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July 12, 2005

VIA HAND DELIVERY

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Secretary
Federal Communications Commission
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JUL 12 2005

**Federal Communications Commission
Office of Secretary**

**Re: WLNY-TV, Channel 55, Riverhead, NY (Fac. ID No. 73206)
Request for Authority to Cease Analog Operations**

Dear Ms. Dortch

WLNY-TV Inc. ("WLNY") (FRN No. 0003740438), licensee of analog television station WLNY-TV, Channel 55, and permittee of digital television station WLNY-DT, Channel 57, Riverhead, New York, hereby requests authority to (i) cease analog broadcasting on Channel 55 and surrender its license for that channel on or before December 31, 2005, a date that is prior to the end of the DTV transition; and (ii) thereafter operate WLNY-DT as a single, digital-only television station on DTV Channel 57.¹ This request is filed pursuant to the voluntary band-clearing procedure adopted by the Commission in the *Report and Order* in GN Docket No. 01-74 (Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)), 17 F.C.C. Rcd. 1022, 1094-96 (2002) (¶¶182-84) ("*Lower 700 MHz Band R&O*"), in order to clear the Channel 55 portion of the lower 700 MHz band in the New York DMA and thus permit the early launch of an advanced and innovative new wireless communications service

¹ In the event that a ruling granting this request does not become final (no longer subject to administrative or judicial reconsideration or review) until after December 31, 2005, WLNY-TV would cease analog broadcasting within ten days after the date that the ruling becomes final.

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(known as MediaFLO) to be provided on Channel 55 throughout the New York City market and elsewhere around the country by QUALCOMM Incorporated ("QUALCOMM") – a new wireless service which offers substantial public interest benefits.

EXECUTIVE SUMMARY

By granting this request, the Commission will clear the way for launch of QUALCOMM's exciting new MediaFLO wireless service to residents of the New York City market, thus substantially furthering the public interest. In addition, the public interest will further benefit from a substantial expansion of the digital television service currently provided by WLNY's digital station WLNY-DT. As against these very substantial benefits, no perceptible public interest detriments will result from a grant of this request. WLNY-TV's analog service area is served by a host of other full power analog stations, as well as many Class A and LPTV analog stations and many other media services. The area also has extremely high cable and DBS satellite penetration, and few if any viewers will lose access to WLNY's service as a result of a grant of this request. Because the public interest strongly favors a grant of this request, the Commission should grant this request expeditiously.

REQUEST FOR AUTHORITY TO CEASE ANALOG OPERATIONS

As explained in detail below, the public interest factors identified by the Commission in the *Lower 700 MHz Band R&O* overwhelmingly support the grant of WLNY's request. Before turning to a discussion of the factors the Commission identified, however, an important additional aspect of WLNY's current operations should be mentioned at the outset.

WLNY Has Been Assigned Out-of-Core Channels for both Its Analog and Its Digital Operations

As indicated, WLNY currently operates on out-of-core analog channel 55 and paired digital out-of-core channel 57. WLNY thus does not possess any authorization to operate WLNY-TV/DT on any channel that is within the core broadcast spectrum (channels 2-51) which will survive after the transition to all-digital television broadcasting. WLNY currently holds a construction permit for maximized digital facilities on Channel 57. It commenced digital operation on Channel 57 with reduced power on April 28, 2002, pursuant to special temporary authority ("STA") granted by the Commission, and it is currently operating WLNY-DT pursuant to that authorization. WLNY-TV/DT is one of only seventeen paired analog/digital stations which have *no* in-core channel for either analog or digital operation,² and WLNY has not to date been assigned any in-core channel for post-transition digital operation. Due to the heavy burden

² *Report and Order* in MM Docket No. 00-10 (*Establishment of a Class A Television Service*), 15 F.C.C. Rcd. 6355, 6378-6379 & n.107 (2000) (¶57); *see also Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket No. 87-268, 13 F.C.C. Rcd. 7418, 7636-99 (1998) (Appendix B).

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confronting WLNY and other similarly-situated licensees, the Commission has permitted such licensees extra flexibility in choosing how to operate during the transition period. In particular, the Commission has ruled that, by the date of their DTV channel election (*i.e.*, for WLNY, the upcoming second round of elections), such licensees have the option to elect to operate only on their analog channels; to cease all digital broadcasting and to surrender their out-of-core DTV channels; and to “flash cut” to digital operation on their eventual in-core DTV channel assignment at the end of the transition.³ WLNY thus *already has* the option under Commission rules to cease operating in both analog and digital formats by terminating digital operations. In this request, WLNY seeks merely to cease operating in dual formats by terminating its *analog*, rather than its digital, operations. The reason is that, in the case of WLNY, operation as a digital-only station, and termination of analog operation, would much better serve the public interest.

The Lower 700 MHz Band R&O Public Interest Factors Clearly Support a Grant of this Request

In the *Lower 700 MHz Band R&O*, the Commission stated that it would evaluate lower 700 MHz band-clearing requests by a balancing test in which (1) the public interest benefits to be gained from “making new or expanded wireless services available to consumers or deploying wireless service to rural or other underserved communities” are weighed against four possible countervailing public interest considerations: (2) “the loss of any of the four stations in the designated market area with the largest audience share”; (3) “the loss of the sole service licensed to the local community”; (4) “the loss of a community’s sole service on a channel reserved for noncommercial educational broadcast service”; and (5) any “negative effect on the pace of the DTV transition.” 17 F.C.C. Rcd. at 1096 n.549. As discussed below, four of these five public interest factors identified in the *Lower 700 MHz Band R&O* overwhelmingly support a grant of this request. The lone contrary factor – that WLNY is the only full service television station licensed to Riverhead, New York – is neither dispositive under past Commission precedent nor of sufficient weight to counterbalance the strong public interest benefits which support a grant of this request.

The Substantial Public Interest Benefits to Be Gained – Innovative New QUALCOMM Wireless Service in the New York DMA and Across the Nation

WLNY’s termination of analog Channel 55 operation would result in substantial public interest benefits – benefits that far outweigh any comparatively minor service losses which might result from the proposed action. The positive benefits involve the launch of a major, advanced new wireless communications service which will provide a wide variety of highly worthwhile video services to residents of the New York DMA and, indeed, the entire nation.

³ Report and Order in MB Docket No. 03-15 (*Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*), 19 F.C.C. Rcd. 18,279, 18,321-22 (2004) (¶95).

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As is verified by the statement of QUALCOMM attached as Exhibit A to this request, QUALCOMM is in the process of launching on Channel 55, both in the New York DMA and in many other markets throughout the country, a wireless "mediacast" service, delivering many channels of high quality video and audio content, as well as innovative mobile data applications, all to third generation mobile phones at mass market prices. Only with a grant of this request will QUALCOMM be able to launch this service in New York, a showcase market for this exciting new service. Pertinent information about QUALCOMM and its planned new MediaFLO service is provided below.

QUALCOMM

QUALCOMM, headquartered in San Diego, California, was founded in 1985 and is today a world leader in developing cutting-edge digital wireless communications technologies and in delivering, and enabling other companies to deliver, products and services based on the digital wireless communications technologies that QUALCOMM develops. QUALCOMM has developed a core technology known as code division multiple access ("CDMA"). This technology has been incorporated into standardized wireless technologies deployed by wireless carriers in the United States and around the world, including cdmaOne, the second generation version of CDMA, and CDMA2000, the third generation version of CDMA. QUALCOMM holds more than 3,000 patents and patent applications for CDMA and related technologies.

Virtually all third generation ("3G") wireless products and services are based on some form of the CDMA technology developed by QUALCOMM. A division of QUALCOMM, QUALCOMM CDMA Technologies, is the world's largest provider of 3G chipsets and software for 3G wireless phones, having shipped more than 233 million 3G chipsets to manufacturers of wireless phones around the world.

In 2003, QUALCOMM acquired licenses in the Lower 700 MHz band, Block D, Channel 55, for five of the six EAG markets in a Commission auction. In 2004, QUALCOMM acquired the license for the sixth EAG and now has licenses for this spectrum covering the entire nation.

QUALCOMM has developed technology known as "FLO" – meaning "forward link only" – which enables the efficient delivery of one-way video, audio, and data to mobile phones. When deployed in the Lower 700 MHz band (on Channel 55), FLO technology offers distinct efficiency and cost advantages in delivering content to a very large mobile subscriber base. Deploying high-power transmitters on tall towers with FLO technology provides superior coverage with 30 to 50 times fewer towers than cellular and higher frequency-based systems, driving down the costs for consumers.

In November of 2004, QUALCOMM announced its plan to launch a new, nationwide "mediacast" service utilizing FLO technology to bring a broad array of multi-channel video,

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audio and data to 3G mobile phone users nationwide, beginning commercial operation in many parts of the country in 2006.

QUALCOMM's New Wireless MediaFLO Service

In a nutshell, QUALCOMM's MediaFLO service will deliver multiple channels of high-quality video, as well as audio programming and data, to 3G mobile phones at mass market prices. Through its MediaFLO™ USA Inc. subsidiary, QUALCOMM will provide this new multimedia service to consumers in cooperation with U.S. cellular operators. QUALCOMM intends to offer the network as a shared resource for U.S. CDMA2000 and WCDMA (UMTS) cellular operators, enabling them to deliver mobile interactive multimedia to their wireless subscribers without the cost of network deployment and operation. Subscribers will enjoy access to a broad range of high-quality content from many of the nation's major media companies. MediaFLO USA will aggregate and distribute the content that is available to all MediaFLO partners and will provide seamless integration of this content with unique content that individual operators provide to maintain their competitive differentiation.

Among its many other benefits, the MediaFLO network will provide broadcast television stations and networks, cable television and satellite networks and system operators and other content providers with a major new distribution medium that complements their current offerings, one which enables them to reach their audiences when they are away from home and "on the go." For consumers, the benefits will include instant access to multi-channel video, audio and other media and data services, whenever and wherever they want them, via their mobile phones.

The MediaFLO network service will provide, at its inception, among other benefits, the following:

- up to 15 live streaming video program channels;
- numerous (up to 50 to 100) video "clip cast" channels (in which subscribers can choose video clips to watch);
- numerous audio channels featuring music and audio information services;
- video and audio channels that QUALCOMM currently anticipates will include core public interest program content, including *news, weather, public affairs and other informational and non-entertainment programming*, and also including *up-to-the-minute breaking news and weather information*, as well as a wide variety of attractive sports and entertainment program content;
- network capability to disseminate *emergency alert information*, including the ability to deliver important weather alerts (such as severe storm, flood, tornado and hurricane warnings, etc.) and other emergency information, *in both visual (including textual) and auditory form*; and

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- network capability to provide *local program service offerings*, as well as national and regional service offerings.

All of this, and more, can be delivered in the same 6 MHz of Lower 700 MHz band spectrum in which a single analog Channel 55 television station such as WLNY-TV broadcasts today. And all of this content will be delivered in an easy-to-use, familiar format at quality levels that *dramatically surpass* current mobile phone multimedia offerings through the use of QVGA video at up to thirty frames per second and high-quality stereo audio. The service will also be offered at affordable, "mass market" prices. The service will thus be readily affordable for the vast majority of the nation's more than 186 million mobile phone users.

QUALCOMM's business plan calls for an investment of *eight hundred million dollars* (\$800,000,000) for the nationwide launch of the MediaFLO service. This substantial investment will not only help to drive America's economic growth, but will also help to spur the development of new content and new technologies that will lead to *even more innovative new wireless services* to benefit the American public. QUALCOMM plans to launch commercial operations of MediaFLO in 2006. Assuming a prompt grant of this request, QUALCOMM plans to commence trial operations of the MediaFLO service in the New York DMA in the first two months of 2006 and to launch the service in the New York market as soon thereafter as is possible, and certainly before the end of 2006.

A Grant of this Request is Critical to QUALCOMM's Roll-Out of Its Innovative New "MediaFLO" Service

Commission approval of this request is a necessary precondition to QUALCOMM's launch of the MediaFLO service in the New York market. Unless WLNY-TV ceases analog broadcasting on Channel 55, QUALCOMM simply will not be able to launch the MediaFLO service in the New York DMA, the "number one" ranked media market in the country. As in the rollout of any new wireless telecommunications service, or indeed any new mass market media offering, launch in the nation's largest media market is critical. New York is the primary "showcase" market for a new service such as MediaFLO. New York is not only the most populous DMA, but is also one of the "key" markets in which to launch this type of wireless service in order to reach agreements with programmers, distributors and other necessary content, distribution and equipment partners and suppliers. QUALCOMM needs to launch the MediaFLO service in the New York market to make its innovative new wireless multi-media service a truly nationwide service. To do that, WLNY-TV must cease analog operations in the New York market.

The public interest benefits from a grant of this request are thus very substantial indeed. As against those substantial benefits, no significant countervailing public interest detriments would result from a grant of this request.

The Possible Countervailing Public Interest Considerations

Loss of a Highly-Ranked "Top Four" Station

Turning to the first of the four potential countervailing public interest factors identified in the *Lower 700 MHz Band R&O*, the loss of one of the four analog stations in the market with the largest audience share, this factor clearly supports a grant of the instant request. WLNY-TV is an independent station not affiliated with any network, and it is not among the "top four" rated stations in the New York DMA. Indeed, WLNY-TV is ranked *far below* the "top four" New York DMA stations. Of the twenty-one full power broadcast television stations licensed to communities within the New York DMA, WLNY-TV ranks number eleven among all viewers (including cable, satellite and over-the-air viewers) in the DMA.⁴ In fact, the average viewership of the top four stations in the New York market (240,000 plus households – the average viewership of WABC, WNBC, WCBS and WPIX) is *more than ten times as high* as that of WLNY-TV.⁵

This factor thus clearly favors a grant of this request.

Loss of the Sole Station Licensed to the Community

WLNY-TV is the sole full power analog television station licensed to Riverhead, New York. The second potential countervailing factor identified in the *Lower 700 MHz Band R&O* is thus adverse, but it clearly is not dispositive of this request. It is rather merely one element to be weighed in the balance. To date, there have been five Commission decisions which ruled on band clearing requests, and four of the five decisions have granted the request to terminate analog operations (the fifth is now under reconsideration). Of the four grants, *three* have involved stations which were the sole station licensed to their community.⁶ Although the only decision thus far which has denied a band clearing request – the KJLA(TV) decision⁷ – also involved the sole station licensed to a community, that fact does not appear to have been

⁴ Exhibit B Statement of Norman Hecht Research Inc. ("Hecht Research Statement") at Exhibit 1. If only non-cable and non-satellite, over-the-air viewers are considered, WLNY-TV falls in a four-way tie for the number *twelve* viewership rank in the market. *Id.* at Exhibit 1B.

