

Form FCC 340 Exhibits for WNYE-DT
(Facility ID: 6048 / FRN: 0008351835)

Exhibit No. 1 (Sections and Question Numbers Being Revised)

Reason for Amendment

This Minor Modification of Construction Permit filed by WNYE-DT pertains to a change in siting for WNYE-DT's planned full-power DTV transmitter from the currently permitted Empire State Building ("ESB") site in New York City ("City") to a new site at the Four Times Square building "(Times Square)" in the City.

After the 9/11 tragedy in New York City, several commercial broadcasters that had been located at the World Trade Center and elsewhere reached agreement with ESB management to build a new master antenna at the ESB, which was placed in WNYE's planned DTV aperture on the tower. Due to a scarcity of suitable broadcast transmission locations in the City after 9/11, the effect of this agreement between ESB and commercial broadcasters was to escalate dramatically WNYE's siting costs on the ESB master antenna to the point where they became cost-prohibitive for WNYE.

Although WNYE promptly entered into lease negotiation with ESB management, there was no longer space for both WNYE's analog and digital antennas at ESB. If WNYE wanted to site its digital television antenna transmission facilities at ESB, it would have had to remove its analog antenna and transmit its analog television signal from elsewhere. For many reasons, including increased costs and the risk of potential temporary loss of analog signal reach, ESB no longer was a suitable site for WNYE's digital antenna and transmission facilities. Confronted with these difficulties, WNYE pursued the alternative of relocating its permanent DTV transmitter site to Four Times Square. This Minor Modification application reflects the technical changes necessary to accommodate the move from the ESB to Four Times Square.

As described in the engineering consultant's report attached as Exhibit No. 3, WNYE-DT operation from Four Times Square would not extend the currently permitted F(50,90) 39.7 dBu DTV Threshold contour and such operation would not cause incremental interference to other stations in excess of the 2% *de minimis* limit.

Form 340 Section and Question Numbers Affected

The Section and Question Numbers of FCC Form 340 affected by this amendment are *Section VII (DTV Engineering)*, Question Numbers 1 through 5, and *Section VII (DTV Engineering, Technical Specifications)*, Question Numbers 1 through 13.

CP History

WNYE's DT CP was originally granted on February 4, 2004 (File No. 19991110AAQ), and subsequently extended (*see* File Nos. BEPEDT-20030227ABV and BEPEDT-20031003ABK). On July 7, 2006, contemporaneously with the filing of WNYE's request filed in Docket No. 03-15 for a six-month waiver of the DTV replication/maximization interference deadline, WNYE also filed a Form 337 (File No. BEPEDT-20060707AFI, accepted for filing on July 10, 2006) requesting an extension of its CP through the six-month period covered by the July Waiver Request ("July Extension Request").

On December 18, 2006, WNYE filed in Docket 03-15 a supplement to and request for further extension of its July Waiver Request of the replication/maximization interference protection deadline through September 30, 2007, to complete its DTV buildout, and once again out of an abundance of caution, WYNE also filed on that day a Form 337 requesting an additional extension of its CP through September 30, 2007 (File No. BEPEDT-20061218ACU) ("December Extension Request").

Both the July Extension Request and the December Extension Request are currently pending before the Commission.