



Federal Communications Commission
Washington, D.C. 20554

DA 07-2304
June 1, 2007

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Michael E. Carosella
QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, CA 92121

Re: WPZA238, Chicago, IL
ULS File No. 0002973036

Dear Mr. Carosella,

On March 29, 2007, you filed an FCC Form 601 application for modification of station WPZA238, seeking authorization to operate on TV Channel 55 in the Chicago, IL area.¹ Your application incorporates broadcaster consent, pursuant to section 27.60(b)(1)(iv) of the Commission's rules.² This rule section permits a 700 MHz Band licensee to obtain the written concurrence of a co-channel or adjacent channel TV/DTV broadcaster, whereby the incumbent broadcaster consents to accept higher levels of interference than the rule otherwise permits, subject to Commission approval.³

Your application includes a copy of a consent agreement between QUALCOMM Incorporated ("QUALCOMM") and GOCOM Media of Illinois, LLC ("GOCOM"), the licensee of WRSP-TV, analog channel 55, in Springfield, Illinois. In the agreement, GOCOM has agreed to accept potential interference to 5.91% of the population in the Grade B contour of WRSP-TV licensed facilities (BLCT-20030627AAF).⁴ We note that this interference represents the total amount of interference that WRSP-TV will experience from QUALCOMM's operations in Indianapolis, IN, Chicago, IL and St. Louis, MO,

¹ The Commission placed the application on public notice. *See* Wireless Bureau Market-Based Applications Accepted for Filing, *Public Notice*, Report No. 3044 at 4 (rel. Apr. 4, 2007). No petitions have been filed against the application.

² *See* 47 C.F.R. § 27.60(b)(1)(iv).

³ This approval process involves an analysis by the Media Bureau, under delegated authority, to determine whether grant of the application is in the public interest. *See* Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, WT Docket No. 99-168, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 20845 (2000) (basis for public interest analysis of Lower 700 MHz consent agreements); Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), GN Docket No. 01-74, *Report and Order*, 17 FCC Rcd 1022 (2002) (framework for public interest analysis of Lower 700 MHz "band-clearing" agreements) ("*Lower 700 MHz Report and Order*").

⁴ We note that the licensee of WRSP-TV previously agreed to accept potential interference to 5.48% of the population within its Grade B contour from QUALCOMM's prior Chicago authorization. The licensee of WRSP-TV has agreed to accept interference to an additional 0.43% of its population.

and that GOCOM's consent covers QUALCOMM's operations in all three markets. QUALCOMM will operate in Chicago from multiple sites. The Commission initially authorized QUALCOMM to operate in Chicago on April 18, 2006.⁵ In addition, we previously granted QUALCOMM's application for additional facilities in Chicago on February 23, 2007.⁶ We previously granted QUALCOMM's request to operate in St. Louis on January 19, 2007.⁷ We also previously granted QUALCOMM's request to operate in Indianapolis on February 23, 2007.⁸

Your application includes a copy of a consent agreement between QUALCOMM Incorporated ("QUALCOMM") and NEXSTAR Broadcasting, Inc. ("NEXSTAR") licensee of WFFT-TV, channel 55, in Ft. Wayne, IN. In the agreement, NEXSTAR has agreed to accept potential interference to 2.53% of the population in the Grade B contour of WFFT-TV licensed facilities (BLCT-20001002APS).⁹ We note that this interference level is a result of QUALCOMM's operations in Indianapolis as well Chicago and represents the total amount of interference WFFT-TV will experience from QUALCOMM's operations in both Indianapolis and Chicago. NEXSTAR has provided its consent for QUALCOMM's operations in both markets.

Your application includes a copy of a consent agreement between QUALCOMM Incorporated ("QUALCOMM") and ION Media Networks, Inc. ("ION"), formerly known as Paxson Communications Corporation, licensee of WPXE(TV), analog channel 55, in Kenosha, WI. In the agreement, ION has agreed to accept potential interference to 29.42% of the population in the Grade B contour of WPXE(TV) licensed facilities (BLCT-19970707KF).¹⁰

Your application also includes a copy of a consent agreement between QUALCOMM Incorporated ("QUALCOMM") and Northwest Indiana Broadcasting, Inc. ("Northwest Indiana") licensee of WYIN(TV), channel 56, in Gary, IN. In the agreement, Northwest Indiana has agreed to accept

⁵ See letter to Jennifer M. McCarthy, QUALCOMM, Inc., from Barbara A. Kreisman, Chief, Video Division, Media Bureau, and Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, dated April 18, 2006 (DA 06-870).

⁶ See letter to Michael E. Carosella, QUALCOMM, Inc., from Barbara A. Kreisman, Chief, Video Division, Media Bureau, and Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, dated February 23, 2007 (DA 07-821).

⁷ See letter to Michael E. Carosella, QUALCOMM, Inc., from Barbara A. Kreisman, Chief, Video Division, Media Bureau, and Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, dated January 19, 2007 (DA 07-121).

⁸ See letter to Michael E. Carosella, QUALCOMM, Inc., from Barbara A. Kreisman, Chief, Video Division, Media Bureau, and Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, dated February 23, 2007 (DA 07-820).

⁹ We note that the licensee of WFFT-TV previously agreed to accept potential interference to 1.16% of the population within its Grade B contour from QUALCOMM's prior Chicago authorization. The licensee of WFFT - TV has agreed to accept interference to an additional 1.37% of its population.

