCK-CD was granted Class A status in 2000. Class A television stations were subject to interference and displacement by full power television stations only as a result of "engineering solutions" necessary to resolve "technical problems" in replicating and maximizing the full power television station's DTV service areas during the DTV transition.<sup>2</sup> The DTV transition ended in June 2009 and Class A stations are no longer subject to displacement. A Class A television licensee seeking to change channel for purposes other than displacement relief is required to file a major change application, which may only be filed after the Commission issues a Public Notice specifying a period for the filing of major modification applications.<sup>3</sup>

KM's Class A analog operation on channel 13 was displaced by the allotment of digital channel 13 for WREX-DT at Rockford, Illinois. Accordingly, KM filed a displacement application for digital channel 4 in 2008 and licensed that facility in June 2009.<sup>4</sup> The licensee of station WHBF-TV, Rock Island, Illinois, analog channel 4, pre-transition digital channel 58, post-transition digital channel 4, also filed a license to cover construction of its channel 4 digital facility in June 2009.<sup>5</sup> After it flash-cut to digital channel 4, WHBF-TV began receiving numerous complaints from viewers regarding poor reception of the digital channel 4 signal. In order to alleviate these low-VHF channel reception problems, WHBF-TV obtained an STA on September 2, 2009 to increase its power to 33.7 kW ERP, and ultimately

<sup>1</sup> Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix at pp. 1501A-594-1501A-598 (1999), *codified at* 47 U.S.C. § 336(f).

<sup>2</sup> See *Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6380-81, paras. 61-64 (2000)(subsequent history omitted).

<sup>3</sup> 47 C.F.R. § 74.787(a)(3).

<sup>4</sup> FCC File Nos. BDISDVA-20081210AER and BLDVA-20090608ACN.

<sup>5</sup> FCC File No. BLCDDT-20090618ACW.

licensed that facility.<sup>6</sup> In its applications, WHBF-TV demonstrated that the proposed facilities complied with the Commission's interference protection requirements with respect to all stations entitled to protection.

Some WOCK-CD viewers experienced similar low-VHF channel reception difficulties after that station transitioned to digital, and KM was granted STAs to operate with higher power than its licensed ERP of .3 kW beginning in January 2010.<sup>7</sup> KM also filed an application to operate on channel 33 in March 2010,<sup>8</sup> arguing that the application "should be considered a displacement application since its original Channel 4 cannot provide satisfactory TV service within the station's current analog TV service."<sup>9</sup> The Video Division dismissed this application, concluding that WOCK-CD was not "displaced."<sup>10</sup> Under the Commission's rules, only "a digital low power television or television translator station which is causing or receiving interference or is predicted to cause or receive interference to or from an authorized TV broadcast station . . . may at any time file a displacement relief application for change in channel . . ."<sup>11</sup> KM acknowledged in its 2010 application that it was not displaced by another station and its argument that there was support "for the premise of displacement from a VHF channel to a UHF channel predicated on impulse noise interference" was rejected by the Division.<sup>12</sup> After its application was dismissed in October 2011, KM filed for and received a construction permit to permanently increase power to 1 kW, which it has not yet licensed.<sup>13</sup>

In its above-referenced application filed in November 2013, KM initially asserted that because the station was operating on channel 4, "WOCK-CD currently encounters substantial interference throughout significant portions of its service area [and] has received numerous complaints of interference." In support, KM provided a number of statements from persons living in Chicago or close-in suburbs to the north and west, stating that "I would like to watch the programming (i.e., Korean language) that is carried on WOCK but find it extremely difficult due to the poor signal quality. Are there any plans to improve the signal quality?" KM amended the application in June 2014 to assert that WOCK-CD is receiving interference from WHBF-TV's operation on channel 4 with 33.7 kW ERP, and submitted an Engineering Statement with maps showing that the WOCK-CD and WHBF-TV contours overlap.<sup>14</sup> It also asserts that WOCK-CD was granted a license for channel 4 in June 2009, that WHBF-TV was not licensed to operate on channel 4 until May 2011, and that since "the interference presented itself after KM commenced operations . . . KM could not have known of the interference."

