



Federal Communications Commission
Washington, D.C. 20554

October 4, 2011

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Re: WPVI-TV
Philadelphia, PA
Applications for Construction Permit and
License to Cover
File No. BLCDT-20110503ACH,
BPCDT-20110525ACX and BPCDT-
20110831ABM
Fac. Id. 8616

KYW-DT
Philadelphia, PA
Application for License to Cover
BLCDT-20090326ABH
Fac. Id. 25453

Dear Stations:

This concerns the above-referenced applications for construction permits and license of ABC, Inc. (ABC), licensee of WPVI-TV, Philadelphia, Pennsylvania, and application for license of CBS Broadcasting, Inc., licensee of KYW-DT, Philadelphia, Pennsylvania. On June 16, 2011, Global Radio, LLC (Global), licensee of WNWR(AM), Philadelphia, Pennsylvania, filed a Petition for Rescission of the June 13, 2011 grant of the WPVI-TV application for construction permit (File No. BPCDT-20110525ACX),¹ and on September 6, 2011, Global filed an Informal Objection to WPVI-TV's above-referenced modification application (File No. BPCDT-20110831ABM).² Also before us is Global's September 30, 2010 Petition for Reconsideration of our action resolving the issues concerning

¹ The Commission's rules do not "specifically create the right of third parties to file petitions to rescind an authorization." *See Anderson Radio Broadcasting, Inc.*, 23 FCC Rcd 578, 579 (2008). Therefore, we shall treat Global's June 16, 2011 Petition for Rescission as a Petition for Reconsideration of the June 13, 2011 grant of the WPVI-TV application for construction permit. Also before us is ABC's opposition.

² Also before us is ABC's opposition.

WPVI-DT's above-referenced application for license to cover an earlier construction permit.³ For the reasons set forth below, we deny Global's Petition for Rescission, Petition for Reconsideration, affirm our decision in the *August 2010 Letter*, and grant the construction permit and license applications.

Reconsideration of August 2010 Letter. WNWR, WPVI-TV and KQY-TV operate from nearby towers in Philadelphia, Pennsylvania. Global has long insisted that the 1998 construction of WPVI-TV and KQY-TV's (referred to jointly herein as "the Stations") digital facilities adversely affected the directional antenna system of WNWR. In the *August 2010 Letter*, we found that Global "failed to conclusively demonstrate that the directional array of WNWR was adversely affected by" construction of the Stations' digital facilities in 1998. Specifically, we found "the data collected in this proceeding inconclusive on the question of adverse affect." Furthermore, we found that, "given the amount of construction that has occurred in the vicinity of the WNWR array over the past 40 years . . . that Global has not specifically demonstrated" that the Stations' digital facilities "were the cause of any purported problems the WNWR array may have experienced." More importantly, we concluded that, "[e]ven if Global were able to conclusively show an adverse affect on the WNWR array, we find that issue no longer relevant." We noted that in 2005 Global was granted a modification to the WNWR license specifying revised operating parameters for the station. In its modification application, Global represented that the operating parameters for WNWR were "in full compliance with the terms of the station's authorization." We found that "the 2005 WNWR license modification effectively incorporated the impacts of the various new towers on the AM station's directional antenna system and thus, rendered issues relating to the 1998 tower construction moot."

In its Petition for Reconsideration now before us, Global repeats the same arguments it raised in its numerous previous filings. Global argues that the staff erred by failing to consider fully its assertions that re-radiation from the Stations' antennas has adversely impacted the WNWR directional array. We disagree. The *August 2010 Letter* contained a complete and thorough evaluation of the voluminous record in this case including Commission rules and precedent, the engineering showings submitted by all parties as well as all parties' arguments and responses. Based on all of this, we find that we correctly concluded that: (1) Global failed to conclusively demonstrate that the directional array of WNWR was adversely affected by construction of the Stations' digital facilities; (2) given the amount of construction that has occurred in the vicinity of the WNWR array over the past 40 years that Global has not specifically demonstrated that the Stations' digital facilities were the cause of any purported problems the WNWR array may have experienced; and (3) Global represented in its 2005 modification application that it was no longer operating outside of its license parameters, and there is no longer any adverse affect to consider. Global offers nothing new to persuade us that the previous decision was in error. Therefore, we affirm our decision in the *August 2010 Letter*.

WPVI-TV Construction Permit and Modification Applications. In the application for construction permit filed by WPVI-TV on May 25, 2011, the station proposed to relocate the station's post-transition broadcast transmission facility on channel 6 from its current position on its former analog tower, to a nearby tower that was formerly utilized by WPVI-TV's pre-transition channel 64 digital facility. Global alleges that the modified facilities will cause adverse harm to the WNWR directional array. However, WPVI-TV included with its May 25, 2011 application a thorough engineering study demonstrating that WPVI-TV had complied with its obligations under Section 73.1692 of the rules to evaluate the potential

³ See Letter of Barbara A. Kreisman, Chief of the Video Division to Howard Jaekel and John W. Zucker, 25 FCC Rcd 12562 (Video Division 2010) (*August 2010 Letter*). Although we resolved the outstanding issues in that decision, we did not act on WPVI-TV's then pending license application (File No. BLCDDT-20090612ACL). See *August 2010 Letter* at n. 10. WPVI-TV filed the above-captioned license application in May 2011 and that application remains pending. Also before us are ABC's opposition, Global's reply as well as an opposition filed by CBS Broadcasting, Inc., licensee of KYW-DT, Philadelphia, Pennsylvania, who was a party in the *August 2010 Letter* proceeding.

impact on the WNWR directional array. We agree with the conclusion of that study that the construction of the facilities specified in the May 25, 2011 application will have no measurable influence on the directional antenna pattern of WNWR. In keeping with our request in the *August 2010 Letter*, WPVI-TV conducted a study utilizing "moment method modeling" techniques for determining any adverse impact on the WNWR directional array. By contrast, Global has not offered any additional proof or engineering documentation to substantiate its claim and relies solely on studies submitted with its previous filings. Therefore, we conclude that grant of the May 25, 2011 application for construction permit was proper. With respect to the August 31, 2011 modification application, because WPVI-TV is only proposing a reduction in power, we conclude that there will be no adverse impact on WNWR as a result of this change.

Accordingly, IT IS ORDERED, That the Petition for Rescission, Informal Objection, and Petition for Reconsideration of Global Radio, LLC, ARE DENIED.

IT IS FURTHER ORDERED, That the application for construction permit for WPVI-TV, Philadelphia, Pennsylvania (File No. BPCDT-20110831ABM) IS GRANTED.

IT IS FURTHER ORDERED, That the application for license for WPVI-TV, Philadelphia, Pennsylvania (File No. BLCT-20110503ACH) IS GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara A. Kreisman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Barry Friedman, Esq. – Counsel for Global Radio, LLC