

## **Technical Summary**

### **WPXV-TV Norfolk, Virginia Channel 32 865 kW 347.7 (HAAT)**

ION Media License Company, LLC (“ION”) licensee of television station WPXV-TV, Facility ID 67077, Norfolk, Virginia (the “Station”) submits this Construction Permit Modification application to allow it to relocate its transmitter from the currently authorized site (FCC LMS File No. 0000034922) to a site that will accommodate post-repack operations.

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 WPXV-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 location, ION performed an analysis of available tower sites in the Norfolk market. In the vicinity of the current tower site, ION found a number of acceptable alternatives providing equivalent interference-free coverage as compared to the Station’s pre-auction and authorized post-auction facilities. ION determined that the proposed tower was the best choice based on, among other things, the availability of the tower’s top mount position.

The new tower is located approximately three kilometers to the east of the current site. As a result, the Station’s proposed noise limited service contour (“NLSC”) results in some areas of minimal service gain and loss. Figure 1 shows the loss area and the number of stations predicted to serve the loss areas using the Commission’s standard prediction methodology. Under this analysis, the total size of the WPXV-TV loss area would be 4,859 persons over an area of 1,587 sq. km. (most of this area being over water). WPXV-TV also would have a gain area of 20,618 persons and 1,003.4 sq. km. Thus, under the Commission’s traditional counter prediction methodology, WPXV-TV will have a net gain area of 15,759 persons and 583.6 sq. km. WPXV-TV currently provides an over-the-air signal to 1,903,689 persons in its service area, so the predicted service gain using 50/90 curves represents approximately .83% of WPXV-TV’s service population.

While the Commission's 50/90 curves predict that nearly all of the loss area would remain well served by 5 or more over-the-air full-power television stations, this methodology indicates that a very small area (approximately 117 persons or .006% of WPXV-TV's total service population) would be served by 4 full service stations. Moreover, following construction of all permitted repack facilities in this market, the entire loss area would be well served by 5 or more services after WPXV-TV's move to the proposed site.

ION has reviewed the impact of this application on low power and Class A television stations in the Norfolk DMA. The application does not create harmful interference to any low-power television station that participated in the post-auction displacement window that occurred in 2018.

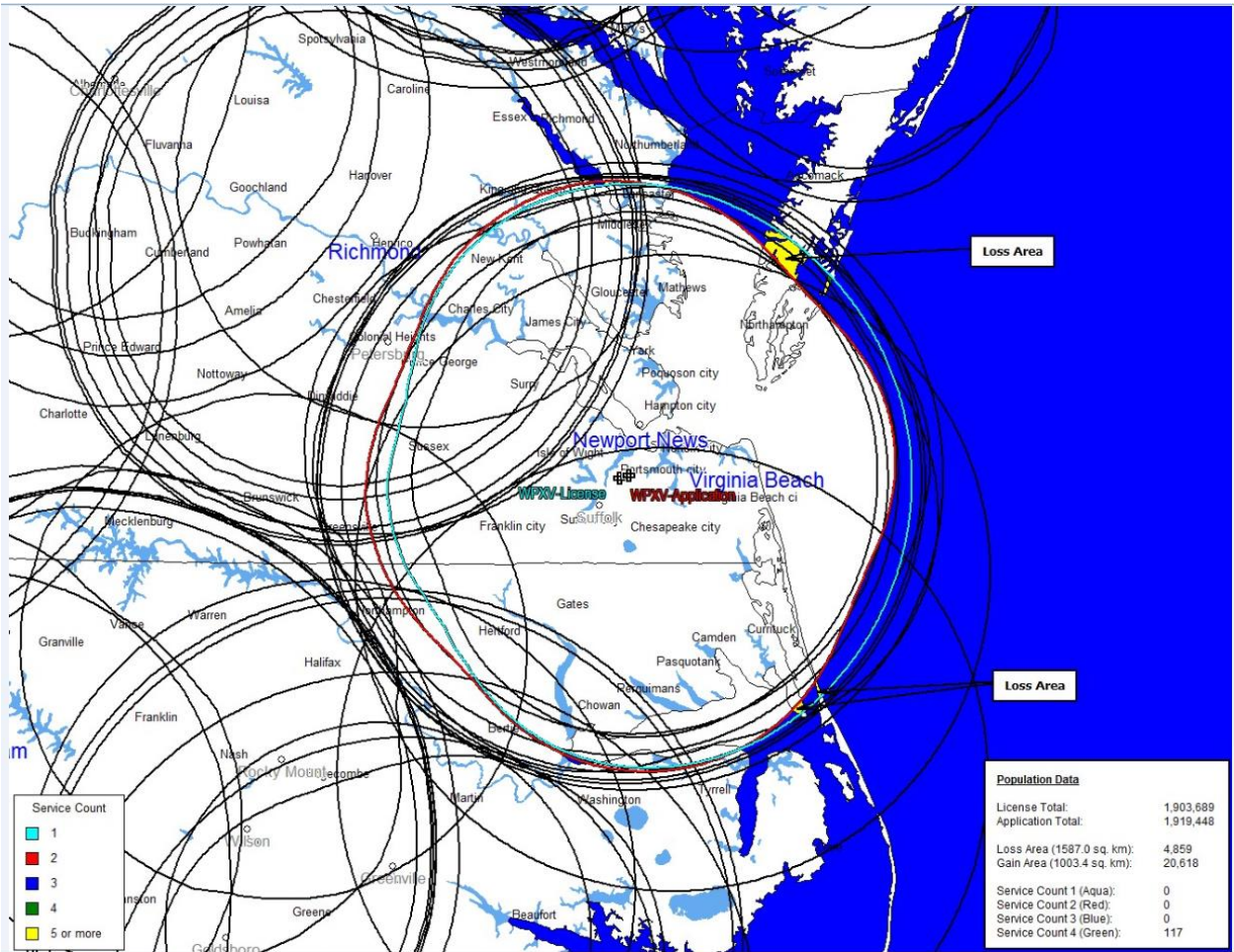
ION's proposed relocation of WPXV-TV is in the public interest and should be granted. ION's pre-repack tower site is unavailable for post-repack operations, and the current proposal is ION's best solution to implementing its reassignment to Channel 32. Given the loss of its current tower site, grant 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 January 17, 2020 Phase 7 transition deadline. Second, standing alone, WPXV-TV's service loss area, which represents approximately .25% of WPXV-TV's current service population, is well within the 5% service loss that the Commission permitted when it approved initial post-repack construction permit applications that did not expand service in any direction.<sup>1</sup> Third, the requested tower site change is necessary for WPXV-TV to continue serving the vast majority of its viewers in the Norfolk market. Fourth, as a practical matter, very few viewers are likely to lose access to the programming available on WPXV-TV. ION network programming also will remain available on area cable and satellite providers, which currently serve over 84% of the television households in the loss area.

