

BEFORE THE
Federal Communications Commission

In the Matter of)	
)	
Second Periodic Review of the)	MB Docket No. 03-15
Commission's Rules and Policies)	
Affecting the Conversion)	RM 9832
To Digital Television)	
)	
Public Interest Obligations of TV)	MM Docket No. 99-360
Broadcast Licensees)	
)	
Children's Television Obligations of)	MM Docket No. 00-167
Digital Television Broadcasters)	
)	
Standardized and Enhanced Disclosure)	MM Docket No. 00-168
Requirements for Television Broadcast)	
Licensee Public Interest Obligations)	
)	
To: The Commission		

COMMENTS OF WLNY-TV INC.

WLNY-TV Inc., licensee of television station WLNY(TV), Riverhead, New York, by its attorneys, hereby submits its Comments in response to the Notice of Proposed Rule Making ("Notice") in the above-captioned proceeding involving the review of the Commission's rules and policies affecting the conversion to digital television.

Introduction

Station WLNY, a full power independent television station licensed to the community of Riverhead on Long Island, New York, operates on two out-of-core channels, analog channel 55 and digital channel 57. The station holds a construction permit for maximized DTV technical facilities on channel 57. It commenced digital operation on channel 57 with reduced power on April 28, 2002, pursuant to special temporary authority granted by the Commission. Station WLNY, which broadcasts a general entertainment/news/sports format, serves the New York

DMA. It is a unique and substantial source of local television programming in the New York “tri-state” (NY/NJ/CT) area. WLNY-TV Inc. is also the licensee of three LPTV stations in (1) Stamford, Connecticut, licensed to and operating on channel 27; (2) Mineola, New York, licensed to and operating on channel 54 and (3) Morristown, New Jersey, licensed to and operating on channel 54.

Both the analog channel (55) and the digital channel (57) assigned to station WLNY are located outside the core spectrum (channels 2-51) available for permanent, post-transition DTV operations and, therefore, both channels must be relinquished at the end of the DTV transition period. At the present time, because of the high degree of frequency congestion in the New York area, there are no available channels in the core spectrum that can serve as a substitute for station WLNY’s assigned DTV channel 57. Only after other television stations elect which of their two assigned channels they will relinquish can station WLNY even begin to search for a permanent in-core DTV channel which is useable at its site. Moreover, Station WLNY will not be in a position to operate on an in-core DTV channel until the station currently operating on that channel terminates operation on or after December 31, 2006.

According to the Commission, there are 17 full power television stations, including station WLNY, whose analog and digital channels both lie outside of the core spectrum (hereinafter sometimes referred to as “out-of-core stations”).^{1/} These television stations must

^{1/} The 17 stations (together with their analog channels, digital channels and DMAs) are WLNY, Riverhead, NY (55, 57, New York DMA); WFUT, Newark, NJ (68, 53, New York DMA); WUVP, Vineland, NJ (65, 66, Philadelphia DMA); WBPH-TV, Bethlehem, PA (60, 59, Philadelphia DMA); WNAC-TV, Providence, RI (64, 54, Providence-New Bedford DMA); WNVC, Fairfax, VA (56, 57, Washington, D.C. DMA); WXFT, Aurora, IL (60, 59, Chicago DMA); WGBO-TV, Joliet, IL (66, 53, Chicago DMA); WGBY-TV, Springfield, MA (57, 58, Springfield-Holyoke DMA); KLDT, Lake Dallas, TX (55, 54, Dallas-Ft. Worth DMA); KRCA, Riverside, CA (62, 68, Los Angeles DMA); KCSM-TV, San Mateo, CA (60, 59, San Francisco DMA); KFTL, Stockton, CA (64, 62, Sacramento-Stockton-Modesto DMA); WCCV-TV, Arecibo, PR (54, 53); WMEI, Arecibo, PR (60, 61); WUJA, Caguas, PR (58, 57); and WECN, Naranjito, PR (64, 65). Report and Order in the Matter of Establishment of a

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find and move to a new in-core channel after the transition in order to operate in the DTV mode. For the most part, the out-of-core stations are smaller, independent stations which are licensed to suburban communities and are without the economic and other resources available to network affiliated and larger stations licensed to the core cities in the markets. In virtually every phase of the DTV conversion process the Commission has acknowledged the DTV transition problems facing out-of-core stations and the need to ensure that these stations can be assigned new in-core channels for post-transition DTV operations, as well as the need for flexible and expeditious procedures to accommodate the transition of these stations from analog to digital operations. In the instant proceeding, where issues have been raised which will have a most significant impact on out-of-core stations, the Commission must pay special attention to the needs of these stations by crafting rules and procedures designed to alleviate the huge burdens that they confront in achieving a successful conversion to DTV operations.