We conclude again that KM has failed to demonstrate that WOCK-CD is displaced. With respect to its initial showing based on viewer complaints, the viewers do not allege interference but instead state that they have difficulty viewing the station because of its "poor signal." As KM acknowledged in its most recent STA request filed several months prior to its filing of the above-referenced application, "the station is still having problems with providing adequate digital television service on Channel 4 . . . due to the presence of relatively high impulse noise in the Channel . . . [and the fact that] many receive TV antennas are not adequately configured to receive digital TV signals in the low VHF band."<sup>15</sup> As we

<sup>6</sup> See FCC File Nos. BSTA-20090827ABR; BPCDT-20100512AFK; BLCDDT-20100629AVD.

<sup>7</sup> See FCC File Nos. BSTA-20100108ABP; BSTA-20101109AAQ; BSTA-20120221ABH. It appears that WOCK-CD is currently operating with 1 kW ERP. See FCC File Nos. BSTA-20120221ABH and BESTA-20130220AAN.

<sup>8</sup> FCC File No. BDISDTA-20100311ABP.

<sup>9</sup> *Id.*, Engineering Statement at 2.

<sup>10</sup> See Letter from Hossein Hashemzadeh, Deputy Chief, Video Division, to Mr. Marcus Lamb (Oct. 31, 2011), available at [http://licensing.fcc.gov/cgi-bin/prod/cdbs/forms/prod/getimportletter\\_exh.cgi?import\\_letter\\_id=29149](http://licensing.fcc.gov/cgi-bin/prod/cdbs/forms/prod/getimportletter_exh.cgi?import_letter_id=29149).

<sup>11</sup> *Id.* at 2, citing 47 C.F.R. § 73.787(a).

<sup>12</sup> *Id.*

<sup>13</sup> FCC File No. BPDVA-20120907AAT.

<sup>14</sup> KM amended its application a third time to specify a different directional antenna.

<sup>15</sup> FCC File No. BESTA-20130220AAN, Engineering Statement at 2-3.

concluded in our dismissal of KM's first "displacement" application, the fact that a station is operating on a low VHF channel does not qualify the station for displacement relief.

We also reject KM's demonstration that WOOCK-CD is receiving interference from WHBF-TV. Section 73.623(c)(5) of the Commission's rules provides that a full power DTV station application proposing to expand its coverage area will not be accepted if it is predicted to cause interference to a Class A station.<sup>16</sup> KM asserts that WHBF-TV is causing impermissible interference to WOOCK-CD as defined in section 73.623(c)(5)(ii) of the rules, which provides for calculating interfering contours using the appropriate F(50,10) chart in section 73.699,<sup>17</sup> and submits maps showing contour overlap between the two stations using this measurement approach. Section 73.623(c)(5)(iii), however, allows a DTV applicant to "make full use of terrain shielding and Longley-Rice terrain dependent propagation methods to demonstrate that the proposed facility would not be likely to cause interference to Class A TV stations."<sup>18</sup> Using Longley-Rice, a more accurate interference analysis tool, demonstrates that there is no predicted impermissible interference to WOOCK-CD from WHBF-TV.

KM also incorrectly suggests that WOOCK-CD began operations on channel 4 well in advance of WHBF-TV, and that the claimed interference to WOOCK-CD is somewhat recent. When KM filed its displacement application for channel 4 in December 2008, WHBF-TV already held a construction permit for its post-transition facilities on channel 4 at 24.1 kW ERP,<sup>19</sup> and both stations commenced digital operations on channel 4 in June 2009. WHBF-TV began operating at 33.1 kW ERP shortly thereafter, in September 2009, and KM did not complain of interference from those operations in 2009 and 2010, nor did it file an objection to the grant of the May 2010 application for a construction permit to permanently increase WHBF-TV's power to 33.1 kW. We also note that KM did not claim interference from WHBF-TV in its March 2010 "displacement" application, but only that operations on channel 4 were subject to "impulse noise interference."

Based on the foregoing, we conclude that the above-referenced application to change WOOCK-CD's channel is a major change application and that because there is no open period for the filing of Class A major change applications, the application must be dismissed. Accordingly, the above-referenced application filed by KM LPTV of Chicago-13, L.L.C. for station WOOCK-CD, Chicago, Illinois IS DISMISSED. A major change application may be filed when the Commission issues a Public Notice specifying a period for the filing of such applications for Class A stations.

Sincerely,

A handwritten signature in black ink that reads "David Brown / For". The signature is written in a cursive, flowing style.

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>16</sup> 47 C.F.R. §73.623(c)(5).

<sup>17</sup> 47 C.F.R. §73.623(c)(5)(ii).

<sup>18</sup> 47 C.F.R. §73.623(c)(5)(iii).

<sup>19</sup> FCC File No. BPCDT-20080620ABL.