⁵ *Id.* at Exhibit 1.

⁶ See *WRNN-TV Associates L.P.*, 19 F.C.C. Rcd. 12,343 (Med. Bur. 2004) (involving WRNN-TV, Kingston, NY) ("*WRNN-TV*"); *Commonwealth Public Broadcasting Corp.*, 18 F.C.C. Rcd. 18,517 (Med. Bur. 2003) (involving WNVN-TV, Goldvein, VA) ("*WNVN-TV*"); *Barry A. Friedman, Esq.*, 18 F.C.C. Rcd. 9131 (Med. Bur. 2003) (involving KVMD(TV), Twentynine Palms, CA) ("*KVMD*"). The fourth decision granting a band clearing request is *Lenfest Broadcasting, LLC*, 17 F.C.C. Rcd. 19,148 (Med. Bur. 2002) (involving WWAC-TV, Atlantic City, NJ) ("*WWAC-TV*").

⁷ *Barry A. Friedman, Esq.*, 20 F.C.C. Rcd. 2389 (Med. Bur. 2005) (denying request regarding KJLA(TV), Ventura, CA) ("*KJLA*") (petition for reconsideration pending).

determinative. Rather, the primary consideration upon which the Media Bureau appears to have relied in *KJLA* was the fact that the spectrum in question there “has yet to be auctioned for use by new wireless services.”⁸ The Bureau thus concluded that *KJLA* had not shown that vacating its analog spectrum “at this time will serve the public interest by expediting new or expanded use of this spectrum.”⁹ Here, however, *WLNY* has made a compelling showing that a grant of this request will directly result in the prompt introduction by *QUALCOMM* of an innovative new wireless “mediacast” service offering substantial benefits to the public. The instant request is thus readily distinguishable from, and offers far more compelling public interest benefits than, the request made to the Commission in *KJLA*.

Indeed, in *none* of the five previous cases decided by the Bureau, including the three cases in which the Bureau granted a band clearing request despite the fact that the station involved was the sole station licensed to its community, was any showing of public interest benefits from new wireless service made which is remotely comparable to that made here regarding the immediate and substantial public interest benefits that will result from *QUALCOMM*’s launch of the new *MediaFLO* service in the New York market. Under settled Bureau precedent, therefore, this factor cannot be viewed as in any sense dispositive, and indeed has in past decisions been readily outweighed by prospective public interest benefits far less significant than those offered here.

Loss of a Community’s Sole Service on a Channel Reserved for Noncommercial Educational Broadcast Service

Because *WLNY-TV* is a commercial station, the third potential countervailing factor identified in the *Lower 700 MHz Band R&O* is not implicated by, and therefore supports, this request.

Negative Effect on the Pace of the DTV Transition

The final potentially countervailing factor identified in the *Lower 700 MHz Band R&O* – whether the termination of analog operations would have any negative effect on the pace of the DTV transition – also clearly supports a grant of this request. As noted at the outset, *WLNY*’s current analog and paired digital stations both operate on out-of-core channels, and thus *WLNY* is under no obligation under Commission policy even to continue its current digital broadcast operations. It could simply terminate them and “flash cut” to digital operations on its eventual in-core channel at the close of the transition. In addition, were *WLNY* to continue to operate

⁸ *Id.*

⁹ *Id.* The *KJLA* decision also relied on an additional factor – the potential loss of an analog service providing “unique Spanish-language programming,” *id.*, which is not applicable here, but nowhere in the decision does significant reliance appear to have been placed on the fact that *KJLA* is the only television station licensed to Ventura, California.

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WLNY-DT during the transition, it also would have no obligation to further "build out" the station's service area under existing Commission rules prior to the end of the transition. WLNY-DT is currently operating with a reduced power facility (31 kw ERP) which results in service to approximately 81.9% of viewers served by the 1997 facility on which replication coverage was based.¹⁰ Under the Commission's "use it or lose it" standard, by July 1, 2006, WLNY-DT would be obligated to serve at least 80% of the viewers served by its 1997 facility on which replication coverage was based in order to avoid the loss of the right to "carry over" its maximized service area to its eventual, but not yet assigned, post-transition in-core digital channel. Since WLNY-DT *already meets* this Commission standard, it could properly continue to operate its reduced power DTV facility and maintain its right to full maximized service area interference protection on its eventual in-core digital channel. However, WLNY intends voluntarily to contribute to the advancement of digital broadcasting by going beyond what Commission rules require and fully building out its maximized digital facility, if the instant request is approved.

Specifically, WLNY-DT will voluntarily construct, at a cost in excess of one million dollars (\$1,000,000), a maximized DTV facility (500 kw ERP) in accordance with its outstanding construction permit. This facility will be constructed and placed in operation within twelve months from the date of a final Commission order approving the instant request. WLNY will commit to construct a maximized facility on out-of-core Channel 57 notwithstanding the fact that, at the end of the DTV transition, it will have to abandon that facility and build a new DTV station, at considerable additional expense, on its yet-to-be-assigned in-core DTV channel.

The maximized WLNY-DT facility will serve 5,081,440 persons within a 7,270 square kilometer area, as compared to the current WLNY-DT STA service to only 3,104,183 persons within a 4,652 square kilometer area.¹¹ Thus, maximizing WLNY-DT's facilities will result in DTV service to an additional 1,977,257 persons within an additional 2,618 square kilometers. Indeed, the number of persons and the area served by the maximized DTV facility will substantially exceed even the number of persons (3,855,201) and the area (5,502 square kilometers) currently served by WLNY-TV's analog operation on Channel 55. Importantly, *no areas or populations will lose service from WLNY* as a result of its conversion to all-digital operations, and indeed *substantial areas and populations will gain WLNY* over-the-air service (in digital form) as a result of the conversion.

In view of WLNY's commitment to construct and operate a maximized WLNY-DT facility during the transition, a grant of the instant request will have *a clearly positive effect* on the pace of the DTV transition in the New York market. A grant of this request will foster the further development of digital broadcasting and beneficially contribute to the early transition to all-digital television broadcasting.

¹⁰ See Exhibit C Communications Technologies, Inc. ("CTI") Engineering Statement at 2.

¹¹ See id. at 1-2 & Figure 3.

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This factor thus also clearly favors a grant of the instant request.

Other Public Interest Factors

As demonstrated, a balancing of the five factors identified in the *Lower 700 MHz Band R&O* clearly and overwhelming supports the grant of this request. In the previous Media Bureau decisions ruling on band clearing requests, one additional consideration has been discussed – the potential for loss of service by the station in question to viewers, including in particular the increasingly small number of viewers who still rely on over-the-air reception of analog television service. While this consideration was not mentioned by the Commission in the *Lower 700 MHz Band R&O*, even assuming its relevance here, no material loss of service to viewers – including over-the-air analog-only viewers – will result from a grant of this request.

To begin with, WLNY's programming service will continue to be available to the vast majority of the households which currently receive it – those which do so via cable television or satellite DBS retransmission. The New York DMA has a cable penetration of 80.6% and an "Alternative Delivery System" (or "ADS") penetration of 12.8% (97% of which consists of satellite DBS penetration).¹² Only 8.2% of television households in the New York DMA rely on over-the-air reception of television broadcast signals, and this percentage is likely to be even smaller within WLNY-TV's Grade B service area, because reliance on over-the-air reception in the New York market is higher in the highly concentrated urban areas of the market and lower in the more suburban and comparatively rural Long Island areas which WLNY primarily serves.¹³

The vast majority of television households (in excess of 90%) which currently receive WLNY-TV's analog service via one or more multi-channel video programming distributors ("MVPDs") will all continue to receive the WLNY-DT service notwithstanding the fact that it will be broadcast over the air in digital form. In this regard, WLNY will elect must carry status for WLNY-DT and will insist that cable operators distribute WLNY-DT's signal to subscribers in analog format (where such is the means of signal delivery used by the cable system to provide "must carry" signals to subscribers) – an election that must be honored under Commission precedent.¹⁴ WLNY will also, at its own expense, provide cable operators with a signal capable of retransmission to subscribers in analog form. The provision of an analog signal to cable systems will pose no difficulty, because WLNY already delivers the WLNY-TV signal by fiber optic link to all cable systems which carry the signal.¹⁵ As a result, cable and MVPD households

¹² See Exhibit B Hecht Research Statement at 1.

¹³ Id.

¹⁴ See, e.g., *WHDT-DT*, 16 F.C.C. Rcd. 2692, 2698 (2001).

¹⁵ WLNY-TV is also distributed as part of the satellite (DBS) services provided by EchoStar and by DirecTV, both of which also receive the station's signal by means of fiber optic link.

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will continue to receive WLNY's programming in the future just as they do today. The shift to digital operation will cause no disruption or loss of service whatsoever to service subscribers.

Regarding the comparatively small number of households which continue to rely solely on over-the-air reception of broadcast signals, no material adverse impact will occur as a result of a grant of this request. A total of 31 *other full service television broadcast stations* provide analog service to all or part of WLNY-TV's Grade B service area.¹⁶ Over 99% of all households within WLNY-TV's Grade B contour receive service from at least five other full service analog television stations, and over 95% of all households within the station's Grade B contour receive service from *at least ten* other full service analog television stations.¹⁷ No households within the WLNY-TV Grade B contour receive service from fewer than three other full service analog television stations, and only a tiny number of households receive only three (331 households) or only four (5,810 households) other full service analog stations.¹⁸ Many of these households are located along the southern edge of Eastern Long Island in an area commonly referred to as "The Hamptons" – a high-end beach community consisting primarily of seasonal second homes which are unlikely to rely on over-the-air reception of analog broadcast signals.

WLNY has attempted to determine approximately how many households actually do view WLNY-TV's signal over-the-air, but unfortunately the best data from Nielsen which is available is not statistically reliable. During the most recent "sweeps" period, Nielsen recorded viewing by a total of 110 "in tab" "people meters" within WLNY-TV's Grade B contour, but of those 110 "people meters," *only three* were in households without cable television, DBS or some other MVPD service. Due to this very small number of over-the-air viewer household "people meter" responses, statistical projections from the recorded data are, in Nielsen's vernacular, "below minimum reporting standards."¹⁹ We present the data only because it is the best available.

Assuming the reliability of projections from the three "people meter" responses Nielsen recorded for non-cable/non-ADS households within the WLNY-TV Grade B contour, the data

¹⁶ See Exhibit C CTI Engineering Statement at 2 & Figure 4. Significant portions of WLNY-TV's Grade B service area are also served by a total of 11 Class A Stations and a total of 11 Low Power Stations. See *id.* at 2 & Figure 6. The WLNY-TV Grade B service area is also heavily served by a total of 34 full power DTV stations. See *id.* at 2 & Figure 5.

¹⁷ *Id.* at 3 & Figures 10 & 11.

¹⁸ *Id.* at 3 & Figures 8 & 9. In connection with the Commission's review of the highlighted "three other services" area depicted in Figure 8 of the Exhibit C CTI Engineering Statement, it should be noted that the very tiny "three other services" area which is depicted in Figure 8 is actually *much smaller* than the Figure shows, because – due to the scale of the Figure 8 map – the map does not reflect that *more than half* of the highlighted "three other services" area in fact consists of water (primarily Moriches Bay) and not land area containing households or viewers.

¹⁹ See Exhibit B Hecht Research Statement at 2.

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would indicate that approximately 1,000 households, on average, view WLNY-TV's signal by means of over-the-air reception.²⁰ That number of households represents (1) *less than one percent* of the households within WLNY-TV's Grade B contour that rely on over-the-air reception of broadcast signals; (2) *less than two-tenths of one percent* of the total households in the New York DMA which rely on over-the-air reception of broadcast signals; (3) *less than one-tenth of one percent* of all households within WLNY-TV's Grade B coverage area; and (4) *less than one one-hundredth of one percent* of all television households in the New York DMA.²¹

This tiny level of service loss – if it even exists – simply is not material. As discussed, WLNY-TV's Grade B service area is served by a plethora of other full service broadcast television stations, as well as many Class A and low power stations and a host of other media entities.²² The New York market is the most heavily served media market in the country. Early termination of the WLNY-TV analog signal, and the proposed corresponding early maximization of the WLNY-DT signal, will have *no* meaningful adverse impact on the public interest – indeed, the increased WLNY-DT service will *materially advance* the public interest.

CONCLUSION

A grant of this request will provide public interest benefits far in excess of those demonstrated in any of the prior cases in which the Commission has approved a band clearing request. The innovative new QUALCOMM MediaFLO wireless service cannot launch in the New York market unless WLNY-TV ceases analog operation on Channel 55. Given the very substantial public interest benefits which will result from QUALCOMM's launch of its new MediaFLO service, and the temporary and extremely minor – if not completely nonexistent – service losses which might result from WLNY-TV's early termination of analog operations, the proper balance in this case is not difficult to strike.

The public interest overwhelmingly favors a grant of this request, and the Commission should therefore grant this request promptly.

²⁰ Id.


²¹ Id.

²² It may also be noted that WLNY owns and operates three low power television stations in the New York market: WLIG-LP, Mineola, New York; W27CD, Stamford, Connecticut; and W54CZ, Morristown, New Jersey. WLNY intends to rebroadcast the signal of WLNY-DT over these low power stations in analog format, and thus an analog signal of the station will remain available over-the-air in the areas served by these three low power stations. The programming of WLNY-DT will also be rebroadcast by low power television station W17CR, Plainview, New York. The permittee W17CR has informed WLNY that it intends to complete construction of the station and commence broadcasting before August 19, 2005, and that it will rebroadcast the signal of WLNY-TV or WLNY-DT. An application is pending to assign the authorization for W17CR to WLNY and, upon consummation of the assignment, WLNY will continue to rebroadcast the signal of WLNY-TV and, when the analog operation terminates, the signal of WLNY-DT, thus making the signal available to viewers over-the-air in analog format in the area served by W17CR as well.

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
July 12, 2005
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Should any further information be desired in connection with this request, please contact the undersigned.

Sincerely


Ronald A. Siegel

cc: Donna Gregg, Esq.
William Johnson, Esq.
Barbara Kreisman, Esq.