Summary

It is time for the Commission to step up to the plate and assist out-of-core stations which are facing huge obstacles and burdens in pursuing their conversion to DTV operations. The Commission should focus on ways to reduce or minimize those obstacles and burdens and, to that end, it should adopt the following proposals:

- (1) Channel Election Deadline: In order to give out-of-core stations sufficient time to plan DTV conversion, the Commission should require television stations with “paired” channels to elect their post-transition channels at the earliest reasonable date. The

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Class A Television Service, MM Docket No. 00-10, 15 FCC Rcd. 6355, at 6378-6379, para. 57, note 107 (2000). See also Appendix B of Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, MM Docket No. 87-268, 13 FCC Rcd. 7418 (1998).

previously established date of December 31, 2003 represents a reasonable and proper balance between the interests of out-of-core and in-core stations, and should be retained as the election deadline. However, if the Commission decides to select a later deadline, it should, at least, retain the December 31, 2003 election deadline in those markets where there are full power television stations lacking post-transition DTV channels because their analog and digital channels both lie outside of the core spectrum.

(2) Channel Assignment Procedures: The Commission should establish a system of priorities for stations seeking channels reclaimed by the Commission. In doing so, out-of-core stations should be accorded the highest priority, *i.e.*, first choice, in securing in-core DTV channels because the assignment of such channels is the only way that these stations can operate post-transition in the DTV mode. The Commission should adopt simplified and expeditious procedures to assure that out-of-core stations which are required to move to new in-core DTV channels can obtain such channels and convert to DTV operations in a timely and efficient manner.

(3) Replication, Maximization and Interference Protection: Of paramount importance, no maximization or replication or “use-or-lose” deadline should be established for out-of-core stations during the transition period. Basic fairness and common sense dictate that there be no requirement that out-of-core stations construct their maximized (or replicated) DTV facilities on their out-of-core channels during the transition period; operation with reduced DTV facilities (pursuant to special temporary authority) should be allowed to continue during the entire transition period. This should

be allowed without jeopardizing the stations' right (i) to carry over to their eventual in-core DTV channels the maximized service area authorized on their out-of-core DTV construction permits and (ii) to secure interference protection for their in-core DTV operations based upon the maximized DTV service area authorized in their out-of-core DTV construction permits. To require out-of-core stations to construct maximized (or replicated) DTV facilities on their out-of-core channels (which would have to be abandoned or significantly altered at the end of the transition) and build new, second DTV facilities on their eventual in-core channels would have devastating economic consequences and entail an enormous waste of money and other resources without any countervailing public interests benefits.

Channel Election Deadline

The Commission requested comment on whether the previously adopted December 31, 2003 channel election deadline (*i.e.*, the date by which television stations with two in-core assigned channels for analog and DTV operations must elect their post-transition DTV channels) should be changed to May 1, 2005 or some other date. For the reasons set forth below, the Commission should retain the December 31, 2003 election deadline.

In an earlier Notice of Proposed Rule Making in MM Docket No. 00-39, 15 FCC Rcd. 5257 (2000), the Commission proposed a channel election deadline of May 1, 2004, but sought comment on whether the election date should be earlier in order to accommodate stations with two out-of-core channels. In this connection, the Commission cited a number of factors favoring an early channel election deadline (“... more out of core stations that must be accommodated with a core channel than we initially anticipated”; “...the establishment of a new category of primary, ‘Class A’ TV stations ... also may limit availability of core channels in some areas”;

“...maximized DTV facilities that operate on channels within the core might complicate the problem of finding a core channel for out-of-core stations because these maximized stations are more difficult to protect”, Notice of Proposed Rule Making, 15 FCC Rcd. 5257 at 5270, para. 37). In searching for the proper balance between the goal of allowing DTV stations enough time to gain experience with DTV operation and allowing stations that must move enough time to plan their DTV channel conversion, the Commission stated (15 FCC Rcd. 5257, at 5270-5271, para. 38):

We tentatively conclude that it is now time to begin setting up a process to assure early election by DTV stations of their post-transition channel. Stations making the channel conversion at the end of the transition will need time to plan facilities, order equipment and arrange for construction. Ideally, they would turn on their DTV station on their new core channel the day after the transition ends and other broadcasters turn off their second channel. With the target date for the end of the transition set for December 31, 2006, it seems reasonable to identify the channels these stations will be moving to not later than 2004. To accomplish this, we could require DTV licensees to make a binding decision and elect one of their two core channels by early 2004, at the latest.

