

## Request for Special Temporary Authorization

Pursuant to Section 73.1635 of the rules of the Federal Communications Commission (“FCC” or “Commission”), American Broadcasting Companies, Inc. (“ABC”), licensee of full-power commercial digital television station WABC-TV, New York, New York (“WABC”), is filing the instant application (“Application”) to request special temporary authorization to enable the Metropolitan Television Alliance, LLC (“MTVA”) to install a temporary test panel type antenna on the One World Trade Center complex in Lower Manhattan (“1WTC”) as described herein.<sup>1</sup> As set forth in more detail below, grant of the Application is in the public interest because it will provide the necessary data points to enable the NYC VHF Stations (as defined herein) to evaluate whether VHF signal reception might be improved by relocating to 1WTC.

As the Commission is aware, the full-power television facilities of multiple television stations, including WABC-TV, were destroyed as a result of the September 11, 2001 terrorist attacks on the World Trade Center.<sup>2</sup> Subsequent to the attacks, these stations began broadcasting using facilities located at the Empire State Building.<sup>3</sup> Additionally, following 9/11, the MTVA was established to identify, design and build transmission facilities that would restore these stations’ over-the-air service to viewers in New York and New Jersey.<sup>4</sup> As part of the effort to ensure ongoing over-the-air service, certain of the NYC Stations filed with the Commission applications for construction permits seeking interference protection for facilities at 1WTC.<sup>5</sup> These applications remain pending before the FCC. In the *Incentive Auction R&O*, the Commission stated that the stations will have the option of electing interference protection for either their existing facilities at the Empire State Building, or for the facilities at 1WTC, as specified in each station’s pending construction permit application.<sup>6</sup>

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<sup>1</sup> ION Media LPTV, Inc., licensee of WPXU-LD, Amityville, New York, intends to submit to the FCC an application for special temporary authority to enable the MTVA (on behalf of the UHF television stations operating at Empire State Building) to conduct testing similar to the tests described herein to evaluate whether UHF signal reception might be improved by relocating to 1WTC.

<sup>2</sup> In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order, 29 FCC Rcd 6567, ¶ 219 (2012) (“*Incentive Auction R&O*”)

<sup>3</sup> *Id.*

<sup>4</sup> The MTVA is comprised of television stations licensed to New York or New Jersey, and serving the New York City metropolitan area: WABC (channel 7); WCBS-TV (channel 33), WFUT-TV (channel 30), WNBC-TV (channel 28), WNET-TV (channel 13), WNJU-TV (channel 36), WNYW-TV (channel 44), WPIX-TV (channel 11), WPXN-TV (channel 31), WWOR-TV (channel 38) and WXTV-TV (channel 40) (collectively, the “NYC Stations”).

<sup>5</sup> See, e.g., FCC File No. BMPCDT-20080620AMV.

<sup>6</sup> *Incentive Auction R&O*, at ¶¶ 219-220.

As described in depth in the attached Engineering Statement, the instant Application seeks authority for the MTVA, on behalf of the three NYC Stations that broadcast digitally on VHF channels (namely, WABC, channel 7; WPIX(DT), channel 11 and WNET, channel 13 (collectively, the “NYC VHF Stations”)), to install a temporary test panel type antenna (“Test Facility”) at 1WTC in order to test the propagation and reception characteristics of VHF TV channels to be compared with the characteristics of the existing VHF transmission facilities located at the Empire State Building. The Test Facility will operate on channel 12 at an effective radiated power (“ERP”) of 5 kilowatts (“kW”) and 492 meters height above average terrain (“HAAT”). The tests will be conducted during the overnight hours for a duration of no more than four weeks. The MTVA, and the NYC VHF Stations, believe that operations at 5 kW ERP are sufficient to ensure the success of the planned signal strength measurement program, while simultaneously minimizing the potential for harmful interference to other protected facilities.<sup>7</sup> To this end, as explained in the attached Engineering Statement, except for WHYY-TV, Wilmington, Delaware, the proposed operation is not predicted to cause impermissible interference to any facility required to be protected under FCC rules. With respect to WHYY-TV, although the proposed operation is predicted to cause new interference on an intermittent basis beyond that permitted by FCC rules, WHYY-TV, has consented to accept such interference.<sup>8</sup> In addition, ION Media LPTV, Inc., the current licensee of WPXU-LD, a digital low-power television station operating on channel 12, has agreed to permit the NYC VHF Stations to use channel 12 for the Test Facility, for the purposes described herein.<sup>9</sup>

Grant of the instant Application is in the public interest because it will enable the MTVA to collect the data necessary for the NYC VHF Stations to ascertain whether relocating to 1WTC is likely to result in an improvement in over-the-air service to viewers in New York and New Jersey. Specifically, the Test Facility will be used to collect measurement data on VHF signals transmitted from 1WTC, and thus, will provide each of the NYC VHF Stations with the data points essential to their respective decisions as to whether reception will be materially improved if the NYC VHF Stations relocate to 1WTC. In short, the Test Facility will facilitate the NYC VHF Stations’ ability to determine the course of action to ensure that their viewers’ receive the best over-the-air digital service possible, given the existing technical environment, and thus is in the public interest. Accordingly, for the reasons set forth herein, ABC respectfully requests that the FCC grant the instant Application for STA.

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<sup>7</sup> See Engineering Statement.

<sup>8</sup> See Statement of WHYY, Inc., licensee of WHYY-TV.

<sup>9</sup> See Statement of ION LPTV, Inc., licensee of WPXU-LD.