



(REFERENCE COPY - Not for submission)

Modification of a Licensed Facility for DTV Application

File Number: **0000035536** | Submit Date: **11/20/2017** | Call Sign: **WXBU** | Facility ID: **23338** | FRN: **0024403065** | State: **Pennsylvania** | City: **LANCASTER**
 Service: **DTV** | Purpose: **Minor Modification (Sharing) BLCDT-20040922AAC** | Status: **Granted** | Status Date: **11/27/2017** | Expiration Date: **01/23/2018** | Filing Status: **InActive**

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	Yes

Fees, Waivers, and Exemptions

Section	Question	Response
Fees	Is the applicant exempt from FCC application Fees?	No
	Indicate reason for fee exemption:	
	Is the applicant exempt from FCC regulatory Fees?	No
Waivers	Does this filing request a waiver of the Commission's rule(s)?	No
	Total number of rule sections involved in this waiver request:	
	Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	No

Application Type	Fee Code	Fee Amount
Minor Modification (Sharing)	MPT	1070.0
	Total	1070.0

**Applicant
Information**

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
HSH LANCASTER (WLYH) LICENSEE, LLC Doing Business As: HSH LANCASTER (WLYH) LICENSEE, LLC	Clyde Vanel 201 Massachusetts Avenue NE C-1 Washington, DC 20002 United States	+1 (212) 402-5472	clydevanel@vanellaw. com	Limited Liability Company

Authorization Holder Name

Check box if the Authorization Holder name is being updated because of the sale (or transfer of control) of the Authorization(s) to another party and for which proper Commission approval has not been received or proper notification provided.

**Contact
Representatives
(4)**

Contact Name	Address	Phone	Email	Contact Type
Paul A. Cicelski , Esq . Lerman Senter PLLC	2001 L St NW Suite 400 Washington, DC 20036 United States	+1 (202) 416- 6756	pcicelski@lermansenter. com	Legal Representative
John E. Hidle , PE . <i>Consulting Engineer</i> Carl T. Jones Corporation	John E. Hidle, PE 7901 Yarnwood Court Springfield, VA 22153- 2827 United States	+1 (703) 569- 7704	jhidle@ctjc.com	Technical Representative
Colby M. May , Esq . <i>FCC Counsel</i> Law Offices of Colby M. May ESQ	Colby May PO Box 15473 Washington, DC 20003 United States	+1 (202) 544- 5171	cmmay@maylawoffices. com	Legal Representative
Clyde Vanel <i>General Manager</i> Howard Stirk Holdings	201 Massachusetts Avenue Suite C-3 Washington, DC 20002 United States	+1 (202) 546- 5400	clydevanel@vanellaw. com	Technical Representative

Alien Ownership

Question	Response
1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act?	
2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))	
3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))	
4) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3))	
5) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4))	
6) Has the applicant received a declaratory ruling(s) under Section 310(b)(4) of the Communications Act?	
6a) Enter the citation of the applicable declaratory ruling by DA/FCC number, FCC Record citation, release date, or any other identifying information.	
7) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 6?	
7a) Enter the File or Docket Number of the Petition for Declaratory Ruling that the applicant has filed for its foreign ownership in connection with this application pursuant to Section 310(b)(4) of the Communications Act. It is not necessary to file a request for a foreign ownership declaratory ruling if the applicant attaches a showing that the requested authorization(s) is exempt from the provisions of Section 310(b)(4).	
8) Does the applicant certify that it is in compliance with the terms and conditions of the foreign ownership declaratory ruling(s) cited in response to Question 6?	
9) In connection with this application, is the applicant filing a foreign ownership Petition for Declaratory Ruling pursuant to Section 310(b)(4) of the Communications Act?	

Basic Qualifying Questions

Section	Question	Response
Revoked Application	Has the Applicant or any party to this application had any FCC station Authorization revoked or had any application for an initial, modification or renewal of FCC station Authorization denied by the Commission?	No
State or Federal Convictions	Has the Applicant or any party to this application, or any party directly or indirectly controlling the Applicant, ever been convicted of a felony by any state or federal court?	No