In its First DTV Periodic Review Report and Order, 16 FCC Rcd. 5946 (2001), relying on the factors articulated in its Notice of Proposed Rule Making, the Commission decided to mandate an even earlier channel election date than it initially proposed -- it established December 31, 2003 as the deadline for commercial stations to elect their post-transition DTV channels. The Commission noted that the existence of these factors “. . . makes forward planning for the transition all the more important and influences our decision to mandate early election of DTV channels” (16 FCC Rcd. 5946, at 5951, para.12). The Commission stated that “[s]etting this channel election deadline [December 31, 2003] will enable us to determine at an early date, on a market-by-market basis, what channels will be available for stations having two out-of-core channels and for other users and will assist in our clearing of this spectrum” (16 FCC Rcd. 5946, at 5952, para. 14). The Commission further stated that “[t]he choice of this election

deadline for this category of stations strikes an appropriate balance between the need for stations to have a sufficient amount of time in which to gain experience in DTV operation and allowing stations that will have to move -- particularly from out-of-core to in-core -- to plan DTV channel conversion by December 31, 2006. Finally, it is our intent that early final channel election will help speed the transition by making the final local channel alignments clear.” (16 FCC Rcd. 5946, at 5952, para.14).

In its Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd. 20594 (2001), the Commission decided to temporarily defer the imposition of a channel election deadline until its next periodic review, which commenced with the issuance of the instant Notice. In the Notice, the Commission invited comment on whether it should advance the channel election deadline from December 31, 2003 to May 1, 2005 or adopt an alternative deadline.

The Commission got it right the first time when it held that a early channel election date is necessary and established an election deadline of December 31, 2003. The factors relied upon by the Commission in reaching that decision remain valid today and December 31, 2003 represents a proper balance between the conflicting interests of in-core and out-of-core stations. However, if for any reason the Commission should decide to select a new election deadline later than December 31, 2003, at a very minimum it should carve out an exception by retaining an earlier deadline (*e.g.*, December 31, 2003) for those stations in the markets in which the 17 out-of-core stations are located (see footnote 1, *infra*).

As the Commission is well aware, stations such as WLNY with two out-of-core channels face a high degree of uncertainty and a most difficult and complex task in route to DTV conversion. The nightmare scenario for such stations is obvious and the longer it takes for other stations to elect which channels they will relinquish to the Commission, the worse it will get for

WLNY and other similarly situated stations. If out-of-core stations do not know at an early date what channels will eventually become available for their use, they will have insufficient time to plan their DTV facilities, including possible site moves, determine costs (which may vary substantially depending on the assigned channel number), acquire necessary financing, order equipment and arrange for construction.^{2/} The problem is compounded in the case of station WLNY because it is located in the highly competitive New York television market. Thus, while its competitors with in-core channel assignments can engage in planning for and promotion of their DTV operations on specific channels, station WLNY cannot do so because of the lack of a post-transition DTV channel assignment. The lack of knowledge as to its post-transition DTV channel assignment could also impair the ability of station WLNY to achieve carriage on cable and satellite systems and other multichannel video distribution systems in the market because the system operators could not plan for carriage of the station's DTV signal on a specific channel (e.g., planning for channel lineups, digital converter equipment at cable headends and satellite receive sites, and so on). While the establishment of an early election date will not eliminate the burdens associated with DTV conversion imposed upon station WLNY and other similarly situated stations, it may serve to help to minimize those burdens.

^{2/} If the Commission selects a later channel election date, such as May 1, 2005, this will substantially reduce the time frame within which out-of-core stations must implement conversion to DTV operations. This results from the fact that, following the submission of channel election notices on May 1, 2005, it would take a period of time for the Commission to process those notices and to disseminate information identifying the relinquished channels and their locations. Because there are no channels assigned to Riverhead other than the two channels (55 and 57) assigned to WLNY, it will then be necessary for WLNY to conduct an engineering study to identify a channel that can be moved from its present community to Riverhead consistent with the applicable technical requirements. Once that is accomplished, the next step would be for WLNY to invoke the Commission's processes in order to move the channel to Riverhead and apply for authority to construct its DTV facilities on that channel. The Commission would then need time to review and approve the proposed channel move and construction permit application. Only after the channel move is approved and an in-core channel is assigned to the station will WLNY be in a position to order equipment and engage in the host of planning and other activities associated with the construction of DTV facilities and inauguration of a new DTV service. All of the foregoing would have to be accomplished prior to the December

