

Freeze Waiver Request

Tribune Denver Radio, Inc. (“Tribune Denver”), licensee of WTTK-DT, Kokomo, Indiana, hereby requests a waiver of the freeze imposed by the Media Bureau on DTV maximization applications for stations operating on channels 52-59. *See* Public Notice, “Freeze on the Filing of TV and DTV “Maximization” Applications in Channels 52-59,” DA 02-1440, released June 18, 2002. In announcing the freeze, the Media Bureau indicated that it would consider requests for a waiver of freeze order on a case-by-case basis, *inter alia*, where “a proposed application would permit co-location of transmitter sites in a market consistent with the Commission’s policy of encouraging co-location to reduce the cost of construction, particularly of DTV facilities, or to achieve a more efficient spectrum use.” *Id.* The instant application presents such a proposal.

As demonstrated more fully below, Tribune Denver’s underlying application would co-locate WTTK’s DTV facility at the transmitter site of a commonly-owned station where most of the DTV stations in Indianapolis market are operating or will operate from. The proposed DTV facility will significantly enhance the likelihood of over-the-air DTV reception in the market and reduce the cost of building out WTTK’s DTV station.

WTTK-TV-DT operates as a satellite station of WTTV-TV-DT, Bloomington, Indiana. WTTV and WTTK collectively serve as the WB Network affiliate in the Indianapolis market. WTTK-DT’s channel assignment is 54. Tribune Denver became the licensee of WTTV and WTTK on July 24, 2002, approximately 1 month **after** the Commission imposed the 52-59

freeze.¹ On June 5, 2002, the Media Bureau admonished the former licensee of WTTV and WTTK for failing to construct the DTV facilities for these two stations by May 1, 2002.²

In the instant application, Tribune Denver proposes to build a maximized WTTK-DT facility (1000 kW ERP MAX-DA, 285 meters HAAT) on a tower located 54 kilometers south-southwest of its current analog site. The proposed tower is owned by WXIN-TV-DT, which like WTTV and WTTK is ultimately owned by Tribune Company. The WXIN Tower is located in Indianapolis and is within 5 kilometers of the transmission sites for the following DTV stations in the Indianapolis market: WXIN-DT, WTBU-DT, WISH-DT, WRTV-DT, WFYI-DT, WHMB-DT and WTHR-DT.

This proposed WTTK DTV facility from the WXIN tower will significantly enhance the likelihood of over-the-air DTV reception throughout the Indianapolis market. First, by locating WTTK-DT's operation on the WXIN tower, WTTK-DT would be collocated with most of the DTV stations in the Indianapolis market. This collocation would enhance the likelihood of over-the-air reception because the WTTK-DT signal would emanate from the same direction that any over-the-air antennas in the market are already oriented. Second, the broadcast of a maximized DTV signal from the WXIN tower enhanced the chances of indoor reception in

¹ See Letter from Barbara Kreisman, Chief, Video Division to SCI-Indiana Licensee, LLC and Tribune Denver Radio, Inc. dated July 12, 2002 (approving proposed assignment of license); Letter from R. Clark Wadlow to Marlene H. Dortch dated July 25, 2002 (consummation notice).

² See Letter from Kenneth Ferree, Chief, Media Bureau to SCI Indiana Licensee, LLC, c/o Kathryn Schmeltzer, regarding WTTV-DT dated June 5, 2002; Letter from Kenneth Ferree, Chief, Media Bureau to SCI Indiana Licensee, LLC, c/o Kathryn Schmeltzer, regarding WTTK-DT dated June 5, 2002 ("WTTK Admonishment Letter").

the core Indianapolis market, where fewer outdoor antennas are in use, by providing ample signal strength to penetrate most homes. Given the lack of mandatory DTV cable carriage during the DTV transition, it is even more important to maximize the likelihood of over-the-air reception especially for a WB affiliate given the WB Network's decision to broadcast several hours of 1080i HDTV programming in the current television season.

The instant application will also permit Tribune Denver to reduce the cost of the WTTK-DT build-out by locating the facility at the WXIN Tower. WTTK's former licensee informed the Commission that the WTTK tower could not support a DTV antenna system.³ The instant application addresses this problem by proposing to utilize the WXIN Tower for a maximized WTTK-DT facility. Although the WXIN Tower will require strengthening to accommodate the proposed WTTK-DT maximized facility, the WXIN Tower is structurally larger than the WTTK tower and will require will require less reinforcement than would be necessary at the WTTK tower. The proposed WTTK-DT facility will combine the WXIN and WTTK DTV facilities in one antenna and one transmission line on the tower. The WXIN site also has the necessary electrical service and space in the transmitter building to accommodate the proposed WTTK-DT facility. Finally, the WXIN Tower is significantly closer to the WXIN/WTTV/WTTK studio in Indianapolis, thus requiring fewer microwave facilities to relay the WTTV/WTTK DTV signal to the transmitter.

³ See WTTK Admonishment Letter at 1-2.

For all these reasons, Tribune Denver submits that good cause has been shown and that the requested freeze waiver is in the public interest and should be granted. The proposed WTTK-DT facility will significantly enhance the likelihood of over-the-air DTV reception in the Indianapolis market and reduce the overall cost of the WTTK DTV build-out. In particular, the proposed collocation of WTTK-DT with most of the other DTV stations in the Indianapolis market can only enhance the pace of the DTV transition by providing viewers the most reliable access to an over-the-air DTV signal broadcasting HDTV programming, a result that is clearly in the public interest.