

June 13, 2013

FILED/ACCEPTED

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

JUN 13 2013

Federal Communications Commission
Office of the Secretary

Re: WTSD-CA, Philadelphia, Pennsylvania (Facility ID No. 53579)
FCC File No. BDCCDL-20130424AAV
Statement in Support of Application

Dear Ms. Dortch:

On behalf of the New York City Department of Information Technology & Telecommunications ("NYC DoITT"), we hereby request that the Commission (1) permit NYC DoITT to withdraw the Statement in Support of Application previously filed with the Commission on May 21, 2013 and construed as a petition to deny the application captioned above ("May 21 Statement in Support"), and (2) re-file the May 21 Statement in Support as a comment to be associated with the application captioned above.

Please contact the undersigned if you have any questions regarding this submission.

Respectfully submitted,



Stephen J. Rosen
Counsel to New York City Department of
Information Technology & Telecommunications

cc: Hossein Hashemzadeh, Deputy Video Division Chief
Joan Stewart, Counsel to Applicant



**Information
Technology &
Telecommunications**

**Rahul Merchant
Citywide Chief Information and Innovation Officer
Commissioner
255 Greenwich Street
9th Floor
New York, NY 10007
212-788-6600**

May 10, 2013

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: WTSD-CA, Philadelphia, Pennsylvania (Facility ID No. 53579)
FCC File No. BDCCDTL-20130424AAV
Statement in Support of Application

Dear Ms. Dortch:

On behalf of New York City Department of Information Technology & Telecommunications ("NYC DoITT"), I am writing to support Local Media TV Philadelphia, LLC's ("Local Media") application for a digital LPTV companion channel, seeking authorization to operate on Channel 23 in place of Channel 16, and request that the Media Bureau grant this application.

Preliminarily, in 2004 the Commission "reallocate[d] on a permanent basis television channel 16 (482-488 MHz) to the land mobile service for public communications." Amendment of Parts 2, 73, 74 and 90 of the Commission's Rules to Permit New York City Metropolitan Area Public Safety Agencies to Use Frequencies at 482-488 MHz (ET Docket No. 03-158, MB Docket No. 03-159) 19 FCC Rcd 6719 (2004). In reallocating this spectrum to the City's public safety needs, the FCC noted that

The terrorist acts of September 11, 2001, and the ongoing terrorist threats to national security have made clear the need for public safety personnel to have the most reliable access possible to sufficient telecommunications capacity during an emergency. A reliable telecommunications system that will not be overwhelmed in a crisis is fundamental to the ability of first responders and medical personnel to do their jobs in an emergency. Id., ¶ 1.

In addition, § 74.703(e) of the Commission's Rules states that, "Low power TV and TV translator stations are being authorized on a secondary basis to existing land mobile use and must correct whatever interference they cause to land mobile stations or cease operation."

Against this regulatory background, WTSD began operations on Channel 16 (FCC File No. BLDTA-20120627AAX) in late June 2012. The City's first responders, including the New York City Police Department ("NYPD"), Fire Department ("FDNY") and other emergency service agencies immediately began to experience substantial and thus unacceptable interference with the operation of its public safety network operated by the New York City Department of Information Technology and Telecommunications ("DoITT"), FDNY, and NYPD. The City contacted Local Media and asked that it cease operations, which it did. As a result of this experience, we concluded that any operation of Local Media or any other external broadcaster on Channel 16 would be a risk to New York City's public safety networks and would therefore endanger the safety of the citizens of the New York metropolitan area. Accordingly, we discussed over the next several months with Local Media alternate technical parameters and testing criteria for Channel 16. In preparation for these negotiations, the City concluded that the following measures would be necessary in order to ensure that WTSD operates in a non-interfering fashion, consistent with the Commission's rules and the health and safety of NYC residents:

- Continuous (24x7xX) noise floor/spectrum testing at all NYC Channel 16 transmit and receive sites to establish a baseline prior to official interference testing.
- Upon completion of a mutually agreed upon final baseline, continuous (24x7x365) interference testing at several hundred sites because of the number and variety and height dynamics of NYC's transmit/receive locations.
- Tests in different weather conditions and at different times of the day to ensure the reliability of any findings of non-interference.
- Local Media payment of NYC's costs including but not limited to engineering, staff augmentation, and legal fees for conducting and analyzing these interference tests.
- Local Media agreement to a power limit in advance of any testing. While this power limit would be decreased if interference occurred, it would not be increased without re-initiating the testing process and finding non-interference.
- Local Media installation of a monitoring and alerting system inclusive of an automatic kill switch on its broadcasting facilities that would be triggered when any one of a number of NYC sites detects interference with Channel 16.
- Local Media indemnification of NYC for any liability, including legal defense fees, incurred by NYC as a result of WTSD's interference with Channel 16.