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Channel Assignment Procedures

The Commission should establish a system of priorities for stations seeking the channels reclaimed by the Commission. In doing so, it is appropriate to distinguish between full power television stations which must find a new channel for post-transition DTV operations and stations which already have at least one in-core channel (DTV or analog which can be converted to DTV) available for such DTV operations. It is essential that full power stations which, because of their out-of-core analog and digital assignments, must find and move to a new in-core channel to survive and engage in post-transition DTV operations be afforded the highest priority, *i.e.*, first choice, in securing in-core DTV channels. Such out-of-core stations must be given the right to first selection of an appropriate in-core DTV channel before any opportunity for channel selection is given to other television stations, both full power and low power (Class A or otherwise), which may desire alternative channels for varied reasons but are not required to find new channels for DTV operations.

The Commission must adopt procedures to assure that station WLNY and other similarly situated stations which are required to move to new in-core DTV channels can, in fact, obtain such channels and convert to DTV operations in a timely and efficient manner. First, promptly after television stations make their DTV channel elections, the Commission should issue a public notice listing the channels to be relinquished and their locations. The Commission should then open an exclusive filing window limited to those full power television stations whose analog and

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31, 2006 conversion deadline. This is not a realistic timetable for out-of-core stations to successfully transition to in-core DTV operations.

digital channels lie outside the core spectrum.^{3/} The need for streamlined procedures to accommodate these stations is particularly evident in the case of station WLNY. Station WLNY is the only television station licensed to Riverhead, NY and its assigned channels 55 (analog) and 57 (digital) are the only two channels allotted to Riverhead. Therefore, it will be necessary for an in core channel allotted to New York City or another community in the market to be moved to Riverhead for DTV use by station WLNY. The Commission should adopt a simple one step process, rather than a two step rule making and application process, to allot the channel to Riverhead and authorize station WLNY's use of it. However, if the Commission determines that a two step rule making and application process is required, the Commission should conduct a streamlined proceeding to expedite the allotment of the channel to Riverhead and the authorization for the station WLNY to use that channel.^{4/}

Replication and Maximization

The Commission seeks comment on the replication and maximization interference protection deadlines for DTV stations, *i.e.*, the dates by which broadcasters must either replicate their analog service areas or maximize their DTV service areas and, upon the failure to do so, lose interference protection to the uncovered portions of these areas. For out-of-core DTV stations, the Commission requests comment on the extent of interference protection, whether it would be appropriate to establish replication and/or maximization protection deadlines which are

^{3/} If the Commission opens a filing window for a broader category of stations, it should make it clear that full power television stations with analog and digital channel assignments outside of the core will be given first choice in channel selection over all others in the case of a conflict.

^{4/} The broadcaster, rather than the Commissioner, should determine which DTV channel (among those to be reclaimed by the Commission) is best suited for the individual station. The broadcaster is in the best position initially to make this determination which may involve varied technical and operational considerations, including possible site moves, to most effectively serve the public. Any such channel selection would, of course, be subject to Commission review to ensure that the use of the spectrum is efficient and serves the public interest.

the same as or earlier than the deadlines which are adopted for in-core DTV stations^{5/} and whether it should treat the entire 700 MHz band (channels 52-69) the same or treat the lower band (channels 52-59) and the upper band (channels 60-69) differently for replication/maximization purposes.

To deal with the problem of preserving the interference free rights of stations with both analog and digital channels outside of the core, in an earlier decision, the Commission established a procedure to ensure that such stations can, in fact, secure such interference protection for their eventual in-core DTV operations. Report and Order in the Matter of Establishment of a Class A Television Service, MM Docket No. 00-10, 15 FCC Rcd. 6355 (2000). In the context of that proceeding, the Commission ruled that, once out-of-core stations are assigned a permanent in-core DTV channel, it would allow these stations to “carry over” to their in-core DTV channel, on an interference free basis, the maximized digital service area authorized on the out-of-core channel. 15 FCC Rcd. 6355, at 6379. This concept should be retained because only in this way can the Commission ensure that, when an out-of-core station moves to an in-core DTV channel, it will be in a position to preserve an adequate service area and provide DTV service competitively within its market.

