



PUBLIC NOTICE

Federal Communications Commission
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MEDIA BUREAU AND PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEK COMMENT ON REQUEST FOR WAIVER FILED BY WLNY-TV INC. TO FLASHCUT FROM ANALOG CHANNEL 17 TO DIGITAL CHANNEL 17 FOR LOW POWER TELEVISION STATION WLIG-LP, PLAINVIEW, NEW YORK

PS Docket No. 14-108
File No. BDFCDTL-20130603AUD

Comment Date: August 15, 2014
Reply Comment Date: August 29, 2014

The Media Bureau and the Public Safety and Homeland Security Bureau seek comment on the application and waiver request, as amended, filed on June 04, 2013, by WLNY-TV Inc. (WLNY).¹ WLNY seeks “approval for low power television [LPTV] station WLIG-LP, Plainview, NY to flashcut from analog channel 17 to digital channel 17.”² WLNY requests waiver of Section 74.709 of the Commission’s rules,³ for “land mobile station protection insofar as that rule applies to the channel 16 land mobile services in New York, NY.”⁴ The rule states that a low power TV or TV translator station application will not be accepted if it specifies a channel that is one channel above or below one of the land mobile assignments and its field strength at the land mobile protected contour exceeds 76 dBu.⁵ Station WLIG-LP is located within the land mobile protected contour.

WLNY states that “WLIG-LP has been operating on analog channel 17 since 2005.”⁶ WLNY affirms that “during its nine years of operation, there have been no interference complaints by any users of the adjacent channel 16 spectrum or any other indication of interference.”⁷ WLNY further states that

¹ See File No. BDFCDTL-20130603AUD (filed June 04, 2013, amended, June 17, 2014, https://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdbs/forms/prod/cdbsmenu.htm?context=25&appn=101641338&formid=346&fac_num=9378). See also attachment 12: Further Statement in Support of Waiver Request and Grant of Application (Waiver Request) and Clarification of Further Statement in Support of Waiver Request and Grant of Application (Clarification Request).

² Waiver Request at 1.

³ 47 C.F.R. § 74.709.

⁴ Waiver Request at 1.

⁵ 47 C.F.R. § 74.709(d)(3). The protected contours for the land mobile radio service are 130 kilometers from the coordinates in the table in paragraph (a). 47 C.F.R. § 74.709(b).

⁶ Waiver Request at 1.

⁷ *Id.*

“a grant of the WLIG-LP digital channel 17 proposal will afford the channel 16 land mobile service significantly more interference protection” than the current analog channel 17 operation.⁸

Specifically, WLNY states that “in actuality the flashcut to digital channel 17 with a full service mask filter together with the existing multi-section filter now used by the station, will dramatically decrease out-of-band emissions to the adjacent channel 16 spectrum and will afford the channel 16 land mobile service significantly greater protection against interference than currently exists.”⁹ WLNY asserts that “FCC rules recognize that the out-of-band emissions 3 MHz from the LPTV channel band edge in the land mobile band are reduced 76 dB for digital LPTV operations compared to 60 dB for analog LPTV operations – a further reduction of 16 dB.”¹⁰ Further, WLNY states that “if we consider the current analog radiated power of the LPTV station in the land mobile spectrum to be 100%, the proposed change to digital will reduce that radiated power to 2.5%”¹¹ and maintains that the “decrease in emissions will provide the land mobile service significantly greater interference protection than that which exists based on WLIG-LP’s current analog operation.”¹²

WLNY concludes that granting its proposal “will enhance the interference protection for the channel 16 land mobile service [and therefore] has no downside and is risk-free for all parties.”¹³ WLNY asserts that “if interference ever occurs, WLIG-LP, as a secondary service, will be required to eliminate the interference or cease operations” and that “FCC can condition the WLIG-LP construction permit to require the station to 1) eliminate interference or cease operation should interference ever occur and 2) install and operate with a full service mask filter and multi-section filter.”¹⁴

In support of its waiver request, WLNY submitted, an engineering analysis (Exhibit 13) which indicates that “the proposed WLIG-LP digital facility is identical [to] its licensed analog facility in terms of frequency, ERP, antenna system and site location.”¹⁵

Accordingly, we invite comment and analysis on the impact of the WLNY’s waiver request on the land mobile service on the adjacent channel 16 in the New York metropolitan area.¹⁶

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.

⁸ *See id.*

⁹ *Id.*

¹⁰ Clarification Request at 1. *See also* 47 C.F.R. §§ 74.736(c)(3) [analog] and 74.794(a)(2)(ii) [digital].

¹¹ Clarification Request at 1.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* *See also* Waiver Request at 1.

¹⁶ *See* 47 C.F.R. § 90.303(c).

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

-Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The request, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, **14-108**. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of

¹⁷ See 47 C.F.R. §§ 1.1200(a), 1.1206.

electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Mr. Hossein Hashemzadeh of the Video Division, Media Bureau at (202) 418-1658 (voice), (202) 418-7233 (tty), or via e-mail to Hossein.Hashemzadeh@fcc.gov, or Ms. Uche Patrick of the Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-2518 (voice), (202) 418-7233 (tty), or via e-mail to Uche.Patrick@fcc.gov.

By the Deputy Chief, Media Bureau and Deputy Chief, Public Safety and Homeland Security Bureau.

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