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ENGINEERING STATEMENT IN SUPPORT
OF REQUEST FOR WAIVER OF FILING FREEZE

Ace TV, Inc.
Appleton, WI

On August 3, 2004, the FCC released a Public Notice entitled *Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes* (DA 04-2446), which imposed a freeze on the filing of certain applications and petitions for analog and DTV TV broadcast stations and Class A TV stations. Among the applications encompassed by this filing freeze were construction permit applications by DTV stations which would extend the station's DTV service to any area beyond the combined area presently authorized by the station's DTV allotment facilities, previously granted licenses or construction permits, and facilities proposed in a modification application filed prior to the release of this public notice. In this particular case, the limiting contour is the predicted 41 dBu contour for the WACY-DT Channel 27 DTV allotment facilities, which totally encompasses the predicted 41 dBu contour of the facilities authorized by the Channel 27 construction permit for WACY-DT.

As shown below, the predicted 41 dBu contour for the facilities proposed in the attached application would encompass one small area of land which is outside the predicted 41 dBu contour for the WACY-DT Channel 27 DTV allotment facilities. Accordingly, this engineering statement supports a request for a waiver of this filing freeze.

The facilities proposed for WACY-DT in the attached application seek to utilize a side mounted directional antenna presently used by co-located station WGBA-DT - Green Bay, Wisconsin. The present WACY-DT construction permit (BMPCDT-20050428AAZ) authorizes operation from the same site and antenna height as WGBA-

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DT, but with a different directional radiation pattern than that which would be generated on Channel 27 by this existing antenna. It is not possible to achieve the directional pattern presently authorized by the WACY-DT construction permit while sharing a common antenna with WGBA-DT without significantly altering the WGBA-DT operating facilities. As a result, the installation of a second antenna and its associated transmission line would be required to implement the facilities authorized by the WACY-DT construction permit without adversely impacting the operation of WGBA-DT. The costs associated with the structural modifications (or tower replacement) which would be required to permit this tower to support such an additional antenna and its associated transmission line would be substantially in excess of those which could be justified only to permit the use of this additional antenna for the short period of time until the end of the DTV transition, when both WACY and WGBA will cease utilizing their analog antenna systems, which will permit them to be removed from this tower. Therefore, WACY-DT proposes to combine its DTV facilities into the existing antenna which is already installed on this tower for WGBA-DT. The attached application proposes to accomplish this by modifying the WACY-DT facilities to specify combined operation with WGBA-DT utilizing a common antenna. This cost effective alternative will allow WACY-DT to quickly and effectively implement DTV operations and comply with the digital replication requirements.

Figure 1.0 is a map exhibit depicting the predicted 41 dBu contour for the proposed WACY-DT facilities in relation to the predicted 41 dBu contour for the WACY-DT Channel 27 DTV allotment facilities. As shown in this figure, the predicted 41 dBu contour for these proposed facilities will encompass a small area of land which is outside the predicted 41 dBu contour for the WACY-DT allotment facilities. This area is located on

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the Door Peninsula near Sturgeon Bay, Wisconsin. Table 1.0 presents a tabulation of the land area and population encompassed by these contours, as well as the associated gain and loss areas. As shown by this data, the proposed WACY-DT facilities would be predicted to provide 41 dBu service to a land area of only 82.4 square kilometers (0.65% of the 41 dBu land area for the allotment facilities) containing a population of 2,295 (0.26% of the 41 dBu population for the allotment facilities) which is located outside the predicted 41 dBu contour for the WACY-DT allotment facilities. This table also shows that the proposed WACY-DT facilities would result in a net loss of service to 433.5 square kilometers of land area and a population of 26,245 persons from that predicted to receive 41 dBu service from the allotment facilities. Based on this information, it is obvious that the area which will receive new 41 dBu service from WACY-DT as a result of these modifications is minimal (if not de minimis) and that these proposed modifications would not result in a net gain in either the area or population receiving 41 dBu service from WACY-DT. Thus a waiver of the current DTV freeze to permit this slight contour extension is respectfully requested.

While it is theoretically possible to engineer this modification to avoid this slight contour extension, in order to do so it would be necessary to reduce the WACY-DT maximum effective radiated power from its present value of 50 kilowatts to 9.53 kilowatts. Figure 1.1 is a map exhibit depicting the predicted 41 dBu contour for this proposed antenna system with the maximum effective radiated power reduced to 9.53 kilowatts in relation to the predicted 41 dBu contour for the WACY-DT allotment facilities. As shown in this figure, the predicted 41 dBu contour for these assumed facilities would not encompass any land area beyond that for the allotment facilities and, as a result,

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could be authorized without the requested waiver. However, the reduction in power required to prevent the slight contour extension would drastically reduce the station's digital coverage and prevent WACY-DT from meeting its replication requirement. Table 1.1 presents a tabulation of the land area and population encompassed by these contours, as well as the associated gain and loss areas. This data shows that reducing the WACY-DT maximum effective radiated power to this extent would result in a loss of 41 dBu service to a land area of 3020.3 square kilometers (23.8% of the allotment facilities land area) containing a population of 152,130 (17.0% of the allotment facilities population).