The retention of this procedure and resulting interference protection should last the entire duration of the DTV transition period, regardless of whether a station builds out its maximized facilities on its out-of-core channel, so long as the station is operating in the DTV mode with reduced facilities (*e.g.* low power) authorized by the Commission (pursuant to special temporary

^{5/} For in-core DTV stations, the Commission proposes to end interference protection for unserved portions of the replication and maximization service areas of stations affiliated with the top-four networks (*i.e.*, ABC, CBS, NBC and FOX) in markets 1-100 as of July 1, 2005 and for all other stations as of July 1, 2006.

authority) and holds a construction permit authorizing the maximized DTV facilities. The Commission's tentative conclusion in the instant Notice (para. 51) that interference protection for out-of-core stations should apply to maximized DTV facilities specified in construction permits should be adopted and then be combined with the procedure already adopted by the Commission which allows such stations to "carry over" to their in-core DTV channel, on an interference free basis, the maximized digital service area authorized in their construction permits.

Of paramount importance to stations with both analog and digital channels outside the core in the lower band (channels 52-59) is the date to be selected by the Commission by which construction and operation of the authorized maximized (or replicated) DTV facilities on the out-of-core channel must be completed. While the Commission asked whether it would be appropriate to establish replication and/or maximization deadlines for out-of-core stations which are the same as or earlier than the deadlines adopted for in-core stations, basic fairness dictates that no such deadline be established for out-of-core stations during the DTV transition period. It would make absolutely no sense to require an out-of-core station to devote huge amounts of money and resources to build a maximized (or replicated) DTV facility (upgrading its lower power DTV facility) on an out-of-core channel only to then be required to abandon or significantly alter that facility at the end of the transition and build a second, new DTV facility on an in-core channel.

It should also be noted that, assuming the Commission adopts the proposed July 1, 2006 maximization/replication deadline (for stations other than network stations in the top 100 markets), if out-of-core stations are required to operate with maximized facilities on their out-of-core channels, such operation might last as short as six months (*i.e.*, from July 1, 2006 to the end

of the transition, December 31, 2006). One can hardly justify the huge expense and effort to construct maximized facilities on out-of-core channels which will be in operation for such a short period of time and abandoned at the end of the transition.^{6/} Moreover, there would be no benefit to building a maximized (or replicated) DTV facility on an out-of-core channel not only because of the short duration of the operation but also because the experience (technical and otherwise) gained will be of no value in connection with the later DTV operation on a new in-core channel (e.g., the opportunity to test for interference and other service problems encountered on the out-of-core DTV channel will be of no relevance in connection with the future operation on the in-core DTV channel).

The need to minimize the heavy burden placed on the affected stations by deferring the maximization/replication deadline for such stations clearly outweighs any benefits that could be achieved by requiring maximization or replication during the transition period. This is particularly true in the case of the lower band (channels 52-59) which is occupied by far more stations than the upper band (channels 60-69) and where the need to clear the lower band is not nearly as pressing as the need to clear the upper band.^{7/} Because there are only 17 out-of-core stations and these stations are relatively small independent stations located in areas where there

^{6/} In its Notice (at para. 54), the Commission observed that out-of-core stations may have little incentive to incur the cost necessary to increase their coverage area as they will receive interference protection only until the end of the DTV transition, but nevertheless, such stations have invoked the Commission's maximization process and applied to expand or maximize their coverage. It should be noted that a primary motivation for the filing of maximization applications by such stations was not necessarily a desire to build maximized facilities on an out-of-core channel, but rather was the necessity and requirement (as part of a one-shot, time-limited window of opportunity) to file a notice of intent to maximize and maximization application in order to preserve a competitive, interference free service area on an eventual in-core DTV channel.

^{7/} The Commission expressed its view that if it decides to treat the lower band (channels 52-59) differently than the upper band (channels 60-69) for replication/maximization purposes, the differences between the bands would justify such action. (Notice, paras. 41-46, 53-54) Station WLNY's comments are limited solely to proposals affecting stations in the lower band. Regardless of what action the Commission takes with regard to stations in the

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is an abundance of other TV stations, excluding such stations from a maximization/replication deadline during the transition will not adversely affect any Commission policy or goal nor would it have any cognizable impact on the Commission's desire to advance or speed transition to DTV nationwide.