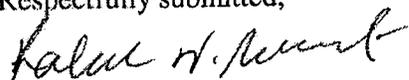
These discussions were curtailed by Super Storm Sandy and its aftermath. Because of the effects of that storm, the City cannot at this time—and likely will not in the immediate future—have the time, personnel, and resources necessary to test and monitor these adjacent channel operations.

The solution suggested by Local Media—moving WTSD's operations to an alternate channel—is simple and resolves the concerns of the City. If WTSD's application for a digital LPTV companion channel is not granted, we will be forced to redirect scarce technical, administrative, and legal resources to coordinate with Local Media, and are convinced that neither party will be

satisfied with the outcome. We therefore encourage the Media Bureau to approve and implement this solution.

Local Media has identified Channel 23 on which it may operate and has pending an application for a digital LPTV companion channel to relocate to this channel (FCC File No. BDCCDTL-20130424AAV). This application was placed on Public Notice on April 30, 2013. We respectfully request that the Media Bureau grant Local Media's application so that it may resume operations on a channel other than Channel 16.

Respectfully submitted,



Rahul N. Merchant
Chief Information and Innovation Officer

cc: William Lake, Chief, Media Bureau
Barbara Kreisman, Video Division Chief
Hossein Hashemzadeh, Deputy Video Division Chief
Caswell F. Holloway, Deputy Mayor for Operations, New York City Office of the Mayor
Raymond W. Kelly, Police Commissioner, New York City Police Department
Salvatore J. Cassano, New York City Fire Department

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0423 (November 2005)	FOR FCC USE ONLY
Informal Objection / Petition to Deny / Petition for Reconsideration / Application for Review / Opposition / Reply / Supplement		FOR COMMISSION USE ONLY FILE NO.
Read Instructions/FAQ before filling out form		

Section I - General Information

1.	Party Filing Pleading or Appeal LEVINE, BLASZAK, BLOCK & BOOTHBY, LLP	
	Mailing Address 2001 L STREET NW SUITE 900	
	City WASHINGTON	State or Country (if foreign address) DC
		Zip Code 20036 -
	Telephone Number (include area code) 2028572550	E-Mail Address (if available)
2.	Contact Representative STEPHEN ROSEN	Firm or Company Name LEVINE, BLASZAK, BLOCK & BOOTHBY, LLP
	Mailing Address 2001 L STREET NW SUITE 900	
	City WASHINGTON	State or Country (if foreign address) DC
		ZIP Code 20036 -
	Telephone Number (include area code) 2028572550	E-Mail Address (if available) SROSEN@LB3LAW.COM
3.	Purpose: <input type="radio"/> Informal Objection <input checked="" type="radio"/> Petition to Deny <input type="radio"/> Petition for Reconsideration <input type="radio"/> Application for Review <input type="radio"/> Opposition <input type="radio"/> Reply <input type="radio"/> Supplement	
4.	[Enter File Number] File Number: BDCCDTL - 20130424AAV	Pleading Filed Date : Pleading Filer Name:
5.	Attach pleadings	[Exhibit 1]

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing STEPHEN J. ROSEN	Typed or Printed Title of Person Signing STEPHEN J. ROSEN
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Signature

Date

5/21/2013

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 1

Description: STATEMENT IN SUPPORT OF APPLICATION

Attachment 1

Description
NYC DoITT Statement in Support of Application

Federal Communications Commission

FCC MB - CDBS Electronic Filing
Account number: 201552

Description: STATEMENT IN SUPPORT OF APPLICATION

Successfully filed at May 21 2013 3:12PM

Based on the information supplied, no fee is required.

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