



Federal Communications Commission
Washington, D.C. 20554

August 17, 2009

Teresa Artis, Esq.
Capitol Broadcasting Company, Inc.
2619 Western Boulevard
P.O. Box 12800
Raleigh, North Carolina 27605

Long Communications, LLC
c/o Joseph C. Chautin, III, Esq.
Hardy, Carey, Chautin & Balkin, LLP
1080 West Causeway Approach
Mandeville, Louisiana 70471

Re: WHKY-DT, Hickory, North Carolina
File No. BMPCDT-20090310ADE
Facility ID No. 65919

Dear Counsel:

This is with respect to the above-referenced application filed by Long Communications, LLC (“Long”) for new digital television Distributed Transmission System (“DTS”) facilities for station WHKY-DT, channel 40, Hickory, North Carolina. That application was granted on July 20, 2009. After the staff granted the application, it discovered that Capitol Broadcasting Company, Inc. (“Capitol”), the licensee of WMYT-DT, channel 39, Rock Hill, South Carolina, had filed an informal objection to the application. We have reviewed the March 24, 2009 informal objection, as supplemented on April 20, 2009, and conclude that Capitol presents no good reason why we should rescind our grant of Long’s application.

In its informal objection and supplement, Capitol states that it is concerned about possible interference from the proposed DTS facilities since WHKY-DT and WMYT-DT operate on adjacent channels and are not co-located at the same site. Capitol asserts, however, that since “the Commission has not yet released to the public any software which would permit an independent analysis of WHKY’s proposed DTS operations,” it is unable to independently confirm Long’s engineering submission with Commission-approved software. Thus, it asks that the Commission hold the application in abeyance until such time as the Commission has publicly released relevant software and Capitol has had a reasonable opportunity to review the application using such software.

The fact that the Commission has not yet publicly released the software it uses to process DTS applications does not form a basis for holding DTS applications in abeyance. As Long points out in its May 1, 2009 response, DTS software is now publicly available for purchase and its proposed DTS facilities were supported with an interference analysis prepared using this software. We also note that the staff’s own engineering analysis – using the same publicly available software used by Long’s consulting engineer -- confirmed that the facilities proposed in Long’s application fully comply with the Commission’s DTS guidelines.

Capitol also asks that the Commission include a special condition on the DTS construction permit requiring Long to cease operation of WHKY-DT if interference occurs to WMYT-DT as a result of the authorized DTS operations. Long's proposal, however, fully complies with the Commission's technical and interference rules so such a condition is unnecessary.

In view of the foregoing, the informal objection filed by Capitol Broadcasting Company, Inc. IS HEREBY DENIED.

Sincerely,

Clay C. Pendarvis
Associate Chief, Video Division
Media Bureau

cc: David A. O'Connor, Esq.