¹⁰ We note that the licensee of WPXE(TV) previously agreed to accept potential interference to 28.87% of the population within its Grade B contour from QUALCOMM's prior Chicago authorization. The licensee of WPXE(TV) has agreed to accept interference to an additional 0.55% of its population.

potential interference to 4.13% of the population in the Grade B contour of WYIN(TV) licensed facilities (BMLET-20050811AAD).¹¹

Finally, your application includes a copy of a consent agreement between QUALCOMM Incorporated (“QUALCOMM”) and WREX Television, LLC (“WREX Television”) licensee of WREX-DT, channel 54, in Rockford, IL. In the agreement, WREX Television has agreed to accept potential interference to 1.24% of the population in the noise limited service contour of WREX-DT construction permit facilities (BMPCDT-20060524AAI).

For the reasons discussed below, we find that grant of the application is in the public interest.¹² First, our approval of the application will allow QUALCOMM to deploy its MediaFLO (“forward link only”) technology, a “mediacast” service capable of delivering many channels of multimedia content to third generation (“3G”) wireless phones. According to QUALCOMM, which holds licenses for Channel 55 (Block D in the Lower 700 MHz Band) covering the entire nation, MediaFLO initially will provide up to fifteen live streaming video program channels, numerous video “clip cast” channels from which subscribers can choose video clips for viewing on-demand, and numerous audio channels.¹³ QUALCOMM states that MediaFLO will be available at “mass market” prices for most of the nation’s over 194 million mobile phone customers, and that it will spur the development of new content and new technologies.¹⁴ QUALCOMM also intends that the network will carry local programming and core public interest program content such as breaking news, weather, and public affairs, as well as maintain network capability to disseminate emergency alert information, in both visual (including textual) and auditory form. QUALCOMM further states that its MediaFLO technology offers distinct efficiency and cost advantages in delivering content to a large mobile subscriber base, as compared to cellular and higher-frequency based systems. Moreover, as QUALCOMM notes, MediaFLO will be affordable, readily available and will stimulate new development on a large scale within the emerging technology of mobile video.¹⁵ Given that QUALCOMM’s business plan calls for an investment of \$800 million, grant of this application will contribute to the growth of the American economy.¹⁶

Second, the application proposes slight increases in the interference already approved to WPXE, WYIN, WRSP, and WFFT, and we find that the same factors relied upon in the prior grant letters justify a grant of this latest application. WPXE and WYIN are not among the top four ranked stations in their home DMAs, and WPXE, WFFT, and WRSP are not the only stations licensed to their communities of license. WPXE is an ION station, and no viewer will lose access to ION programming upon grant because three other stations serve the area of interference. WYIN is a PBS member station, and five other

¹¹ We note that the licensee of WYIN(TV) previously agreed to accept potential interference to 1.23% of the population within its Grade B contour from QUALCOMM’s prior Chicago authorization. The licensee of WYIN(TV) has agreed to accept interference to an additional 2.90% of its population.

¹² With respect to any stations receiving interference for which consent is not provided, we note that Qualcomm’s proposed operations are in accordance with the terms of the Commission’s Order granted October 13, 2006. *See* Qualcomm Incorporated Petition for Declaratory Ruling, *Order*, 21 FCC Rcd 11683 (2006).

¹³ QUALCOMM Attachment to application for modification of Station WPZA238, ULS File No. 0002395142 at 5.

¹⁴ *Id.*

¹⁵ QUALCOMM Attachment at 5, 6.

¹⁶ QUALCOMM Attachment at 6.

Michael E. Carosella
June 1, 2007
DA 07-2304

PBS member stations serve the area of interference. In the case of WRSP, a Fox affiliate, only 2,285 people, or 0.03% of the population in the station's Grade B contour, live in the station's home DMA and within the area of interference. The other 33,323 people in the area of interference live outside WRSP's DMA and receive Fox service from two other Fox affiliates. Finally, with respect to WFFT, also a Fox affiliate, only 1,809 people, or 0.02% of the population in the station's Grade B contour, live in the area of interference and in the station's home DMA. The other 15,488 people in the area of interference live outside of WFFT's DMA and receive Fox service from two other Fox affiliates.

For WREX-DT, Channel 54, Rockford, IL, it is not the sole station licensed to Rockford, and it is not one of the top four stations in the Rockford DMA. The interference to WREX-DT is to 1.24% of the people receiving terrain-limited, interference-free service from the station. WREX-DT is a NBC affiliate, but no viewer will lose access to NBC programming upon a grant of this application because five other NBC affiliates serve the area of agreed-upon interference. The area is also well served by other stations - at least 24 and as many as 32 analog and digital television stations serve the area of agreed-upon interference.

Accordingly, we believe that the public interest will be served by a grant of QUALCOMM's application, conditioned upon operating within the technical parameters specified in the application, and in accordance with all of the Agreements listed above. Any changes to the technical parameters of the proposed facilities that will result in levels of interference greater than those agreed to in the preceding agreements referenced herein, or that result in any additional interference under the thresholds established in the Commission's Qualcomm Order, will require separate Commission approval.

Sincerely,

Barbara A. Kreisman, Chief
Video Division
Media Bureau

Roger S. Noel, Chief
Mobility Division
Wireless Telecommunications Bureau