

Engineering Statement and Interference Analysis

This technical statement supports this application to modify BLDTL-20130325APV for W19EH-D, Channel 19, Stamford, CT, Facility ID 74502, licensed to the Applicant of this application Local Media TV New York, LLC¹.

In this Application, the Applicant proposes to move W19EH-D to channel 20 and change the city of license to Teaneck, NJ. The proposed facility on channel 20 was studied using the Techware's tv_process_2010 software on a Sun Blade 1500 using the post transition data and the 2000 US Census.

As illustrated in Attachment A, the proposed facility of W19EH-D on channel 20 protects the use of channel 20 as a land mobile channel in and around Philadelphia, PA. The F(50,10) 52 dBu contour of the proposed facility of W19EH-D on channel 20 is within 145 km of the corresponding coordinates from channel 20 in Waterbury, CT, as listed in Section 74.709(b)(1), and is therefore within the channel 20 land mobile protection exclusionary area. The proposed facility of W19EH-D on channel 20 is immediately grantable.

Digital Displacement

On March 25, 2013, W19EH-D went on the air pursuant to construction permit BMPDTL-20121114AFP and filed license application BLDTL-20130325APV which received a grant on April 3, 2013. On March 26, 2013, W19EH-D went off the air and filed BLSTA-20130416AAZ to remain silent because of interference with land mobile users on channel 19 in Nassau County, New York.

The Applicant believes that the licensed facility of W19EH-D is in fact primary to land mobile use on channel 19 in Nassau County. Pursuant to Paragraph 24, 25 and 33(v) of the Order In the Matter of BALDWIN FIRE DISTRICT, NEW YORK, Request For Waiver Pursuant to Section 337(c) of the Communications Act of 1934, as Amended, and Section 1.925 of the Commission's Rules, to Operate a Public Safety Communications System Using Television Channel 19 and Part 22 Trunked Mobile Frequencies, File No. 0003023736, adopted and released September 14, 2009 by the Chief, Policy Division, Public Safety and Homeland Security Bureau²:

24. In the 2001 Goosetown decision, the Commission stated that it would be "more inclined to consider favorably requests for waiver of Section 90.305(a) when the applicant proposes to contain its area of operation within 80 miles of the geographic center of the urban area in question." Such operation, the Commission stated, "would not adversely

¹ W19EH-D is a Class A eligible station pursuant to Certificates of Eligibility for Class A Television Station Status, DA 00-1224, released June 2, 2000. We anticipate the grant of this application will allow this station to finally apply for its Class A status.

² The Baldwin Fire District channel 19 facilities, along with all other similarly granted land mobile users on channel 19 in Nassau County, New York, including the Nassau County Police Department, are more than 80 miles from the Channel 19 reference point at Philadelphia, PA.

impact television stations because televisions stations are already required to protect land mobile stations operating within that area.” The Commission continued, “[a]ny applicant seeking a waiver to operate outside the 80-mile area must demonstrate that it would provide full protection to any existing full-power or low-power TV station, including allotments and pending applications for such statements, at the time the waiver is filed.” *The Commission determined for such applicants, “operation would be secondary to current and future low power TV stations.”* [emphasis added].

25. Because Baldwin’s proposed base stations are located more than 80 miles from the Philadelphia coordinates, Baldwin is subject to more stringent interference protection showings under Goosetown. As discussed above, Baldwin has obtained concurrences from both affected TV stations, subject to certain conditions. *We find that a waiver subject to these conditions is warranted with the additional condition that Baldwin’s operation be secondary to current and future full power and low power TV stations, consistent with Goosetown.* [emphasis added]. In light of these concurrences and conditions, we find that current and future TV and DTV reception will be adequately protected from Baldwin’s operations. Accordingly, we find that the purpose of Sections 90.303 and 90.305(a) would not be served by application to the present case.

33(v). *Baldwin’s land mobile operations on Channel 19 band frequencies are secondary to current and future full power and low power TV stations.* [emphasis added].

Therefore, the Commission should either

- 1) Require land mobile users on channel 19 in Nassau County, NY to immediately cease operations and dismiss this instant application; or
- 2) Require land mobile users on channel 19 in Nassau County, NY to cease operations on channel 19 until this instant displacement application and its subsequent license application are granted; or
- 3) Immediately grant this displacement application on channel 20 for W19EH-D.

Digital TV Station Protection

The proposed operation causes less than 0.5% interference to surrounding digital authorized facilities (i.e., “*de minimis*”). It is believed that the proposed operation is in compliance with the spirit and intent of the FCC’s interference standards.

Class A, Low Power TV and TV Translator Station Protection

The proposed operation causes less than 0.5% interference to surrounding low power and class A authorized facilities (i.e., “*de minimis*”). It is believed that the proposed operation is in compliance with the spirit and intent of the FCC’s interference standards.

To the degree it is deemed necessary, the applicant requests a waiver of Section 74.705, 74.706, ,74.707, 74.709, 74.793(e), 74.793(f), 74.793(g), 74.793(h), 74.794(b), 73.1030 and other applicable parts of the Rules and Regulations of the Federal Communications Commission in order to allow for the grant of this instant application.