The basic unfairness and enormous waste of money and resources that would be entailed in requiring out-of-core stations to construct their maximized (or replicated) facilities during the transition period can be illustrated by reviewing the WLNY situation. As previously indicated, station WLNY holds a construction permit for maximized DTV technical facilities on channel 57. It constructed limited DTV facilities on channel 57 and is currently operating in the DTV mode with reduced power pursuant to special temporary authority (which automatically extends the term of the construction permit for maximized DTV facilities). Sizable expenditures, over and above that already expended for the reduced power DTV facility, would be required to plan for, equip and construct a maximized a DTV facility on channel 57 (as explained more fully below and in Attachment 1 hereto). The eventual relocation of WLNY's DTV operation to an in-core channel would involve the abandonment of most of the facilities (*i.e.*, equipment), engineering and construction studies and other items associated with the maximized out-of-core DTV operation and starting all over again with planning for and construction of new DTV facilities on an in-core channel. This "double move" would entail very substantial technical, equipment and other costs -- a large portion of which would be related to out-of-core DTV

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upper band, such action should not preclude the Commission from taking the actions necessary to preserve the ability of stations in the lower band to successfully implement the conversion to DTV operations.

operations of short duration that must be abandoned.^{8/} The second conversion could also necessitate changes to the digital converter equipment used at the headend of each cable system or other multichannel video programming system that carries WLNY, and WLNY could very well be called upon to bear the costs of such retransmission equipment changes.

There is attached hereto, as Attachment 1, a detailed breakdown of the costs of DTV conversion for WLNY taking into account various scenarios. Station WLNY implemented its reduced power DTV operation on channel 57 at a cost of approximately \$385,050. The additional cost of constructing and implementing a maximized DTV facility on out-of-core channel 57 would amount to approximately \$1,300,559. Of that total, a huge sum, \$1,198,559 (if WLNY is assigned an in-core DTV channel between 2 and 13) or \$733,559^{9/} (if WLNY is assigned an in-core DTV channel between 14 and 51), is attributable to equipment, services and other items that could not be used and, thus, would be wasted in connection with the construction and implementation of the new, second DTV facility on WLNY's eventual in-core DTV channel. The cost of constructing and implementing a DTV facility on an in-core channel (assuming that WLNY is not required to first construct a maximized DTV facility on out-of-core channel 57) will vary depending on the assigned channel number -- if between 2 and 13, the cost will be

^{8/} For example, the antenna and transmitter associated with the maximized facility on channel 57 would not be useable at all in connection with a DTV operation on an in-core channel between 2 and 13. The antenna also would not be useable in connection with a DTV operation on an in-core channel between 14 and 51 and the transmitter would require substantial modification to accommodate such in-core operation on a channel between 14 and 51.

^{9/} This figure (\$733,559) consists of \$583,559 worth of items associated with a channel 57 maximized DTV facility which will not be useable for a DTV operation on an in-core channel between 14 and 51 plus a \$150,000 representing a cost differential between a channel 57 maximized transmitter with a subsequent modification for in-core operation and a new transmitter suitable for in-core operation. See Note 2 to Schedule B of Attachment 1.

approximately \$1,120,760 and if between 14 and 51, the cost will be approximately \$1,272,287. The bottom line is that if WLNY is required to undertake a “double move” (*i.e.*, construct a maximized DTV facility on its out-of-core channel and, after abandoning that facility, construct a new, second DTV facility on its eventual in-core channel), it will have incurred an unnecessary substantial expenditure, ranging from over \$730,000 to almost \$1,200,000 (depending on the exact in-core channel ultimately assigned to WLNY). This waste of money and resources can be avoided only by eliminating any requirement for the construction of an out-of-core maximized DTV facility, thereby leaving WLNY free to go directly from its out-of-core low power DTV operation to its permanent in-core DTV operation at the end of the transition period.

Conclusion

The Commission should adopt the proposals set forth herein in order to reduce or minimize the heavy burdens facing out-of-core stations in their pursuit of a successful conversion to DTV operations. The Commission should adopt an early deadline for channel election and a channel assignment procedure that affords out-of-core stations the highest priority in securing in-core DTV channels. The Commission should not require out-of-core stations in the lower band (channels 52-59) to construct maximized DTV facilities on their out-of-core channels and make the large and unnecessary expenditures for items that would be of no value for their future in-core DTV operations. Such stations should be permitted to continue their reduced DTV operations pursuant to special temporary authority during the transition period. This should be allowed without in any way jeopardizing the right of such stations to carry over to

their eventual in-core DTV channels, on an interference free basis, the maximized service areas authorized in their out-of-core DTV construction permits.