As shown above, the grant of the requested waiver would result in only a minimal extension of the WACY-DT 41 dBu contour beyond the allotment contour and would result in no net gain in the area and population contained within this contour. Alternatively, denial of the waiver request would require WACY-DT to significantly reduce its maximum effective radiated power and would result in a significant loss in the area and population predicted to receive 41 dBu service from WACY-DT. Based on this information, it is obvious that the grant of the requested waiver would serve the public interest.

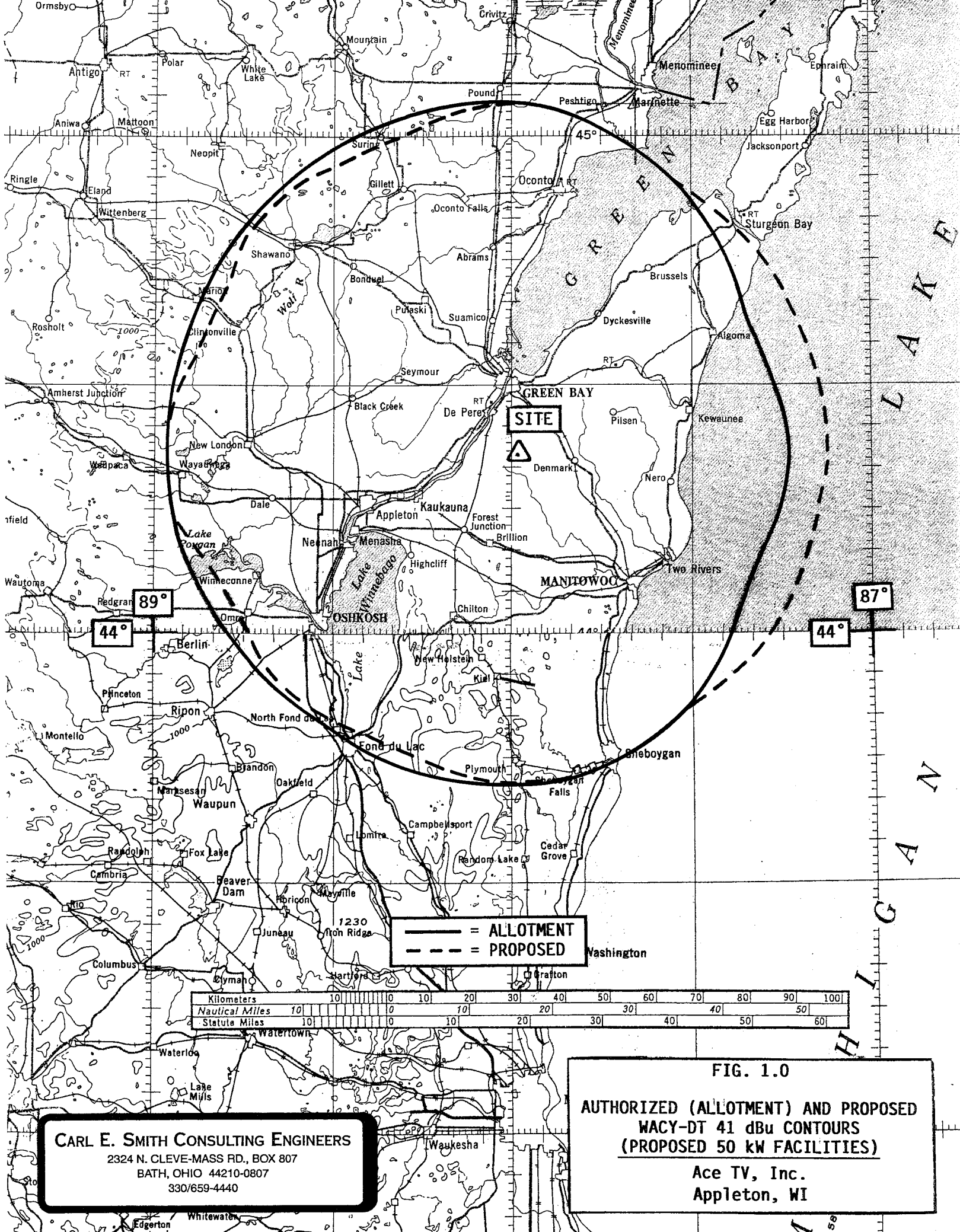


TABLE 1.0

AUTHORIZED (ALLOTMENT) AND PROPOSED
WACY-DT 41 DBU AREA AND POPULATION DATA
(PROPOSED 50 KW FACILITIES)

Ace Tv, Inc
Appleton, WI

	<u>Land Area</u> <u>(Square Kilometers)</u>	<u>Population</u> <u>(2000 Census)</u>
Present	12,703.8	896,768
Gain	82.4	2,295
Loss	515.9	28,540
Proposed	12,270.3	870,423
Net Loss	433.5	23,245

TABLE 1.1

AUTHORIZED (ALLOTMENT) AND PROPOSED
WACY-DT 41 DBU AREA AND POPULATION DATA
(PROPOSED 9.53 KW FACILITIES)

Ace Tv, Inc.
Appleton, WI

	<u>Land Area</u> <u>(Square Kilometers)</u>	<u>Population</u> <u>(2000 Census)</u>
Present	12,703.8	896,768
Gain	0.0	0
Loss	3020.3	152,130
Proposed	9,683.5	744,638
Net Loss	3,020.3	152,130