QUALCOMM Incorporated

2001 Pennsylvania Ave., NW ■ Suite 650 ■ Washington, DC 20006 ■ Tel: 202.263.0020

www.qualcomm.com

July 12, 2005

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Station WLNY-TV
Facility ID No. 73206
Riverhead, NY

Dear Ms. Dortch:


On behalf of QUALCOMM Incorporated ("QUALCOMM"), I am writing in connection with a request (the "Request") being filed by WLNY-TV, Inc. ("WLNY") to: (i) cease analog broadcasting on Channel 55 and surrender its license for that channel on December 31, 2005, a date that is prior to the end of the DTV transition; and (ii) thereafter to operate WLNY-DT as a single, digital-only television station on DTV Channel 57.

In the Request, WLNY states that QUALCOMM is in the process of launching on Channel 55, in the New York DMA and in many other markets across the country, a wireless "mediacast" service, delivering many channels of high quality video and audio content, as well as innovative mobile data applications, all to third generation mobile phones at mass market prices. WLNY states further that a grant of the Request is necessary in order to make the Channel 55 spectrum available in the New York City market to QUALCOMM, which holds licenses for the channel (Block D in the Lower 700 MHz Band) covering the area served by WLNY along with the rest of the nation, so that QUALCOMM's wholly-owned subsidiary, MediaFLO USA, Inc., can launch MediaFLO in the New York City market on the spectrum.

I hereby verify, under penalty of perjury, that the foregoing statements, along with all the other statements in the Request relating to QUALCOMM and its MediaFLO service, which are all based upon information that I supplied to counsel for WLNY, are all true and correct.

A grant of the Request as expeditiously as possible will greatly assist QUALCOMM's efforts to launch its innovative MediaFLO network. The Commission staff should contact me if any additional information is needed in the course of processing the Request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Brenner", with a long horizontal flourish extending to the right.

Dean R. Brenner
Senior Director, Government Affairs
QUALCOMM Incorporated

NORMAN HECHT

R E S E A R C H I N C .

Exhibit B

Overview of WLNY-TV May'05 Nielsen Data by NORMAN HECHT RESEARCH

This statement has been prepared by NORMAN HECHT RESEARCH for WLNY-TV Inc. for submission to the Federal Communications Commission in support of a request for authority to cease WLNY-TV analog broadcast operations and to thereafter broadcast only digitally via the facilities of WLNY-DT.

Summary of Qualifications:

NORMAN HECHT RESEARCH has consulted with local television stations regarding Nielsen issues (sampling, audience ratings, policies and methodologies) for over twenty-five years. The executive team at NORMAN HECHT RESEARCH has accumulated a wide array of industry experience, including management positions at ratings measurement companies, local television stations, advertising agencies, cable networks and rep firms. As recognized experts in the field of audience measurement, our goal is to provide clients with objective insight to make better-informed strategic business decisions. We have been the only ratings consultants to the Television Operators Caucus for many years, and we currently serve a wide range of broadcast stations, station group owners (large and small, across an array of market sizes) and broadcast networks.

Market Overview:

There are currently 7,355,710 television households in the New York DMA (Designated Market Area) according to data from Nielsen Media Research ("Nielsen") (2004-2005 broadcast season). Of these, 5,928,702 television households (80.6% of the DMA) are classified as Cable households. An additional 941,531 television households (12.8% of the DMA) are classified as ADS households (Alternative Delivery Systems). The vast majority of these households are predominantly DBS households (97% of all ADS households). The remaining 603,168 television households (8.2% of the DMA) are categorized as Broadcast-only or over-the-air households (Nielsen uses the classification of No Cable/No ADS). Typically, there is a slightly higher concentration of No Cable/No ADS households in major urban regions of a television market.

- In WLNY-TV's Grade B coverage area there are an estimated 1,365,297 households (engineering estimate). Using the 8.2% No Cable/No ADS penetration of the DMA and applying it to the Grade B households would yield approximately 111,954 No Cable/No ADS households in the Grade B coverage area. This is most likely a high estimate in that most of WLNY's Grade B signal covers suburban or comparatively rural areas, which typically have above average cable and satellite (DBS) penetration, as compared to more concentrated urban areas, and lower No Cable/No ADS penetration.
- In terms of WLNY's May'05 average quarter-hour projected audience (Exhibit 1), Nielsen's data reflects that WLNY-TV ranks 11th out of 22 New York DMA broadcast stations, with an average of 24,000 households watching in any given quarter-hour, sign-on to sign-off (Sun-Sat/6am-2am).

⇒ Based on Nielsen's data, in the total New York DMA, and also in WLNY's Grade B coverage area, No Cable/No ADS households contribute only approximately 1,000 of the total 24,000 WLNY-TV audience. These households are in WLNY's Grade B coverage area (Exhibit 2).

It is important to note, however, that Nielsen's estimate of No Cable/No ADS viewing is based on an extremely small sample size of only three People Meters (out of a total of one hundred and ten people meters) in the Grade B coverage area. As a result, Nielsen qualifies this data in its reports by stating the sample size is "below minimum reporting standards" and is therefore designated by Nielsen as "for internal use only." Because data based on such a small number of People Meters (three) falls well below Nielsen's minimum reporting standards, projections from the data may not be reliable.

⇒ Given the important sample size caveat, the 1,000 households data, if accepted, would represent viewing by less than one percent (0.89%) of the No Cable/No ADS households in the WLNY-TV Grade B coverage area, less than two-tenths of one percent (0.17%) of the No Cable/No ADS households in the New York DMA, less than one tenth of one percent (0.07%) of all households in the WLNY Grade B coverage area and only one hundredth of one percent (0.01%) of all television households in the New York DMA.

The undersigned representative of NORMAN HECHT RESEARCH declares, under penalty of perjury, that the foregoing statement has been prepared at his direction and under his supervision, and that the statements contained therein are true and correct to the best of his knowledge, information and belief.

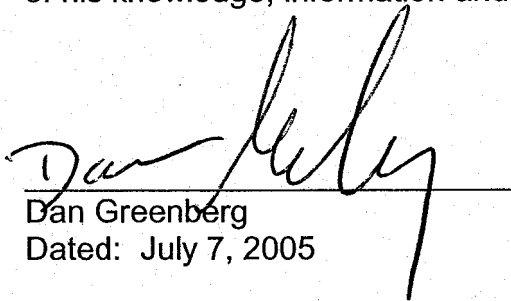

Dan Greenberg
Dated: July 7, 2005

Exhibit 1

New York DMA May'05 Local People Meter Household Data Ranked by Total DMA Households (000's)		
Sun-Sat/6am-2am		
Stations	Total DMA HHs (000's)	Rank (#)
WABC	318	1
WNBC	254	2
WCBS	233	3
WPIX	163	4
WNYW	156	5
WXTV	120	6
WWOR	81	7
WNJU	63	8
WNET	48	9
WFUT+	37	10
WLNY	24	11
WLIW	18	12
WPXN	13	13
WNJN+	7	14
WNYE	4	15
WMBC	3	16
WRNN	1	17
WEDW	1	17
WFME	0	19
WSAH	0	19
WTBY	0	19
Intabs*	730	(21 in Total)

Note: Broadcast stations with a "+" designation represent accumulated viewing for the parent station and any additional satellite stations

* The number of Sample Households, on average during the May'05 survey, providing usable audience data

Exhibit 1B

New York DMA May'05 Local People Meter Household Data Ranked by Total DMA No Cable/No ADS Households (000's)		
Sun-Sat/6am-2am		
Stations	Total DMA No Cable/No DBS HHs (000's)	Rank (#)
WABC	30	1
WNBC	24	2
WCBS	21	3
WPIX	21	4
WNYW	19	5
WWOR	19	6
WXTV	15	7
WNJU	11	8
WNET	10	9
WFUT+	8	10
WNJN+	2	11
WLIW	1	12
WNYE	1	12
WPXN	1	12
WLNY	1	12
WSAH	0	13
WRNN	0	13
WEDW	0	13
WFME	0	13
WTBY	0	13
WMBC	0	13
Intabs*	54	(21 in Total)

Note: Broadcast stations with a "+" designation represent accumulated viewing for the parent station and any additional satellite stations

* The number of Sample Households, on average during the May'05 survey, providing usable audience data

METERED SAMPLE RATINGS REPORT

HOUSEHOLDS

NEW YORK

04/28/05 - 05/25/05
CYCLE AVERAGE

TOTAL	730	CABLE HOUSEHOLDS	608	NO CABLE NO ADS	54	ADS HOUSEHOLDS	78
-------	-----	------------------	-----	-----------------	----	----------------	----

SAMPLE SIZE

	RTG	SHR	PROJ (000)	RTG	SHR	PROJ (000)	RTG	SHR	PROJ (000)	RTG	SHR	PROJ (000)
1. SUN-SAT/6AM-2AM	0.32	0.8	24	0.34	0.8	20	0.22	0.7	1	0.25	0.5	2
WLNH	39.60	2913	244	39.58	2344	172	47.80	449				
HUT/PUT												

REPORT CONTAINS 'LIVE' DATA
COPYRIGHT 2005 NIELSEN MEDIA RESEARCH



Nielsen
Media Research

LOCAL CUSTOM ANALYSIS

NEW YORK DMA

LOCAL PEOPLE METER DATA
METERED SAMPLE RATINGS ANALYSIS
OF

TOTAL HOUSEHOLDS

3 CHARACTERISTICS

1 STATION

1 DAYPART

1. SUN-SAT / 6AM-2AM

MAY 2005

330094/ 2002-83066 JUNE 15, 2005

PREPARED FOR
STATION WLNY-TV

Nielsen Media Research is a subsidiary of VNU, Inc. which also includes BPI Communications, Inc., Bill Communications, Inc., SRDS and VNU Marketing Information, Inc. VNU, Inc. is one of the world's leading publishing and information companies.

**ENGINEERING STATEMENT PREPARED
IN SUPPORT OF REQUEST TO
CEASE ANALOG BROADCASTING
WLNY TV CH 55, RIVERHEAD, NEW YORK**

JUNE 2005

**ENGINEERING STATEMENT PREPARED
IN SUPPORT OF REQUEST TO
CEASE ANALOG BROADCASTING
WLNY TV CH 55, RIVERHEAD, NEW YORK**

JUNE 2005

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ENGINEERING STATEMENT

TABLES:

- I. Stations depicted on map *Figure 4* whose Grade B contours duplicate a portion of the WLNY Grade B contour.
- II. Stations depicted on map *Figure 5* whose DTV service contours duplicate a portion of the WLNY Grade B contour.
- III. Stations depicted on map *Figure 6* whose protected LPTV, or Class A, contours duplicate a portion of the WLNY Grade B contour.

FIGURES:

1. WLNY CH 55 analog 64 dBu F(50,50) Grade B contour mapping with 74 dBu Grade A and 80 dBu City Grade contours.
2. WLNY DT CH 57 41 dBu F(50,90) contour mapping with 48 dBu City Grade contour.
3. WLNY CH 57 41 dBu F(50,90) contours for maximized facilities and for current STA facility.
4. WLNY CH 55 Grade B contour with other full service analog facility Grade B contours which duplicate some portion of the Grade B contour.
5. WLNY CH 55 Grade B contour with other full service DTV contours which duplicate some portion of the Grade B contour.
6. WLNY CH 55 analog 64 dBu F(50,50) Grade B contour with other LPTV and Class A stations protected contours which duplicate some portion of the Grade B contour.

**ENGINEERING STATEMENT PREPARED
IN SUPPORT OF REQUEST TO
CEASE ANALOG BROADCASTING
WLNY TV CH 55, RIVERHEAD, NEW YORK**

JUNE 2005

TABLE OF CONTENTS CONTINUED

FIGURES CONTINUED:

7. Map depicting the WLNY CH 55 64 dBu Grade B contour with Riverhead CDP U.S. Census boundary and other Grade B contours serving Riverhead, New York.
8. WLNY CH 55 Grade B contour with area receiving three services highlighted (with WLNY CH 55 deleted).
9. WLNY CH 55 Grade B contour with area receiving four services highlighted (with WLNY CH 55 deleted).
10. WLNY CH 55 Grade B contour with area receiving five or more services highlighted (with WLNY CH 55 deleted).
11. WLNY CH 55 Grade B contour with area receiving 10 or more services highlighted (with WLNY CH 55 deleted).

**ENGINEERING STATEMENT PREPARED
IN SUPPORT OF REQUEST TO
CEASE ANALOG BROADCASTING
WLNY TV CH 55, RIVERHEAD, NEW YORK**

JUNE 2005

SUMMARY

The following engineering statement has been prepared on behalf of **WLNY-TV Inc.**, licensee of WLNY TV Channel 55, Riverhead, New York and permittee for **WLNY-DT** Channel 57, Riverhead, New York. The purpose for this statement is to quantify the authorized **WLNY** analog and digital service areas and the level of other analog and digital service provided to the **WLNY** predicted service area.

WLNY ANALOG & DTV SERVICE

The **WLNY** analog facility is licensed for an ERP of 5,000 kilowatts with a HAAT of 194 meters on TV Channel 55, 716-722 MHz. The predicted 80 dBu City Grade, 74 dBu Grade A and 64 dBu Grade B contours are depicted on map *Figure 1* attached. Population within these contours is tabulated below:

<u>Contour F(50,50)</u>	<u>Population Persons</u>	<u>Households</u>
80 dBu	1,441,445	490,417
74 dBu	2,234,377	778,252
64 dBu	3,855,201	1,365,297

The most easterly point on the **WLNY** Grade B contour is 35 kilometers (21.7 miles) west of the eastern tip of Long Island. The most westerly point on the **WLNY** Grade B contour is 30 kilometers (18.6 miles) east of the western tip of Long Island.

The **WLNY** maximized digital facility is authorized for an ERP of 500 kilowatts with a HAAT of 181 meters on TV Channel 57, 728-734 MHz. The maximized facilities are specified in FCC Construction Permit file number **BMPCDT20000504AAL**. The maximized facilities predicted 41 dBu service contour and 48 dBu City Grade service contour are depicted on map *Figure 2*. Population data for the **WLNY DT** contours is tabulated below:

<u>Contour F(50,90)</u>	<u>Population Persons</u>	<u>Households</u>
48 dBu	3,694,857	1,312,241
41 dBu	5,081,440	1,882,433

Map Figure 3 depicts the WLNY Channel 57 DT 41 dBu maximized service contour and the 41 dBu contour for the currently operating STA facility which is an ERP of 30.9 kilowatts with a HAAT of 179 meters. Population in the 41 dBu STA contour is 3,104,183 persons while population in the allotment 41 dBu contour is 3,791,620 persons. The STA 41 dBu contour serves 81.9 percent of the population in the allotment contour and 61.1 percent of the population in the 41 dBu maximized facilities service contour.