Respectively submitted

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Station WLNY -- DTV Conversion Costs

<u>Matter</u>	<u>Costs</u>
A. Equipment/Services For Construction/Implementation Of Reduced DTV Facilities On Out-Of-Core Channel 57 (See Schedule A)	\$ 385,050
B. Equipment/Services For Construction/Implementation Of Maximized DTV Facilities On Out-Of-Core Channel 57 (See Schedule B)	\$ 1,300,559
C. Equipment/Services For Construction/Implementation Of DTV Facilities On Eventual In-Core Channel Between 2 and 13 (Assuming No Construction Of Maximized DTV Facilities On Channel 57) (See Schedule C)	\$ 1,120,760
D. Equipment/Services For Construction/Implementation Of DTV Facilities On Eventual In-Core Channel Between 14 and 51 (Assuming No Construction Of Maximized DTV Facilities On Channel 57) (See Schedule D)	\$ 1,272,287

Listed below are specific costs associated with the construction and implementation of the reduced power facility for WLNY-DT on out-of-core Channel 57.

1. Nationwide Tower evaluated the structural integrity and specified the updates required to meet the needs of the new antenna and transmission line
(Cost \$ 15,150)
2. Communication Technologies Inc. hired for consulting and engineering to design antenna coverage patterns.
(Cost \$ 5,000)
3. Area pre-notification and warnings regarding commencement of DTV operations provided by Curley & Company
(Cost \$ 1,980)
4. Shively did studies to determine the best antenna design and placement to insure best market coverage. Model 2010-24 -57 was selected
(Cost \$21,703)
5. Station selected the Roden & Schwartz Model NV7081E 1 kw solid state transmitter
(Cost \$109,604)
6. Heartland Video Systems for the encoding package
(Cost \$ 44,045)
7. Allen Tower was the selected vendor to prep and install the antenna
(Cost \$22,848)
8. Miscellaneous expenses (additional engineering analysis, cost studies, financial planning, and management evaluations)
(Cost \$ 150,000)
9. Annual electrical/power utilization costs
(Cost \$ 14,720)

Total Expense \$ 385,050

NOTE: Most of the equipment, including the antenna and transmitter, as well as the services will not be useable for a maximized DTV operation on channel 57 (Total Cost \$ 325,855). Only the enhancements made to the tower structure (item # 1) and the encoding package (item # 6) will be useable for a maximized DTV operation on Channel 57 (Total Cost \$ 59,195).

Schedule B

Listed below are specific additional costs associated with the construction and implementation of a maximized DTV facility for WLNY – DT on an out-of-core channel 57.

1. Andrew's will do a study to determine the best antenna design and placement to insure best market coverage and provide the high power antenna required to meet maximization. Using a side mount UHF antenna will allow WLNY TV Channel 55 analog to continue to operate with its top mount antenna. Andrew's Model ATW22H5-HSC2-57H UHF antenna and Model GLW 1350 System Wave guide.
(Cost \$333,789 - Quote from Andrew's)
2. Acrodyne Industries will supply a new full power transmitter using our existing amplifiers and exciter from the low power system, so we can meet the power requirements of our CP strength of 500kw ERP. Model QXD1 UHF DTV transmitter
(Cost \$ 615,000 - Quote from AI Acrodyne Industries)
3. Communication Technologies Inc. to be hired for consulting and engineering to design antenna coverage patterns.
(Cost \$ 5,000 - Estimate from station engineer)
4. A general contractor will fabricate and build the support platform and housing necessary for the new transmitter and cooling system and all electrical modification.
(Cost \$ 2,000 - Quote from Jeff Bromberg)
5. An electrical contractor will furnish and install a 480volt 200-amp 3-phase circuit with isolation transformer and voltage regulator.
(Cost \$ 100,000 - Quote from United Electric)
6. Allen Tower will prep and install the antenna and will be required to remove the low power antenna.
(Cost \$ 43,990 - Quote from Allen Tower)
7. Curley & Company will issue and provide the area wide notification services needed to reflect the new higher energy and emission levels.
(Cost \$3,100 - Quote from Curley & Company)
8. Miscellaneous expenses (additional engineering analysis, cost studies, financial planning, and management evaluations)
(Cost \$ 100,000 - Estimate from station engineer)
9. Annual electrical/power utilization costs (over and above that needed for reduced power operation)
(Cost \$ 97,680 - Estimate from station engineer)

Total Expense \$ 1,300,559

NOTE 1: The equipment/services described in items 1, 2, 3, 6, 7, 8 and 9 will not be useable in connection with the construction/implementation of DTV operations on an in-core channel between 2 and 13 (Total cost \$ 1,198,559). The equipment/services described in items 4 and 5 will be useable in connection with such in-core operations (Total cost \$ 102,000).

