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**WHYY INCORPORATED**

**PHILADELPHIA, PA**

**PERMITTEE OF WHYY-DT CHANNEL 50**

**WILMINGTON, DELAWARE**

**FCC Facility ID #72338**

**FCC FILE Nos. BPEDT-19991217ACA  
BPEXDT-20060127ASC**

**APPLICATION FOR A CONSTRUCTION PERMIT FOR POST DTV  
TRANSITION OPERATION ON CHANNEL 12**

**ENGINEERING EXHIBIT 35**

**January 29, 2008**

**WHYY INCORPORATED**

**PERMITTEE OF WHYY-DT CHANNEL 50**

**APPLICATION FOR A CP FOR POST TRANSITION DIGITAL OPERATION  
ON CHANNEL 12**

**FCC FILE Nos. BPEDT-19991217ACA  
BPEXDT-20060127ASC**

**ENGINEERING EXHIBIT 35**

**UTILIZATION OF EXISTING ANALOG ANTENNA STATEMENT**

This application for a Construction Permit for WHYY-DT to return to its analog channel, Channel 12 post transition.

WHYY, Incorporated has a pending Petition for Reconsideration in MM Docket 87-268<sup>1</sup> regarding a request to utilize its existing analog Channel 12 antenna along with a slight power increase to operate WHYY-DT, post transition by returning to its analog Channel 12 frequency. WHYY had originally requested full Grade B post transition replication on its original analog channel but the Appendix B facilities did not provide for full replication. As stated in the pending Petition, WHYY, Incorporated believes that there was no technical impediment in WHYY receiving replicated Grade B digital coverage post transition.

At a recent industry briefing by the FCC Media Bureau staff, attendees were told that an application for post transition facilities, timely filed during the upcoming 45 day filing window, would be given expedited processing, if requested, even though facilities were at variance from the Appendix B post transition facilities as listed in Appendix B of the 7<sup>th</sup> R&O and 8<sup>th</sup> FNPRM, if such request was based on circumstances such as the one facing WHYY-DT.

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<sup>1</sup> See WHYY Incorporated PETITION filed October 26, 2007 in the FCC MM 7<sup>th</sup> R&O and 8<sup>th</sup> FNPRM in MM Docket 87-268 proceeding.

## **REQUEST FOR A WAIVER OF FILING FREEZE TO UTILIZE ANALOG ANTENNA AND REQUEST EXPEDITED PROCESSING**

WHYY Incorporated hereby requests a waiver of the freeze on modifications to DTV facilities pursuant to the Public Notice<sup>2</sup> announcing the availability of the revised filing forms on line to request post transition DTV facilities on Channel 12, the current analog channel, and 9.9 kW and with the existing Dielectric directional analog antenna, FCC DIE ODD940707KE.

A study by this office showed that the use of the analog antenna at 9.9 kW ERP would:

- a) Present a significant loss of service with respect to the current analog coverage area and would:
- b) Not increase the coverage at any azimuth by more than five miles.

Figure 1 shows a plot of the WHYY-DT service contours with the allotted coverage F(50,90) 36 dBu in RED and the existing WHYY-TV F(50,50) 56 dBu in GREEN. The allotted facilities represent a 3 to 5 kilometer reduction to the service contours for the returning DTV station to the analog channel from that currently served by the licensed analog WHYY-TV.

Figure 2 shows a plot of the allotted WHYY-DT12 facilities (RED) and those proposed by utilizing the existing analog antenna (GREEN). Comparing the two plots, the proposed contours, with 9.9 kW ERP MAX-DA to not extend the DTV coverage beyond the WHYY-TV existing NTSC coverage at any azimuth but still do not completely replicate the current analog service.

Based on the included data, WHYY Incorporated believes that it qualifies for a waiver of the DTV filing freeze and for expedited processing as outlined in the Public Notice.

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<sup>2</sup> See "Third Periodic report and Order Published in the Federal Register Today, FCC Public Notice DA 08-172, January 30, 2008.

## **WHYY INCORPORATED HAS A VERY SHORT TIME TO COMPLETE POST TRANSITION CONSTRUCTION**

As outlined in the WHYY-TV Form 387 filing, the anticipated very short construction timeline for completion of the post transition Channel 12 facilities for WHYY-DT is based on the assumption of utilizing the present analog transmitting antenna. Because WHYY, Incorporated, a non-commercial Licensee, has limitations due to a Federal Grant restriction, the timely completion of this project depends on an expedited process to the issuance of a valid Construction Permit by the Commission. Any delay in this process could jeopardize timely post transition DTV project completion.