OTHER SERVICES

Figure 4 depicts the WLNY Grade B contour and the Grade B contours from other full service stations which duplicate some portion of the Grade B contour. There are 31 NTSC stations whose Grade B contours duplicate some portion of the WLNY Grade B contour. Data for each station whose contour is depicted on map Figure 4 appears on Table I.

Figure 5 depicts the WLNY Grade B contour and the DTV service contours from other full service DTV stations which duplicate some portion of the Grade B contour. There are 34 DTV stations which duplicate some portion of the WLNY Grade B contour. Data for each station whose contour is depicted on map Figure 5 appears on Table II.

Figure 6 depicts the WLNY Grade B contour and the protected contours associated with other LPTV and Class A stations which duplicate some portion of the Grade B contour. There are 22 stations in total, 11 Class A and 11 LPTV, whose contour duplicate some portion of the WLNY Grade B contour. Data for each station whose contour is depicted on map Figure 6 appears on Table III.

WLNY is licensed to Riverhead, New York. A total of nine NTSC full service stations place a Grade B contour over the city of Riverhead. The facilities for these stations are listed in Table I. The stations are WBNE, WEDW, WFSB, WHSI, WSAH, WTIC, WTNH, WTXX and WVIT. Figure 7 depicts the Grade B contours for these stations with respect to Riverhead, New York.

All of the area within the WLNY Grade B contour is served by a minimum of at least three other full service television signals. Figure 8 depicts the area receiving only three services with highlighting. Figure 9 depicts the area receiving four services with highlighting. Figure 10 depicts the area receiving five or more services with highlighting. Figure 11 depicts the area receiving ten or more services with highlighting.

The population, and number of households, that will continue to receive an over the air analog TV service, within the WLNY Grade B contour, but not counting the WLNY analog signal, is tabulated below:

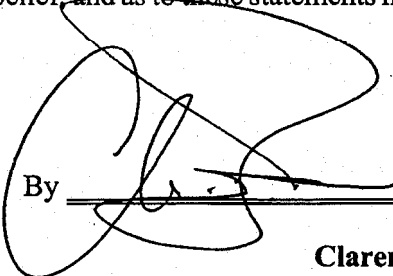
Number Of Services	Population		Households	
	Persons	% WLNY Grade B	Number	% WLNY Grade B
3 or more	3,855,201	100	1,365,297	100
4 or more	3,854,222	99.97	1,364,966	99.98
5 or more	3,837,025	99.53	1,359,156	99.55
10 or more	3,672,039	95.25	1,303,418	95.47

WLNY CONTINUED SERVICE

WLNY currently delivers its programming by fiber optic cable to satellite and cable providers rather than by an off air feed. Cessation of WLNY transmission will not impact existing cable and satellite delivered service. Population in the predicted DTV STA contour is 80.56% of the population in the WLNY grade B contour. Population in the predicted DTV maximization contour is 131.81% of the population in the analog Grade B contour.

CONCLUSION

The foregoing was prepared on behalf of **WLNY-TV Inc.** by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.

By  _____
Clarence M. Beverage
for Communications Technologies, Inc.
Marlton, New Jersey

SUBSCRIBED AND SWORN TO before me,

this 1st day of July, 2005,

Esther G. Sperbeck, NOTARY PUBLIC

ESTHER G. SPERBECK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES OCT. 15, 2007

TABLE I

**STATIONS DEPICTED ON MAP FIGURE 4 WHOSE GRADE B CONTOURS DUPLICATE A
PORTION OF THE WLNY GRADE B CONTOUR**

JUNE 23, 2005

CALL ST CITY FREQ CHN CL ERP STAT
ARN OWNER
LATITUDE LONGITUDE HAAT:m AMSL:m

WPIX NY NEW YORK 198.26000 11 NTSC 58.900 LIC
BLCT19810826KH WPIX, INC.
40-42-43.0 N 74-00-49.0 W 505.763 518.000

WNET NJ NEWARK 210.24000 13 NTSC 60.300 LIC
BLET19811110KG EDUCATIONAL BROADCASTING CORPORATION
40-42-43.0 N 74-00-49.0 W 497.763 510.000

WNJN NJ MONTCLAIR 687.26000 50 NTSC 2090.000 LIC
BLET19860805KG NEW JERSEY PUBLIC B/CNG AUTHORITY
40-51-53.0 N 74-12-03.0 W 239.605 305.000

WWOR-TV NJ SECAUCUS 186.26000 9 NTSC 61.700 LIC
BLCT19810514KF FOX TELEVISION STATIONS, INC.
40-42-43.0 N 74-00-49.0 W 497.763 510.000

WNBC NY NEW YORK 66.25000 4 NTSC 17.400 LIC
BLCT19840312KG NBC TELEMUNDO LICENSE CO.
40-42-43.0 N 74-00-49.0 W 512.763 525.000

WABC-TV NY NEW YORK 174.25000 7 NTSC 64.600 LIC
BLCT19800730KG AMERICAN BROADCASTING COMPANIES, INC
40-42-43.0 N 74-00-49.0 W 489.763 502.000

WPXN-TV NY NEW YORK 573.24000 31 NTSC 2820.000 LIC
BLCT19860703KH PAXSON COMMUNICATIONS LICENSE COMPANY, LLC
40-42-43.0 N 74-00-49.0 W 473.763 486.000

WNJU NJ LINDEN 669.26000 47 NTSC 4570.000 LIC
BLCT19800423KE NBC TELEMUNDO LICENSE CO.
40-42-43.0 N 74-00-49.0 W 458.763 471.000

WNYW NY NEW YORK 76.26000 5 NTSC 17.400 LIC
BLCT19800328KE FOX TELEVISION STATIONS, INC.
40-42-43.0 N 74-00-49.0 W 512.763 525.000

WFME-TV NJ WEST MILFORD 783.25000 66 NTSC 24.000 LIC
BLET19960409KE FAMILY STATIONS OF NEW JERSEY, INC.
41-07-14.0 N 74-12-03.0 W 208.737 394.000

WXTV NJ PATERSON 633.24000 41 NTSC 2340.000 LIC
BLCT20041122AIG WXTV LICENSE PARTNERSHIP, G.P.
40-44-54.0 N 73-59-10.0 W 423.118 437.000

TABLE I
PAGE 2

**STATIONS DEPICTED ON MAP FIGURE 4 WHOSE GRADE B CONTOURS DUPLICATE A
PORTION OF THE WLNY GRADE B CONTOUR**

JUNE 23, 2005

CALL ST CITY FREQ CHN CL ERP STAT
ARN OWNER
LATITUDE LONGITUDE HAAT:m AMSL:m

WHSE-TV NJ NEWARK 795.25000 68 NTSC 2630.000 LIC
BLCT19950901KG UNIVISION NEW YORK LLC
40-44-54.0 N 73-59-10.0 W 438.118 452.000

WNYE-TV NY NEW YORK 537.25000 25 NTSC 2450.000 LIC
BLET19920220KG NEW YORK CITY DEPT. OF INFO TECHNOLOGY & TELECOMMUNICATIONS
40-44-54.0 N 73-59-10.0 W 394.118 408.000

WLIW NY GARDEN CITY 513.24000 21 NTSC 2735.000 LIC
BLET20030416AAN EDUCATIONAL BROADCASTING CORPORATION
40-47-19.0 N 73-27-09.0 W 124.763 162.000

WCBS-TV NY NEW YORK 54.25000 2 NTSC 45.000 LIC
BLCT20011123AAQ CBS BROADCASTING INC.
40-44-54.0 N 73-59-10.0 W 388.118 402.000

WFUT NJ NEWARK 795.25000 68 NTSC 2630.000 CP
BPCT20030805AIL UNIVISION NEW YORK LLC
40-44-54.0 N 73-59-10.0 W 423.118 437.000

WTBY NY POUGHKEEPSIE 711.26000 54 NTSC 5000.000 LIC
BLCT19921016KF TRINITY BROADCASTING OF NEW YORK, INC.
41-43-09.0 N 73-59-47.0 W 490.276 601.000

WTXX CT WATERBURY 507.25000 20 NTSC 2240.000 LIC
BLCT19820428KE WTXX INC.
41-31-04.0 N 73-01-07.0 W 367.987 522.000

WSAH CT BRIDGEPORT 645.24000 43 NTSC 2290.000 LIC
BLCT19871009KE WSAH LICENSE, INC.
41-21-43.0 N 73-06-48.0 W 156.408 272.000

WEDW CT BRIDGEPORT 681.24000 49 NTSC 1950.000 LIC
BLET19870908KE CONNECTICUT PUBLIC BROADCASTING, INC.
41-16-43.0 N 73-11-08.0 W 223.316 307.000

WHSI-TV NY SMITHTOWN 789.25000 67 NTSC 2630.000 LIC
BLCT19840314KE UNIVISION NEW YORK LLC
40-53-23.0 N 72-57-13.0 W 220.237 243.000

**TABLE I
PAGE 3**

**STATIONS DEPICTED ON MAP FIGURE 4 WHOSE GRADE B CONTOURS DUPLICATE A
PORTION OF THE WLNY GRADE B CONTOUR**

JUNE 23, 2005

CALL ST CITY FREQ CHN CL ERP STAT
ARN OWNER
LATITUDE LONGITUDE HAAT:m AMSL:m

WHPX CT NEW LONDON 543.26000 26 NTSC 2820.000 LIC
BMLCT20030710ABP PAXSON HARTFORD LICENSE, INC.
41-25-04.0 N 72-11-55.0 W 383.053 447.000

WTNH CT NEW HAVEN 180.25000 8 NTSC 174.000 LIC
BLCT19960926KF WTNH BROADCASTING, INC.
41-25-22.0 N 72-57-06.0 W 363.026 460.000

WBNE CT NEW HAVEN 741.26000 59 NTSC 5000.000 LIC
BLCT19960918KE WTNH BROADCASTING, INC.
41-25-23.0 N 72-57-06.0 W 316.026 413.000

WTIC-TV CT HARTFORD 753.26000 61 NTSC 5000.000 LIC
BLCT19840927KG TRIBUNE TELEVISION COMPANY
41-42-13.0 N 72-49-57.0 W 521.303 619.000

WVIT CT NEW BRITAIN 567.26000 30 NTSC 3090.000 LIC
BLCT19791113LC NBC TELEMUNDO LICENSE CO.
41-42-02.0 N 72-49-57.0 W 454.711 553.000

WEDH CT HARTFORD 531.25000 24 NTSC 813.000 LIC
BLET341 CONNECTICUT PUBLIC BROADCASTING, INC.
41-46-27.0 N 72-48-20.0 W 271.763 359.000

WEDY CT NEW HAVEN 777.25000 65 NTSC 7.940 LIC
BLET372 CONNECTICUT PUBLIC BROADCASTING, INC.
41-19-42.0 N 72-54-25.0 W 89.316 133.000

WEDN CT NORWICH 705.25000 53 NTSC 794.000 LIC
BLET19860124KI CONNECTICUT PUBLIC BROADCASTING, INC.
41-31-11.0 N 72-10-04.0 W 207.750 299.000

WFSB CT HARTFORD 60.26000 3 NTSC 100.000 LIC
BMLCT19841204KH MEREDITH CORPORATION
41-46-30.0 N 72-48-20.0 W 277.895 365.000

WHCT-TV CT HARTFORD 495.24000 18 NTSC 3160.000 LIC
BLCT19870304KI ENTRAVISION HOLDINGS, LLC
41-46-30.0 N 72-48-04.0 W 297.816 384.000

TABLE II

**STATIONS DEPICTED ON MAP FIGURE 5 WHOSE PREDICTED DTV SERVICE
CONTOURS DUPLICATE
SOME PORTION OF THE WLNY CH 55 GRADE B CONTOUR**

JUNE 28, 2005

CALL ARN	ST OWNER	CITY	FREQ	CHN	CL	ERP	STAT
LATITUDE	LONGITUDE	HAAT:m	AMSL:m				

WNBC-DT NY NEW YORK 555.25000 28 DTV 178.000 CP
BPCDT19981102KI NBC TELEMUNDO LICENSE CO.
40-42-43.0 N 74-00-49.0 W 446.763 459.000

WFME-DT NJ WEST MILFORD 561.25000 29 DTV 200.000 LIC
BLEDT20040712ACP FAMILY STATIONS OF NEW JERSEY, INC.
40-47-18.0 N 74-15-19.0 W 166.474 232.000

WWOR-DT NJ SECAUCUS 615.25000 38 DTV 143.000 CP
BPCDT19990304KE FOX TELEVISION STATIONS, INC.
40-42-43.0 N 74-00-49.0 W 446.763 459.000

WABC-DT NY NEW YORK 657.25000 45 DTV 182.400 CP MOD
BMPCDT20000508AAS AMERICAN BROADCASTING COMPANIES, INC
40-42-43.0 N 74-00-49.0 W 446.763 459.000

WMBC-DT NJ NEWTON 495.25000 18 DTV 1000.000 CP MOD
BMPCDT20040722ADG MOUNTAIN BROADCASTING CORPORATION
40-51-53.0 N 74-12-03.0 W 247.605 313.000

WNET-DT NJ NEWARK 753.25000 61 DTV 219.000 CP
BPEDT20000425AAF EDUCATIONAL BROADCASTING CORPORATION
40-42-43.0 N 74-00-49.0 W 446.763 459.000

WNJN-DT NJ MONTCLAIR 693.25000 51 DTV 200.000 CP
BPEDT20000425AAH NEW JERSEY PUBLIC B/CNG AUTHORITY
40-51-53.0 N 74-12-03.0 W 239.605 305.000

WNJB NJ NEW BRUNSWICK 180.25000 8 DTV 20.200 CP MOD
BMPEDT20000425AAM NEW JERSEY PUBLIC BROADCASTING AUTHORITY
40-37-17.0 N 74-30-15.0 W 211.947 278.000

WPXN-DT NY NEW YORK 567.25000 30 DTV 220.000 CP
BPCDT19991028ACH PAXSON COMMUNICATIONS LICENSE COMPANY, LLC
40-42-43.0 N 74-00-49.0 W 457.763 470.000

WPIX-DT NY NEW YORK 585.25000 33 DTV 265.000 CP
BPCDT19991019ABH WPIX, INC.
40-42-43.0 N 74-00-49.0 W 446.763 459.000

TABLE II
PAGE 2

STATIONS DEPICTED ON MAP FIGURE 5 WHOSE PREDICTED DTV SERVICE
CONTOURS DUPLICATE
SOME PORTION OF THE WLNY CH 55 GRADE B CONTOUR

