

WBAL-TV, Baltimore, MD
Amendment to BPCDT-20100429AAF
Supplement to Request for Waivers of Section 73.616(e)

Supplement to Request for Waivers of Section 73.616(e)
(Waivers of the 0.5 Percent New Interference Limit)

Accompanying Hearst's original submission in File No. BPCDT-20100429AAF was an exhibit titled Request for Waivers of Section 73.616(e) (the "Original Waiver Request"). The Original Waiver Request remains attached to the instant amendment, and, in light of the updated Engineering Exhibit attached to the instant amendment, the Applicant hereby supplements the Original Waiver Request as follows:

- (1) Hearst is unaware of, and has received no indication of, any actual interference caused by WBAL-TV to WVPT(TV), Staunton, VA, or WBRE-TV, Wilkes-Barre, PA, i.e., the two stations that have not expressly consented to predicted interference as discussed in the Original Waiver Request.
- (2) WBAL-TV has now been operating for more than 19 months, pursuant to STA, at the parameters requested in the instant application.
- (3) The updated Engineering Exhibit demonstrates that, with respect to WBRE-TV, the interference predicted to be caused by WBAL-TV's operation would not render any population in the interference areas underserved or unserved, because at least five services would be available in all populated predicted interference areas. See Engineering Exhibit at p. 4. Moreover, the population in virtually all of the predicted interference areas is predicted to have over-the-air service from other NBC affiliates, so even if there is interference to WBRE-TV's signal (and the lack of complaints certainly suggests that there is no actual interference), viewers will have access to the same network programming as is offered by WBRE-TV.
- (4) The updated Engineering Exhibit demonstrates that, with respect to WVPT, the interference predicted to be caused by WBAL-TV's operation would not render any population in the interference areas unserved, because at least five services would be available in nearly all predicted interference areas. See Engineering Exhibit at pp. 5-6. In the few cells where there would be fewer than five services, the population is miniscule. See Engineering Exhibit at p. 6 (stating an aggregate population of *two persons* in areas with fewer than 5 services). Moreover, the population in virtually all of the predicted interference areas is predicted to have over-the-air service from other PBS affiliates, so even if there is interference to WVPT's signal (and the lack of complaints certainly suggests that there is no actual interference), viewers will have access to the same network programming as is offered by WVPT.

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For all the reasons set forth in the Original Waiver Request, as supplemented herein and by the data and information provided in the updated Engineering Exhibit, Hearst respectfully

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submits that the instant request satisfies the Commission's waiver standard. WBAL-TV's high-band VHF digital reception issues, the success of WBAL-TV's experimental operation, the lack of complaints from potentially affected stations, the fact that any loss of service in any predicted interference area is negligible at best, and the equities of WBAL-TV's situation are special circumstances that warrant deviation from Section 73.616(e), and such deviation will serve the public interest by improved television service to the public.

For all the foregoing reasons, Hearst respectfully requests that the Commission waive Section 73.616(e) with respect to WHTM-TV, WWPX-TV, WVPT(TV), and WBRE-TV, and grant the instant application.

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