NOTE 2: The equipment/services described in items 1, 3, 6, 7, 8 and 9 are not useable in connection with the construction/implementation of DTV operations on an in-core channel between 14 and 51 (Total cost \$ 583,559). The equipment/services described in items 2, 4 and 5 will be useable in connection with such in-core operations (Total cost \$ 717,000). To make the transmitter described in Item 2 useable for operation on a channel between 14 and 51, it will be necessary to modify that transmitter at a cost of \$ 85,000. If the purchase of the channel 57 maximized transmitter and the modification thereof, involving a total cost of \$ 700,000, can be avoided, a transmitter suitable for use on a channel between 14 and 51 could be purchased at a cost of \$ 550,000 -- a savings of \$ 150,000.

Schedule C

Listed below are specific costs associated with the construction and implementation of a DTV facility for WLNY-DT on a eventual in-core channel 2-13. (Assuming construction of a maximized DTV facility on channel 57 is not required.)

1. Andrew's will do a study to determine the best antenna design and placement to insure best market coverage and provide the high power antenna required to meet maximization. Andrew's Model ATW 12HV5-HTWC-7 Model Max-Line 7 3/16 Coaxial
(Cost \$ 402,000 - Quote from Andrew's)
2. Acrodyne Industries will supply a new solid State DTV Transmitter (VHF) Model VHF Band II
(Cost \$421,857 - Quote from AI Acrodyne Industries)
3. Communication Technologies Inc. will do the consulting and engineering to design antenna coverage patterns.
(Cost \$ 5,000 - Estimate from station engineer)
4. A general contractor will fabricate and build the support platform and housing necessary for the new transmitter and cooling system and all electrical modification.
(Cost \$ 2,000 - Quote from Jeff Bromberg)
5. An electrical contractor will furnish and install a 480volt 200-amp 3-phase circuit with isolation transformer and voltage regulator.
(Cost \$ 100,000 - Quote from United Electric)
6. Allen Tower will prepare and install the new antenna, and remove the analog channel 55 antenna and all old hardware
(Cost \$ 86,803 - Quote from Allen Tower)
7. Curley & Company will issue and provide the area wide notification services needed to reflect the new higher energy and emission levels.
(Cost \$3,100 - Quote from Curley & Company)
8. Miscellaneous expenses (additional engineering analysis, cost studies, financial planning, and management evaluations)
(Cost \$ 100,000 - Estimate from station engineer)

Total Expense \$ 1,120,760

Listed below are specific costs associated with the construction and implementation of a DTV facility for WLNY-DT on an eventual in-core channel 14-51. (Assuming construction of a maximized DTV facility on channel 57 is not required.)

1. Andrew's will do a study to determine the best antenna design and placement to insure best market coverage and provide the high power antenna required to meet maximization.
Andrew's Model ATW18HS3-HTC2-24H Model GLW-1750 System Wave guide
(Cost \$ 425,384 - Quote from Andrew's)
2. Acrodyne Industries will supply a new full power transmitter using our existing amplifiers and exciter from the low power system, so we can meet the power requirements of our CP strength of 500kw ERP.
Model QXD-2 UHF DTV transmitter
(Cost \$ 550,000 - Quote from AI Acrodyne Industries)
3. Communication Technologies Inc. will do the consulting and engineering to design antenna coverage patterns.
(Cost \$ 5,000 - Estimate from station engineer)
4. A general contractor will fabricate and build the support platform and housing necessary for the new transmitter and cooling system and all electrical modification.
(Cost \$ 2,000 - Quote from Jeff Bromberg)
5. An electrical contractor will furnish and install a 480volt 200-amp 3-phase circuit with isolation transformer and voltage regulator.
(Cost \$ 100,000 - Quote from United Electric)
6. Allen Tower will prepare and install the new antenna, and remove the analog channel 55 antenna and all old hardware
(Cost \$ 86,803 - Quote from Allen Tower)
7. Curley & Company will issue and provide the area wide notification services needed to reflect the new higher energy and emission levels.
(Cost \$3,100 - Quote from Curley & Company)
8. Miscellaneous expenses (additional engineering analysis, cost studies, financial planning, and management evaluations)
(Cost \$ 100,000 - Estimate from station engineer)

Total Expense \$ 1,272,287