JUNE 28, 2005

CALL ARN	ST OWNER	CITY	FREQ	CHN	CL	ERP	STAT
LATITUDE	LONGITUDE	HAAT:m	AMSL:m				
WNJU	NJ	LINDEN	603.25000	36	DTV	832.000	CP
BPCDT19991004ABJ NBC TELEMUNDO LICENSE CO.							
40-44-54.0 N 73-59-10.0 W 407.118 421.000							
WLIW-DT	NY	GARDEN CITY	519.25000	22	DTV	92.000	LIC
BLEDT20031008ABF EDUCATIONAL BROADCASTING CORPORATION							
40-47-19.0 N 73-27-09.0 W 111.763 149.000							
WFUT-DT	NJ	NEWARK	705.25000	53	DTV	310.000	LIC
BLCDT20040809AAX UNIVISION NEW YORK LLC							
40-45-22.0 N 73-59-12.0 W 320.868 336.000							
WNYW-DT	NY	NEW YORK	651.25000	44	DTV	990.000	CP MOD
BMPCDT19990402KI FOX TELEVISION STATIONS, INC.							
40-44-54.0 N 73-59-10.0 W 367.118 381.000							
WXTV-DT	NJ	PATERSON	627.25000	40	DTV	300.000	LIC
BLCDT20050214AGS WXTV LICENSE PARTNERSHIP, G.P.							
40-44-54.0 N 73-59-10.0 W 423.118 437.000							
WNYE-DT	NY	NEW YORK	531.25000	24	DTV	200.000	CP
BPEDT19991110AAQ NEW YORK CITY DEPT. OF INFO TECHNOLOGY & TELECOMMUNICATIONS							
40-44-54.0 N 73-59-10.0 W 410.118 424.000							
WCBS-DT	NY	NEW YORK	723.25000	56	DTV	349.000	LIC
BLCDT19981026KG CBS BROADCASTING INC.							
40-44-54.0 N 73-59-10.0 W 396.118 410.000							
WTBY-DT	NY	POUGHKEEPSIE	549.25000	27	DTV	800.000	LIC
BLCDT20030930ACY TRINITY BROADCASTING OF NEW YORK, INC.							
41-29-20.0 N 73-56-53.0 W 352.211 483.000							
WEDW-DT	CT	BRIDGEPORT	699.25000	52	DTV	50.000	LIC
BLEDT20030425AAK CONNECTICUT PUBLIC BROADCASTING, INC.							
41-16-44.0 N 73-11-08.0 W 189.316 273.000							

TABLE II
PAGE 3

STATIONS DEPICTED ON MAP FIGURE 5 WHOSE PREDICTED DTV SERVICE
CONTOURS DUPLICATE
SOME PORTION OF THE WLNY CH 55 GRADE B CONTOUR

JUNE 28, 2005

CALL	ST	CITY	FREQ	CHN	CL	ERP	STAT
ARN	OWNER						
LATITUDE	LONGITUDE	HAAT:m	AMSL:m				

WSAH-DT CT BRIDGEPORT 639.25000 42 DTV 1000.000 CP
BPCDT19991101AFE WSAH LICENSE, INC.
41-21-43.0 N 73-06-48.0 W 156.408 272.000

WRNN-DT NY KINGSTON 675.25000 48 DTV 950.000 LIC
BLCDT20040908AMF WRNN LICENSE COMPANY, LLC
41-29-18.0 N 73-56-56.0 W 390.539 521.000

WFTY-DT NY SMITHTOWN 525.25000 23 DTV 150.000 LIC
BLCDT20030113ABS UNIVISION NEW YORK LLC
40-53-23.0 N 72-57-13.0 W 206.237 229.000

WVIT-DT CT NEW BRITAIN 597.25000 35 DTV 250.000 LIC
BLCDT20041203AEF NBC TELEMUNDO LICENSE CO.
41-42-02.0 N 72-49-57.0 W 433.711 532.000

WUVN CT HARTFORD 663.25000 46 DTV 217.000 CP MOD
BMPCDT20011011AAU ENTRAVISION HOLDINGS, LLC
41-46-30.0 N 72-48-04.0 W 267.816 354.000

WTIC-DT CT HARTFORD 573.25000 31 DTV 425.000 CP MOD
BMPCDT20030328ABZ TRIBUNE TELEVISION COMPANY
41-42-13.0 N 72-49-57.0 W 502.303 600.000

WTNH-DT CT NEW HAVEN 192.25000 10 DTV 20.500 LIC
BLCDT20040701AEC WTNH BROADCASTING, INC.
41-25-22.0 N 72-57-06.0 W 343.026 440.000

WEDN-DT CT NORWICH 657.25000 45 DTV 200.000 LIC
BLEDT20030425AAL CONNECTICUT PUBLIC BROADCASTING, INC.
41-31-14.0 N 72-10-03.0 W 193.342 284.000

WTXX-DT CT WATERBURY 204.25000 12 DTV 1.700 CP MOD
BMPCDT20040608ABI WTXX INC.
41-42-13.0 N 72-49-57.0 W 516.303 614.000

WEDY-DT CT NEW HAVEN 82.25000 6 DTV 0.400 CP MOD
BMPEDT20020305AAU CONNECTICUT PUBLIC BROADCASTING, INC.
41-19-42.0 N 72-54-25.0 W 87.316 131.000

TABLE II
PAGE 4

STATIONS DEPICTED ON MAP FIGURE 5 WHOSE PREDICTED DTV SERVICE
CONTOURS DUPLICATE
SOME PORTION OF THE WLNY CH 55 GRADE B CONTOUR

JUNE 28, 2005

CALL	ST	CITY	FREQ	CHN	CL	ERP	STAT
ARN	OWNER						
LATITUDE	LONGITUDE	HAAT:m	AMSL:m				

WCTX-DT CT NEW HAVEN 621.25000 39 DTV 170.000 LIC
BLCDDT20040507AAZ WTNH BROADCASTING, INC.
41-25-22.0 N 72-57-06.0 W 287.026 384.000

WHPX-DT CT NEW LONDON 591.25000 34 DTV 90.000 LIC
BLCDDT20020510AAE PAXSON HARTFORD LICENSE, INC.
41-25-04.0 N 72-11-55.0 W 364.053 428.000

WFSB-DT CT HARTFORD 585.25000 33 DTV 1000.000 LIC
BLCDDT20041029AIL MEREDITH CORPORATION
41-46-30.0 N 72-48-20.0 W 288.895 376.000

WWLP-DT MA SPRINGFIELD 198.25000 11 DTV 10.000 CP MOD
BMPDDT20010926ABO WWLP BROADCASTING, LLC
42-05-05.0 N 72-42-14.0 W 265.474 346.000

WPXQ-DT RI BLOCK ISLAND 489.25000 17 DTV 1000.000 CP
BPCDDT19991022AAT OCEAN STATE TELEVISION, L.L.C.
41-29-41.0 N 71-47-06.0 W 231.355 298.000

TABLE III

**STATIONS DEPICTED ON MAP FIGURE 6 WHOSE CLASS A & LPTV PROTECTED
CONTOURS DUPLICATE A PORTION OF THE WLNY GRADE B CONTOUR**

JUNE 23, 2005

CALL ST CITY FREQ CHN CL ERP STAT
ARN OWNER
LATITUDE LONGITUDE HAAT:m AMSL:m

W60AI NY NEW YORK 747.25000 60 LPTV 45.500 LIC
BLTT19811102IA VENTANA TELEVISION, INC.
40-42-40.0 N 74-00-50.0 W 423.829 436.000

WKOBLP NY NEW YORK 705.24000 53 LPTV 6.520 LIC
BLTTL20020802AAP WKOBLP COMMUNICATIONS, INC.
40-44-54.0 N 73-59-10.0 W 353.118 367.000

W29CF NY HEMPSTEAD 561.26000 29 LPTV 7.000 LIC
BLTTL20010409ABB 7TH DAY ADVENTIST COMMUNITY HEALTH
40-45-27.0 N 73-32-58.0 W 36.671 67.000

WLBX-LP NY MANHATTAN 663.25000 46 A 50.000 CP
BPTTL20000915AAN RENARD COMMUNICATIONS CORP.
40-44-46.0 N 73-58-52.0 W 172.908 186.000

WXNY-LP NY NEW YORK 579.25000 32 LPTV 25.000 LIC
BLTTL20020927AAA ISLAND BROADCASTING COMPANY
40-44-50.0 N 73-56-38.0 W 201.750 213.000

WNYZ-LP NY NEW YORK 82.26000 6 LPTV 3.000 LIC
BLTVL20050510ADE ISLAND BROADCASTING CO.
40-44-50.0 N 73-56-38.0 W 201.750 213.000

WPXU-LP NY AMITYVILLE 615.25000 38 LPTV 12.600 LIC
BLTTL19960422KA PAXSON COMMUNICATIONS LPTV, INC.
40-44-45.0 N 73-37-29.0 W 83.066 108.000

WPXO-LP NJ EAST ORANGE 591.24000 34 LPTV 50.000 LIC
BLTTL20040730AAO PAXSON COMMUNICATIONS LPTV, INC.
40-44-54.0 N 73-59-10.0 W 360.118 374.000

W17CR NY PLAINVIEW, ETC. 489.26000 17 LPTV 1.000 CP MOD
BMP TTL20050510ACC CATHOLIC VIEWS BROADCASTS, INC.
40-46-44.0 N 73-25-29.0 W 15.763 48.000

WNYN-LP NY DEER PARK 621.26000 39 LPTV 50.000 LIC
BLTTL20020820AAC ISLAND BROADCASTING COMPANY
40-44-50.0 N 73-56-38.0 W 201.750 213.000

WNYX-LP NY NEW YORK 597.25000 35 LPTV 25.000 LIC
BLTTL20050421AAP ISLAND BROADCASTING COMPANY
40-44-50.0 N 73-56-38.0 W 201.750 213.000

**TABLE III
PAGE 2**

**STATIONS DEPICTED ON MAP FIGURE 6 WHOSE CLASS A & LPTV PROTECTED
CONTOURS DUPLICATE A PORTION OF THE WLNY GRADE B CONTOUR**

JUNE 23, 2005

CALL ST CITY FREQ CHN CL ERP STAT
ARN OWNER
LATITUDE LONGITUDE HAAT:m AMSL:m

WNXY-LP NY NEW YORK 543.24000 26 LPTV 20.000 LIC
BLTTL20020923ACF ISLAND BROADCASTING COMPANY
40-44-50.0 N 73-56-38.0 W 201.750 213.000

W27CB NY HEMPSTEAD 549.26000 27 LPTV 1.250 LIC
BLTTL20010409ABA K LICENSEE, INC.
40-47-19.0 N 73-27-09.0 W 46.763 84.000

WLGJ-LP NY MINEOLA 711.24000 54 LPTV 25.500 LIC
BLTTL20000203AAT WLNY-TV, INC.
40-42-59.0 N 73-34-52.0 W 69.763 92.000

W17CD CT STAMFORD 489.24000 17 LPTV 100.000 LIC
BLTTL20000316ABF it COMMUNICATIONS, INC.
41-04-32.0 N 73-32-55.0 W 7.329 57.000

W28CA CT BRIDGEPORT 777.24000 65 LPTV 1.260 LIC
BLTTL20001211ACH PAGING ASSOCIATES, INC.
41-09-58.0 N 73-13-03.0 W 1.329 31.000

W27CD CT STAMFORD 549.24000 27 LPTV 17.400 LIC
BLTTL19990325JB WLNY-TV, INC.
41-03-54.0 N 73-32-04.0 W 60.092 102.000

WVH-LP NY SOUTHAMPTON 687.25000 50 A 20.000 LIC
BLTTA20010608ABB VIDEO VOICE, INC.
40-57-20.0 N 72-15-16.0 W 25.816 32.000

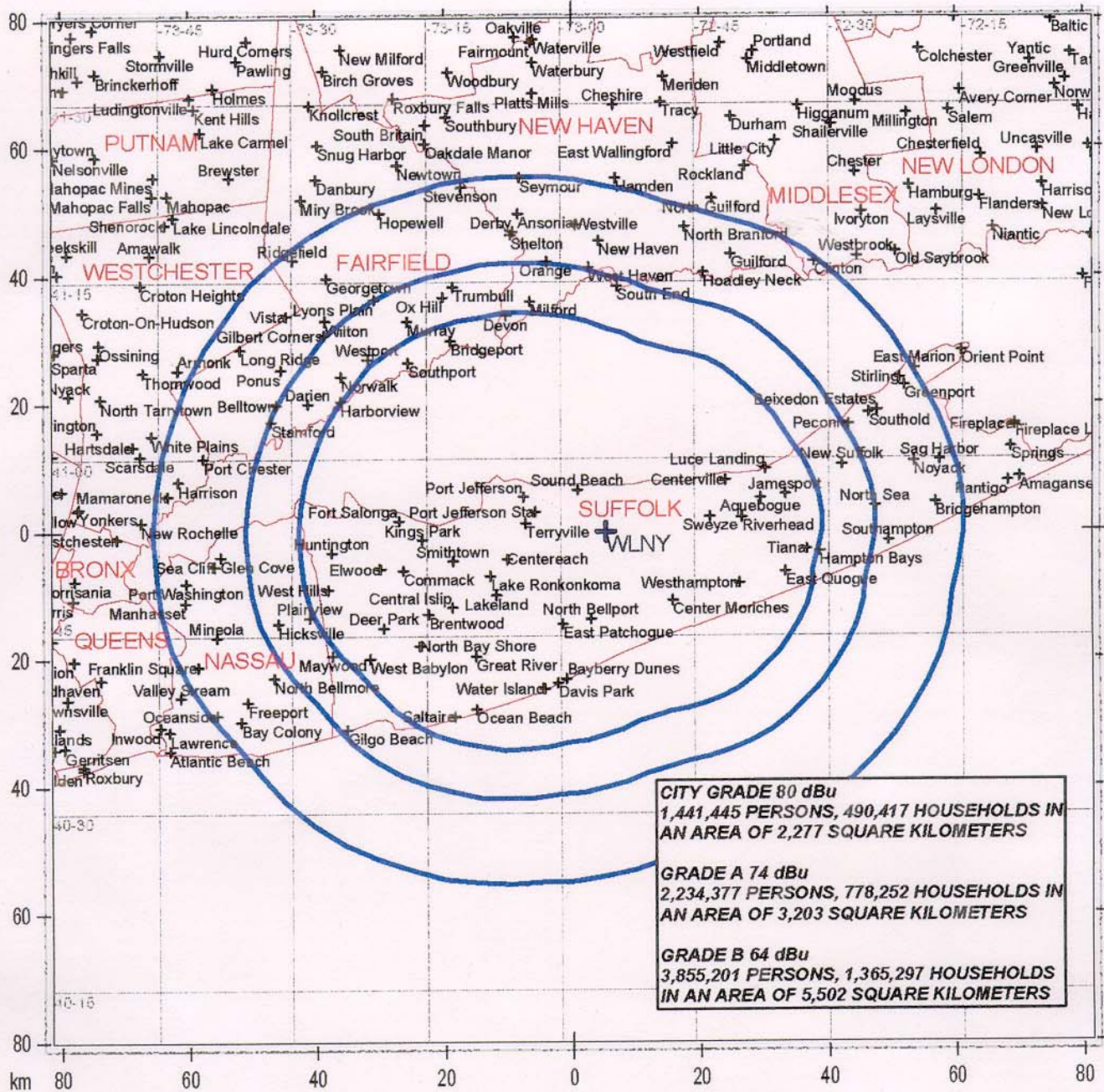
W26CE NY NEW YORK 543.24000 26 LPTV 3.100 LIC
BLTTL20010927ABF ATLANTIC COAST COMMUNICATIONS, INC.
40-53-50.0 N 72-54-56.0 W 77.408 98.000