Channel Sharing

Section	Question	Response															
<p>Channel Sharing</p>	<p>Is this filing to implement a Channel Sharing Agreement?</p>	<p>Yes</p>															
	<p>Is the channel sharing agreement consistent with all Commission rules and policies including those set forth in 47 C.F.R. § 73.3700?</p>	<p>Yes</p>															
<p>Enter the Facility ID of the station to be shared:</p>	<table border="1"> <thead> <tr> <th data-bbox="871 455 1003 565">Facility ID</th> <th data-bbox="1010 455 1520 565">Call Sign</th> <th data-bbox="1526 455 1646 565">Service</th> <th data-bbox="1652 455 1850 565">City</th> <th colspan="2" data-bbox="1856 455 1957 565">State</th> </tr> </thead> <tbody> <tr> <td data-bbox="871 573 1003 643">72313</td> <td data-bbox="1010 573 1520 643">WHP-TV</td> <td data-bbox="1526 573 1646 643">DTV</td> <td data-bbox="1652 573 1850 643">HARRISBURG</td> <td colspan="2" data-bbox="1856 573 1957 643">PA</td> </tr> </tbody> </table>					Facility ID	Call Sign	Service	City	State		72313	WHP-TV	DTV	HARRISBURG	PA	
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<p>Input the Facility ID of station(s) listed in the CSA:</p>	<table border="1"> <thead> <tr> <th data-bbox="871 715 1003 824">Facility ID</th> <th data-bbox="1010 715 1520 824">Call Sign</th> <th data-bbox="1526 715 1646 824">Service</th> <th data-bbox="1652 715 1850 824">City</th> <th colspan="2" data-bbox="1856 715 1957 824">State</th> </tr> </thead> <tbody> <tr> <td data-bbox="871 833 1003 902">23338</td> <td data-bbox="1010 833 1520 902">WXBU</td> <td data-bbox="1526 833 1646 902">DTV</td> <td data-bbox="1652 833 1850 902">LANCASTER</td> <td colspan="2" data-bbox="1856 833 1957 902">PA</td> </tr> </tbody> </table>					Facility ID	Call Sign	Service	City	State		23338	WXBU	DTV	LANCASTER	PA	
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Channel and Facility Information

Section	Question	Response
Proposed Community of License	Facility ID	23338
	State	Pennsylvania
	City	LANCASTER
	DTV Channel	21
Facility Type	Facility Type	Commercial
	Station Type	Main
Zone	Zone	1

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1036778
Coordinates (NAD83)	Latitude	40° 20' 43.1" N+
	Longitude	076° 52' 08.3" W-
	Structure Type	TOWER-A free standing or guyed struct
	Overall Structure Height	152.3 meters
	Support Structure Height	135.5 meters
	Ground Elevation (AMSL)	399.3 meters
Antenna Data	Height of Radiation Center Above Ground Level	141 meters
	Height of Radiation Center Above Average Terrain	369 meters
	Height of Radiation Center Above Mean Sea Level	540.3 meters
	Effective Radiated Power	750 kW

**Antenna
Technical Data**

Section	Question	Response
Antenna Type	Antenna Type	Directional Custom
	Do you have an Antenna ID?	Yes
	Antenna ID	98648
Antenna Manufacturer and Model	Manufacturer:	ERI
	Model	ATW16HS4-HTCX-21S
	Rotation	0 degrees
	Electrical Beam Tilt	1
	Mechanical Beam Tilt	Not Applicable
	toward azimuth	
	Polarization	Horizontal
DTV and DTS: Elevation Pattern	Does the proposed antenna propose elevation radiation patterns that vary with azimuth for reasons other than the use of mechanical beam tilt?	No
	Uploaded file for elevation antenna (or radiation) pattern data	

Directional Antenna Relative Field Values (Pre-rotated Pattern)

Degree	V _A (Authorized Value)	Degree	V _A (Authorized Value)	Degree	V _A (Authorized Value)	Degree	V _A (Authorized Value)
0	0.721	90	0.636	180	0.409	270	0.653
10	0.83	100	0.579	190	0.332	280	0.731
20	0.931	110	0.565	200	0.288	290	0.785
30	0.987	120	0.594	210	0.278	300	0.806
40	0.996	130	0.641	220	0.291	310	0.789
50	0.959	140	0.669	230	0.325	320	0.74
60	0.893	150	0.658	240	0.385	330	0.676
70	0.81	160	0.599	250	0.464	340	0.631
80	0.718	170	0.508	260	0.558	350	0.644

Additional Azimuths

Degree	V _A
37	1

**Parties to the
Application (0)**

Information not provided.