For the foregoing reasons, WPXV-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 32 operations before the close of Phase 7 will be jeopardized.

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<sup>1</sup> 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).

Figure 1



### **Tabulation of other NLSC Services Considered**

<b><u>Call Sign</u></b>	<b><u>Channel</u></b>	<b><u>Community of License</u></b>	<b><u>State</u></b>
WAVY-TV	31	Portsmouth	VA
WBAL-TV	11	Baltimore	MD
WBFF-D	46	Baltimore	MD
WBOC-TV	21	Salisbury	MD
WCAV-D	19	Charlottesville	VA
WCPB-D	28	Salisbury	MD
WCTI-TV	12	New Bern	NC
WCVB-TV	42	Richmond	VA
WCVW-D	44	Richmond	VA
WDPB-D	44	Seaford	DE
WEPX-TV	26	Greenville	NC
WETA-TV	27	Washington	DC
WFDC-DT	15	Arlington	VA
WFPT-D	28	Frederick	MD
WGNT-D	50	Portsmouth	VA
WGPX-TV	14	Burlington	NC
WHRO-TV	16	Hampton-Norfolk	VA
WHSV-TV	20	Harrisonburg	VA
WHTJ-D	46	Charlottesville	VA
WHUT-TV	33	Washington	DC
WITN-TV	32	Washington	NC
WJLA-TV	7	Washington	DC
WJZ-TV	13	Baltimore	MD
WLFL-D	27	Raleigh	NC
WMAR-TV	38	Baltimore	MD
WMDE-D	5	Dover	DE
WMDT-D	47	Salisbury	MD
WMGM-TV	36	Wildwood	NJ
WMPB-D	29	Baltimore	MD
WMPT-D	42	Annapolis	MD
WNCN-D	17	Goldsboro	NC
WNCT-TV	10	Greenville	NC
WNUV-D	25	Baltimore	MD
WPXU-TV	34	Jacksonville	NC
WPXW-TV	34	Manassas	VA
WRAL-TV	48	Raleigh	NC
WRAZ-D	49	Raleigh	NC
WRC-TV	48	Washington	DC
WRDC-D	28	Durham	NC
WRIC-TV	22	Petersburg	VA
WRLH-TV	26	Richmond	VA
WRPX-TV	15	Rocky Mount	NC

WSET-TV	13	Lynchburg	VA
WSKY-TV	9	Manteo	NC
WTKR-D	40	Norfolk	VA
WTPC-TV	7	Virginia Beach	VA
WTTG-D	36	Washington	DC
WTVB-D	11	Durham	NC
WTVR-TV	25	Richmond	VA
WTVZ-TV	33	Norfolk	VA
WUNC-TV	25	Chapel Hill	NC
WUND-TV	20	Edenton	NC
WUNK-TV	23	Greenville	NC
WUNM-TV	19	Jacksonville	NC
WUNP-TV	36	Roanoke Rapids	NC
WUPV-D	47	Ashland	VA
WUSA-D	9	Washington	DC
WUVC-DT	38	Fayetteville	NC
WVBT-D	29	Virginia Beach	VA
WVEC-D	13	Hampton	VA
WVIR-TV	32	Charlottesville	VA
WWBT-D	12	Richmond	VA
WWCW-D	20	Lynchburg	VA
WYDO-D	47	Greenville	NC

**\*Licensed Authorization**