W51BZ CT NEW HAVEN 693.24000 51 LPTV 95.800 LIC
BLTTL19950413IF it COMMUNICATIONS, INC.
41-25-10.0 N 72-42-45.0 W 147.184 236.000

W28AJ CT ALLINGTOWN 555.25000 28 A 3.500 LIC
BLTTL20010608AAO PAGING ASSOCIATES, INC.
41-17-29.0 N 72-58-03.0 W 57.211 98.000

WLNY NY RIVERHEAD 717.26000 55 NTSC 5000.000 LIC
BLCT19850429KJ WLNY-TV, INC.
40-53-50.0 N 72-54-56.0 W 196.408 217.000

WLNY TV CH 55 5,000 kW @ 194 M HAAT RIVERHEAD, NY



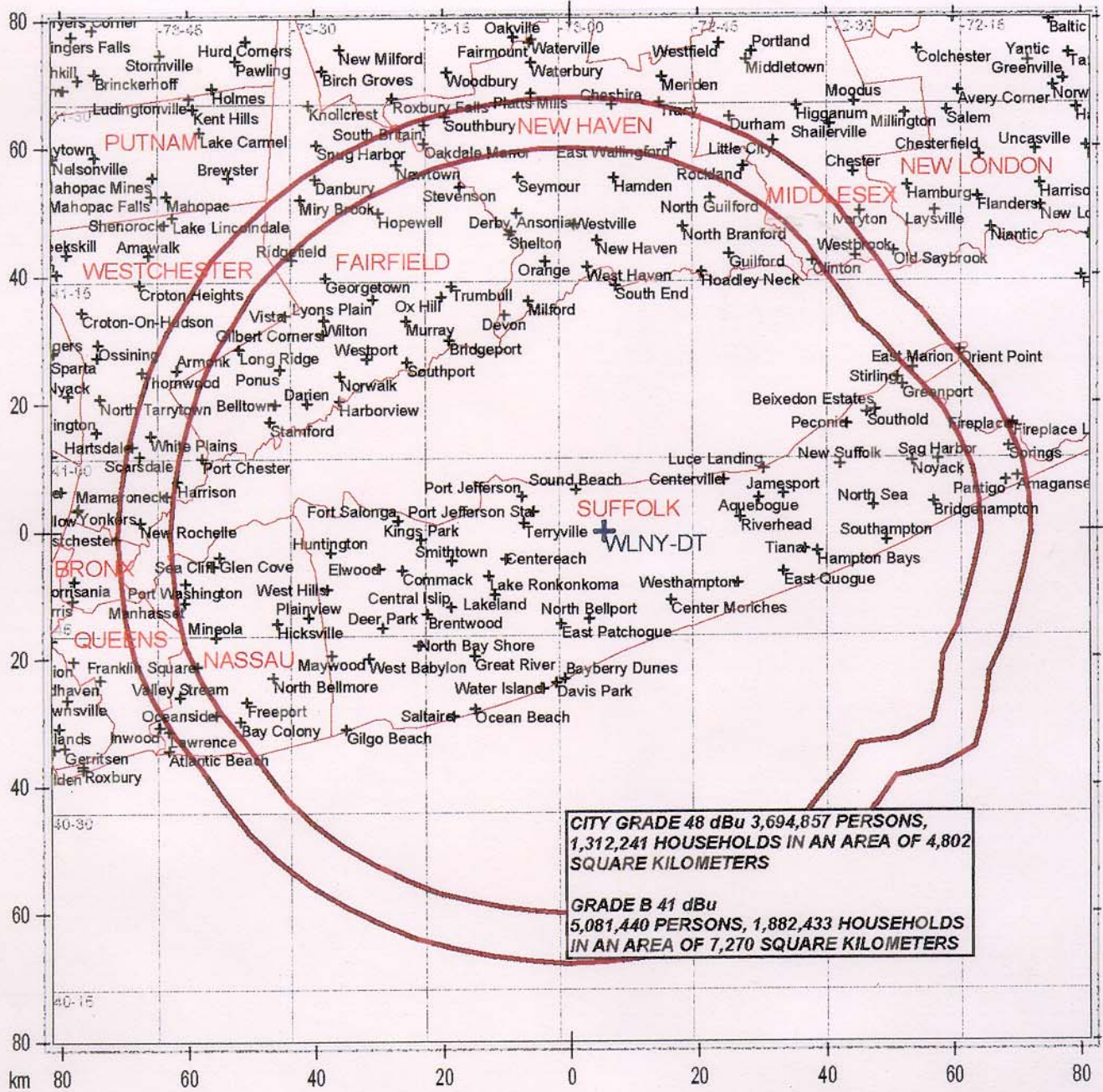
Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

Map Scale: 1:1000000 1 cm = 10.00 km V/H Size: 160.30 x 162.99 km

Figure 1

WLNY TV DT CH 57 500 kW @ 181 M HAAT MAXIMIZATION FACILITY RIVERHEAD, NY



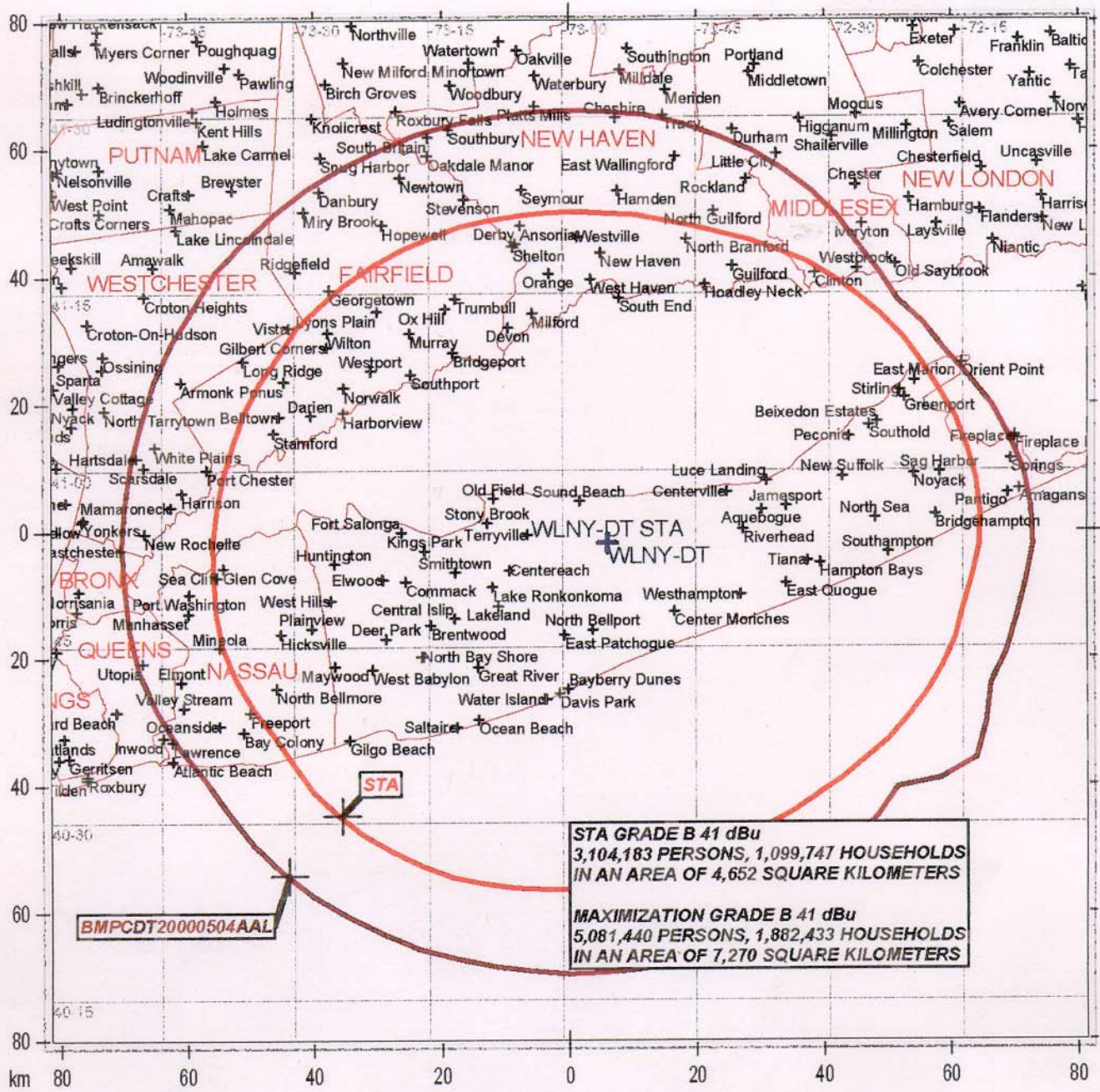
Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