Attributable Interest

Section	Question	Response
Equity and Financial Interests	Applicant certifies that equity and financial interests not set forth by the applicant parties are non-attributable.	
Other Authorizations	Does the applicant or any party to the application have an attributable interest in any other broadcast station(s).	
Multiple Ownership	Is the applicant or any party to the application the holder of an attributable radio or television joint sales agreement or an attributable radio or television time brokerage agreement in the same market as the station subject to this application?	No
	Applicant certifies that the proposed facility complies with the Commission's multiple ownership rules and cross-ownership rules.	Yes
	Applicant certifies that the proposed facility: (a) does not present an issue under the Commission's policies relating to media interests of immediate family members; (b) complies with the Commission's policies relating to future ownership interests; (c) complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors	Yes
	Does the Applicant claim status as an "eligible entity," that is, an entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping (as set forth in 13 C.F.R. § 121-201), and holds: (a) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or (b) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or (c) more than 50 percent of the voting power of the corporation that will own the media outlet (if such corporation is a publicly traded company)?	No

**Construction
Permit
Certifications**

Section	Question	Response
<p>Post-Incentive Auction Expedited Processing</p>	<p>It will operate on the DTV channel for this station as established in the post-incentive auction channel reassignment public notice.</p>	<p>Yes</p>
	<p>It will operate post-incentive auction facilities that do not expand the noise-limited service contour in any direction beyond that established by the post-incentive auction channel reassignment public notice.</p>	<p>Yes</p>
	<p>It will operate post-incentive auction facilities that match or reduce by no more than five percent with respect to predicted population from those defined in the post-incentive auction channel reassignment public notice.</p>	<p>Yes</p>
	<p>The antenna structure to be used by this facility has been registered by the Commission and will not require re-registration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely affect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7.</p>	<p>Yes</p>
<p>Environmental Effect</p>	<p>Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See Section 1.1306 of 47 C.F.R.)</p>	<p>No</p>
<p>Broadcast Facility</p>	<p>The proposed facility complies with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.616, 73.622(i), 73.623(e), 73.625, 73.1030, and 73.1125.</p>	<p>Yes</p>

**Legal
Certifications**

Section	Question	Response
Character Issues	<p>Applicant certifies that neither applicant nor any party to the application has or had any interest in, or connection with:</p> <p>(a) any broadcast application in any proceeding where character issues were left in unresolved or were resolved adversely against the applicant or party to the application; or</p> <p>(b) any pending broadcast application in which character issues have been raised.</p>	
Adverse Findings	<p>Has the Applicant or any party to this application had an adverse finding or an adverse final action taken by any court or administrative body in a civil or criminal proceeding brought under any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?</p>	
Program Service Certification	<p>Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.</p>	
Local Public Notice	<p>Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.</p>	Yes
Auction Authorization	<p>Is the applicant submitting an application to obtain a construction permit as a result of winning an auction?</p>	No
Equal Employment Opportunity (EEO)	<p>If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report.</p>	

Certification

Section	Question	Response
<p>General Certification Statements</p>	<p>The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).</p>	
	<p>The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR §1.2002(b), for the definition of "party to the application" as used in this certification §1.2002 (c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.</p>	
<p>Authorized Party to Sign</p>	<p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</p> <p>Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application.</p> <p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).</p>	
	<p>I certify that this application includes all required and relevant attachments.</p>	<p>Yes</p>
	<p>I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.</p>	<p>ARMSTRONG WILLIAMS <i>Managing Member</i></p> <p>11/20/2017</p>

Attachments

File Name	Uploaded By	Attachment Type	Description
<u>CSA - WHP hosts WXBU (formerly WLYH).pdf</u>	Applicant	Channel Sharing	Channel Sharing Agreement - WHP-TV and WXBU (formerly WLYH)
<u>Multiple Ownership Exhibit.pdf</u>	Applicant	Attributable Interest	WXBU (formerly WLYH) Multiple Ownership Exhibit
<u>WHP-TV Ch 21 Antenna Exhibits - 11-16-2017.pdf</u>	Applicant	Antenna Technical Data	WXBU - Antenna Exhibits - Shared with WHP-TV
<u>WXBU- Rad Haz Compliance Statement - 11-17-2017.pdf</u>	Applicant	Technical Certifications	WXBU - Environmental and Radio Frequency Radiation Safety Compliance Statement