Map Scale: 1:1000000 1 cm = 10.00 km V/H Size: 160.30 x 162.99 km

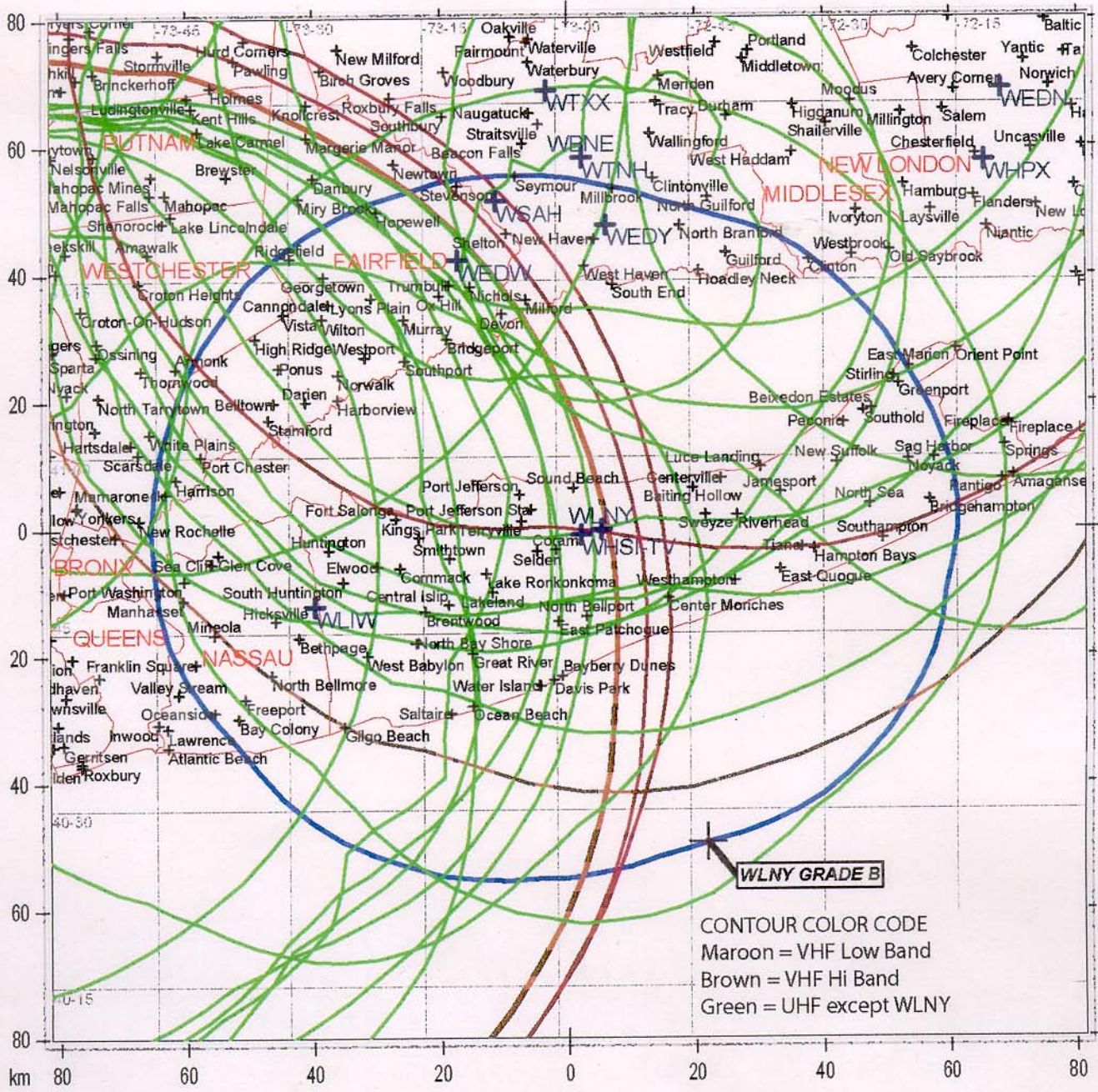
Figure 2

WLNY TV DT CH 57 500 kW @ 181 M HAAT MAXIMIZATION & STA FACILITIES RIVERHEAD, NY



Communications Technologies, Inc. Marlton, New Jersey

WLNY TV CH 55 5,000 kW @ 194 M HAAT RIVERHEAD, NY



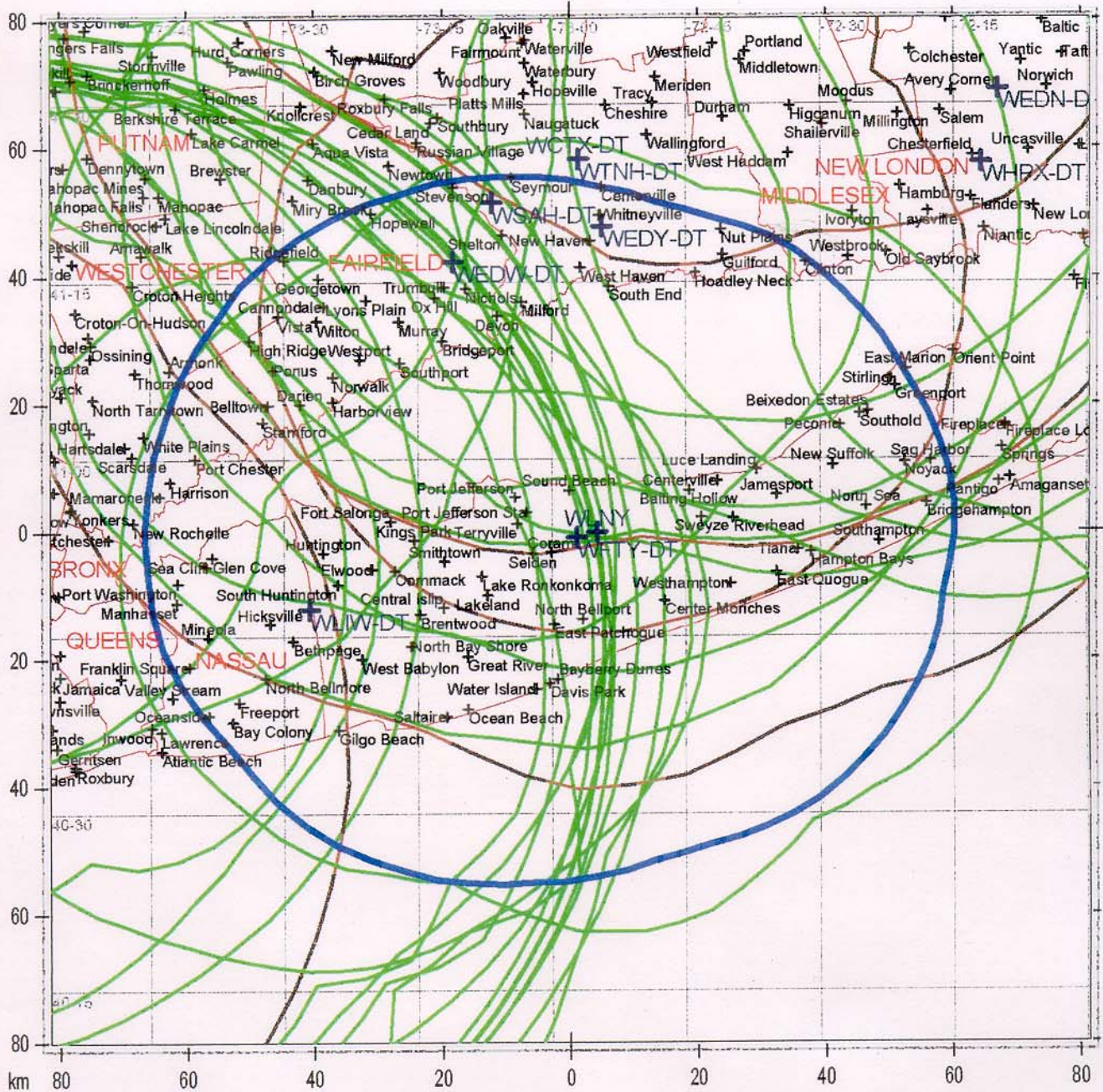
Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

Map Scale: 1:1000000 1 cm = 10.00 km V/H Size: 160.30 x 162.99 km

Figure 4

WLNY TV CH 55 5,000 KW @ 194 M HAAT RIVERHEAD, NY



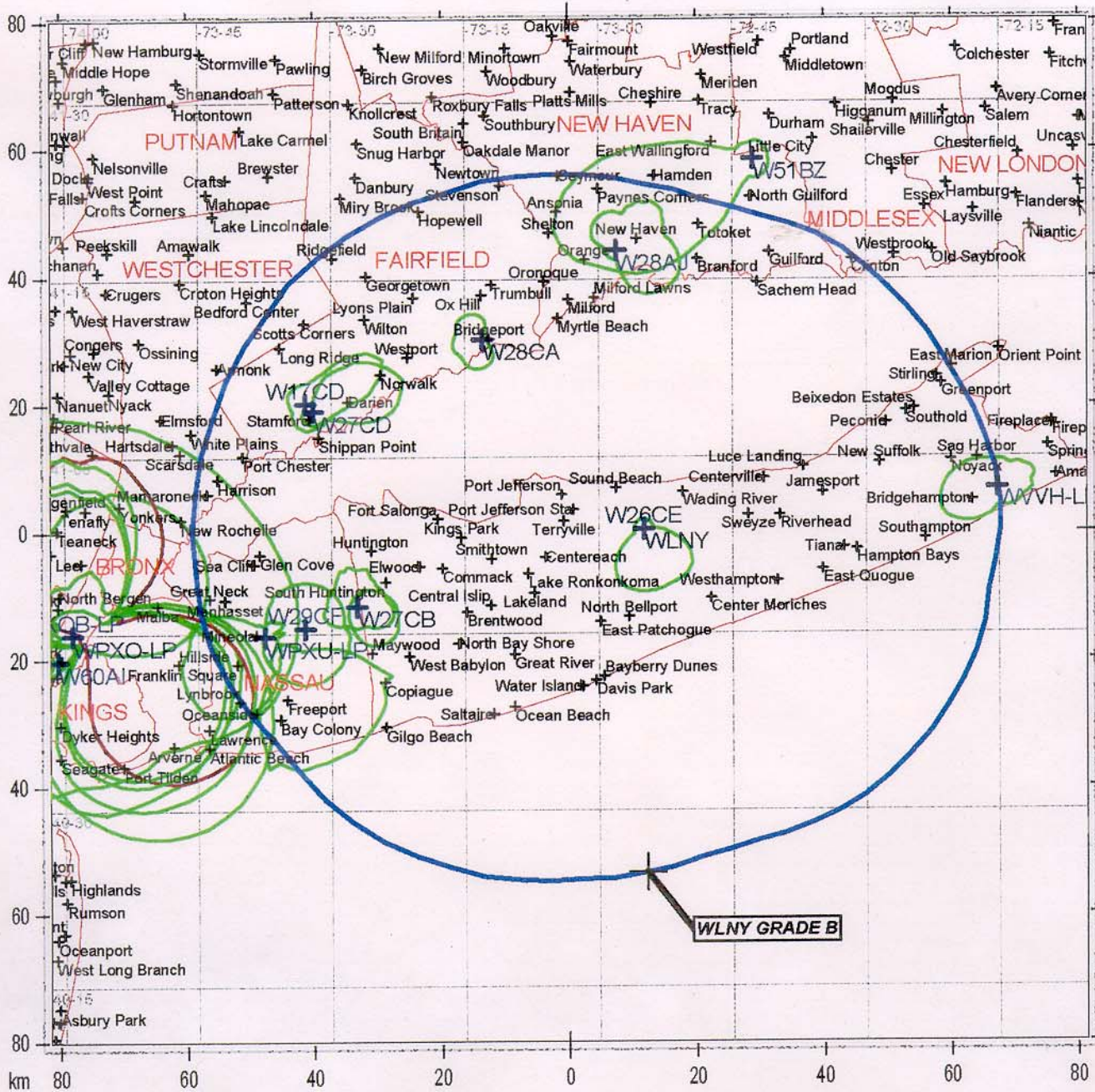
Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

Map Scale: 1:1000000 1 cm = 10.00 km V/H Size: 160.30 x 162.99 km

Figure 5

WLNY TV CH 55 5,000 kW @ 194 M HAAT RIVERHEAD, NY



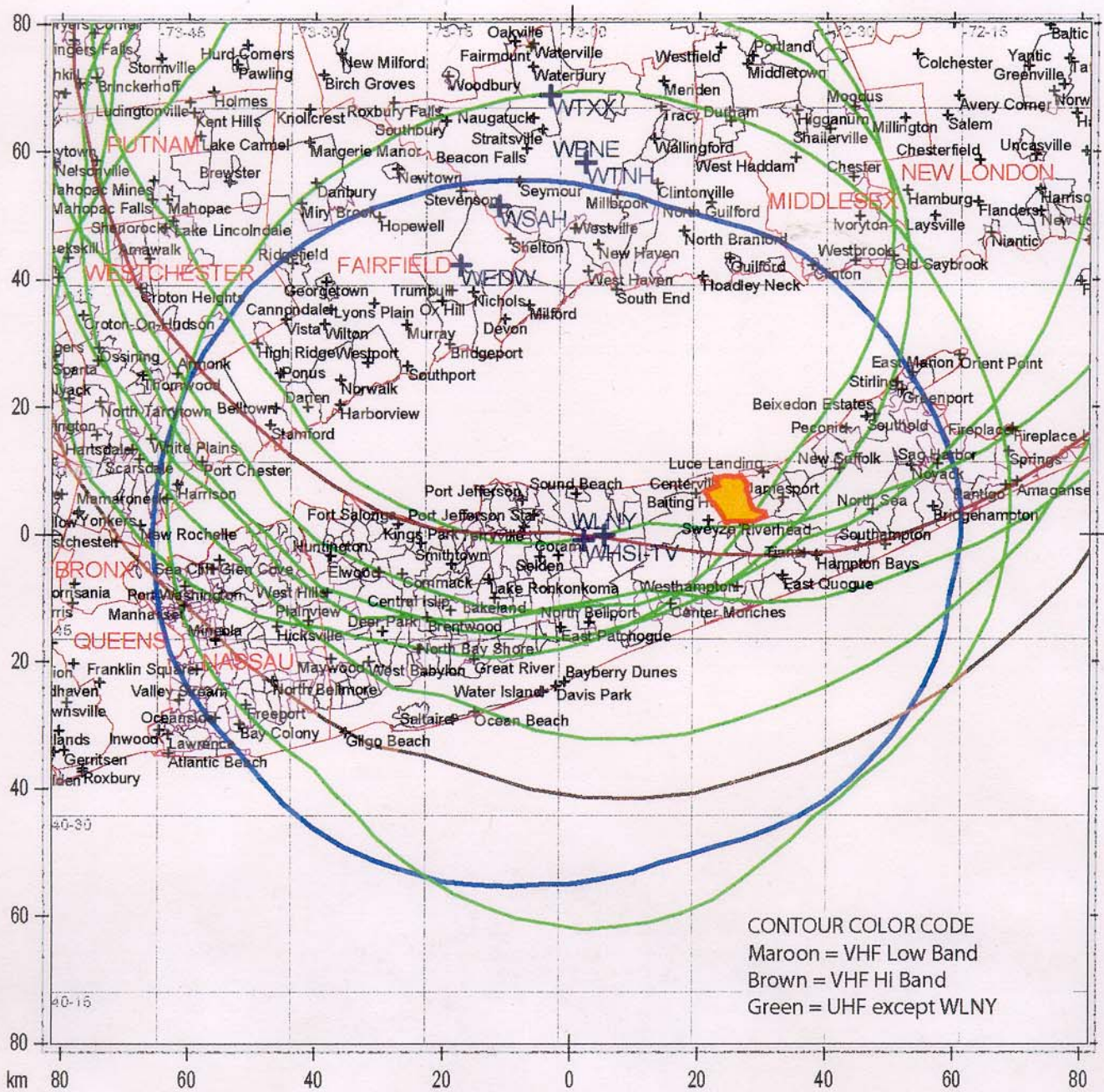
Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

Map Scale: 1:1000000 1 cm = 10.00 km V/H Size: 160.30 x 162.99 km

Figure 6

WLNY TV CH 55 5,000 kW @ 194 M HAAT RIVERHEAD, NY

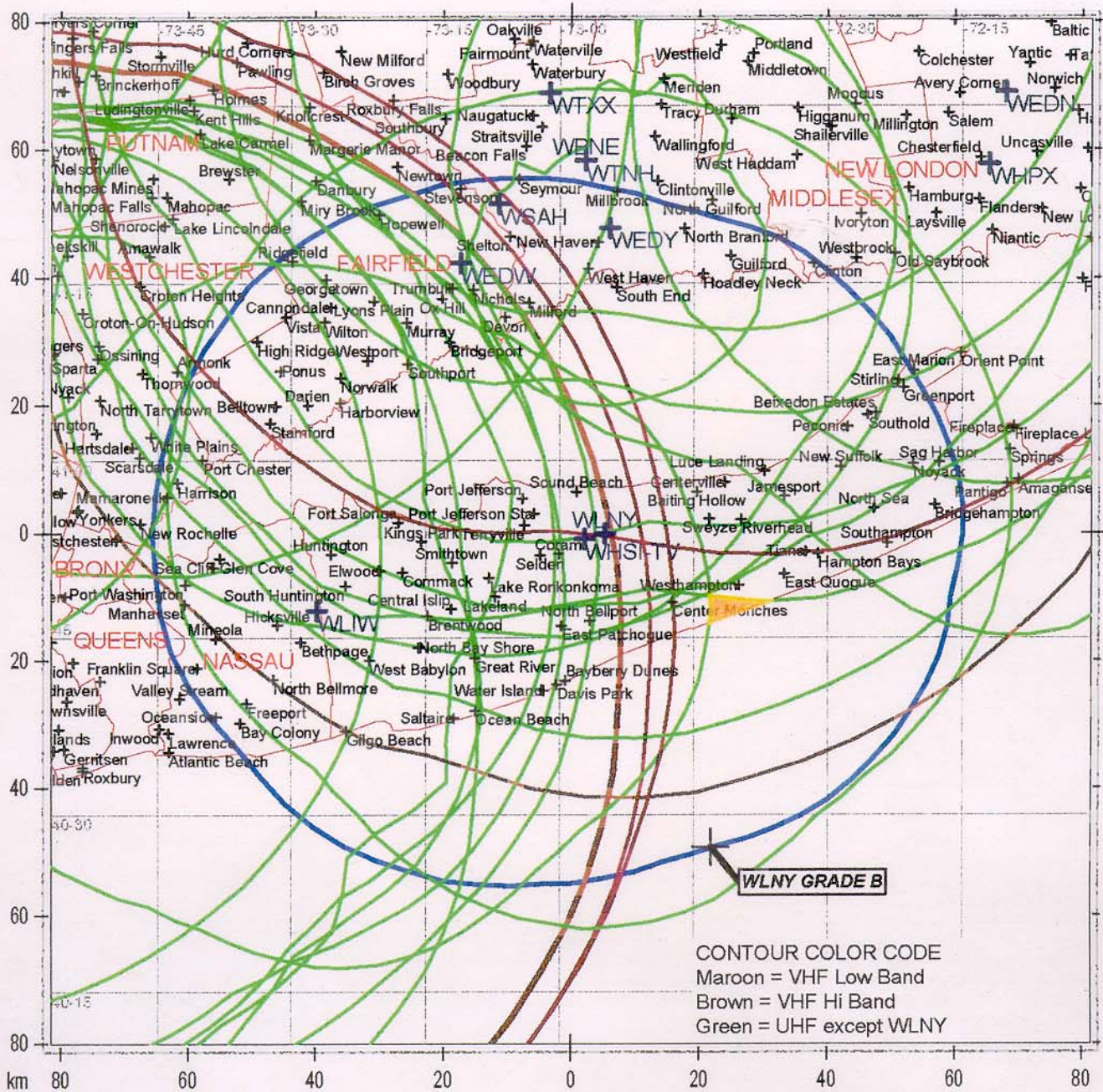


Communications Technologies, Inc. Marlton, New Jersey

County Borders City Borders Lat/Lon Grid

Map Scale: 1:1000000 1 cm = 10.00 km V/H Size: 160.30 x 162.99 km

WLNY TV CH 55 5,000 kW @ 194 M HAAT RIVERHEAD, NY



Communications Technologies, Inc. Marlton, New Jersey

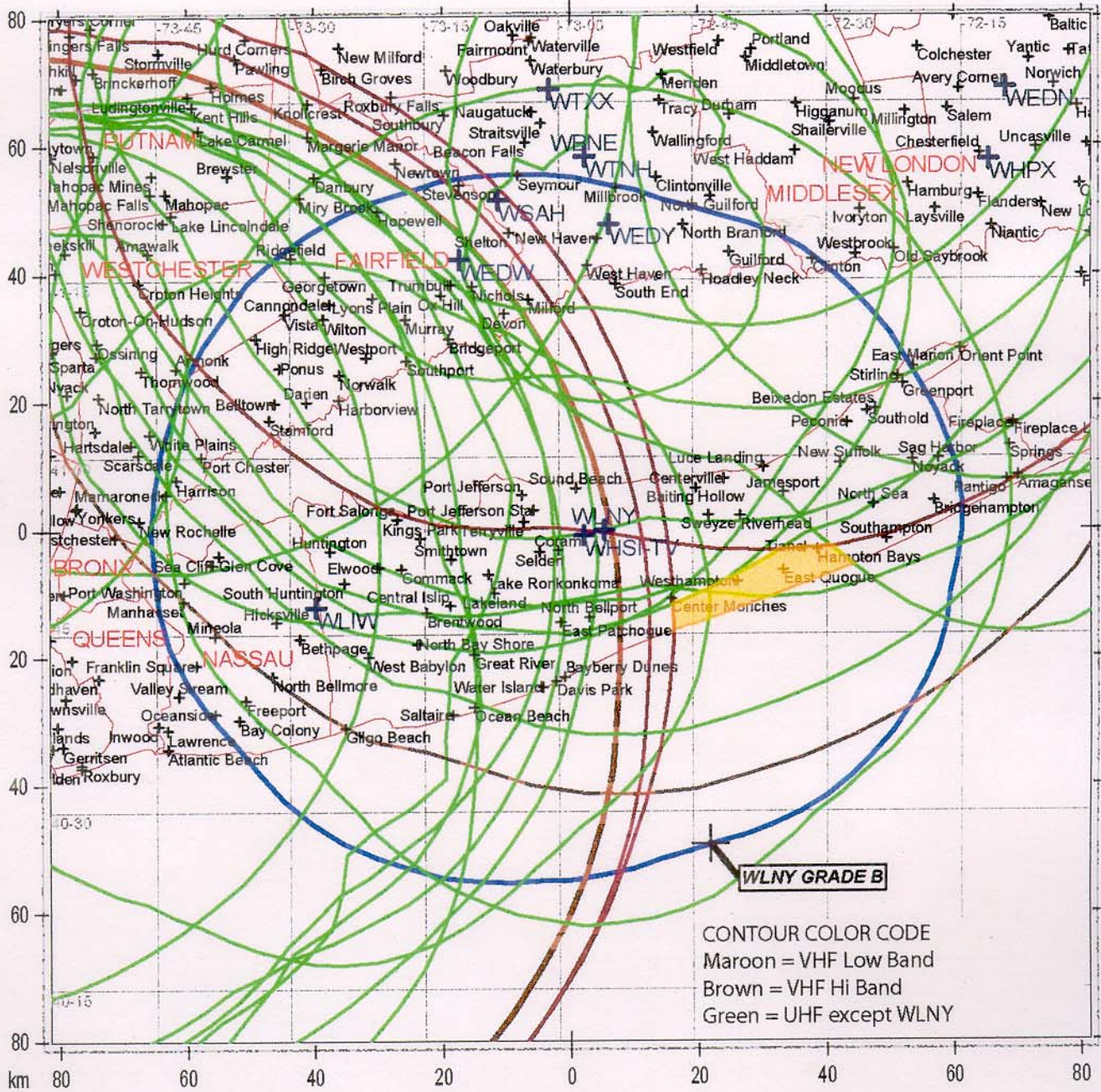
AREA WHICH RECEIVES THREE OTHER SERVICES, WITH WLNY NTSC DELETED, IS HIGHLIGHTED - NOTE: WATER AREAS NOT HIGHLIGHTED.

County Borders Lat/Lon Grid

Map Scale: 1:1000000 1 cm = 10.00 km V/H Size: 160.30 x 162.99 km

Figure 8

WLNY TV CH 55 5,000 kW @ 194 M HAAT RIVERHEAD, NY



Communications Technologies, Inc. Marlton, New Jersey

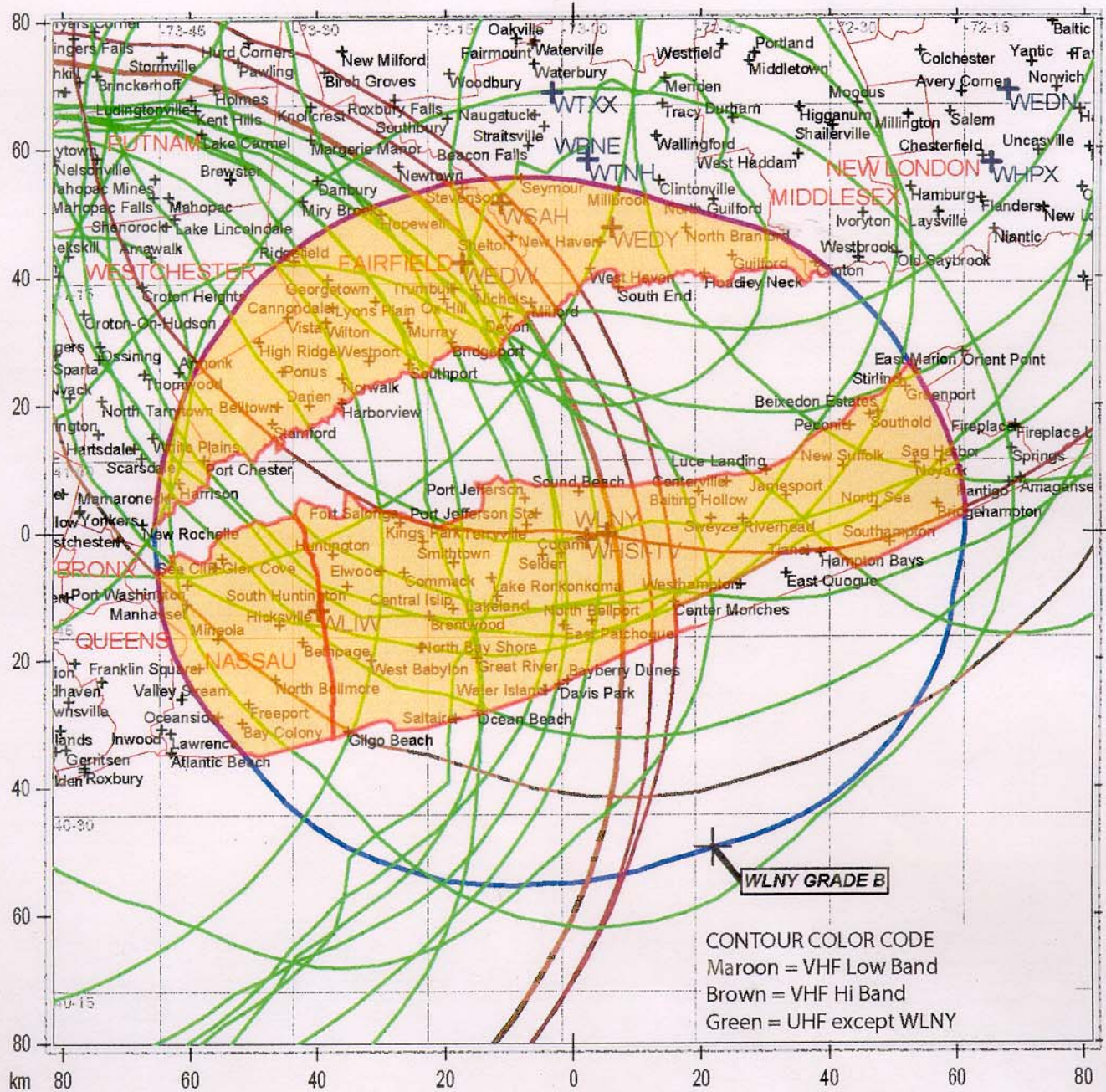
AREA WHICH RECEIVES FOUR OTHER SERVICES, WITH WLNY NTSC DELETED, IS HIGHLIGHTED - NOTE: WATER AREAS NOT HIGHLIGHTED.

County Borders Lat/Lon Grid

Map Scale: 1:1000000 1 cm = 10.00 km V\H Size: 160.30 x 162.99 km

Figure 9

WLNY TV CH 55 5,000 kW @ 194 M HAAT RIVERHEAD, NY



Communications Technologies, Inc. Marlton, New Jersey

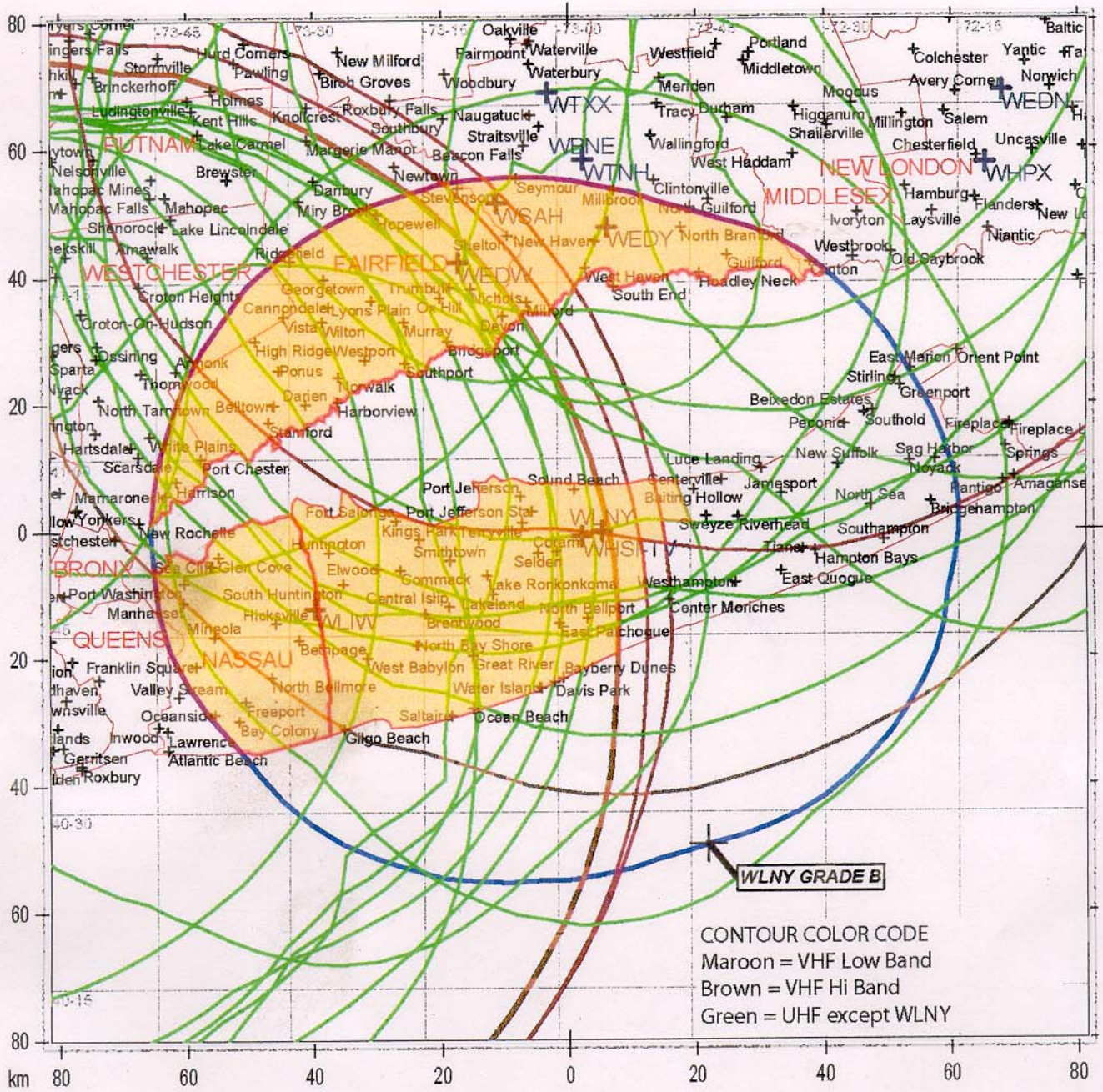
AREA WHICH RECEIVES FIVE OR MORE SERVICES, WITH WLNY NTSC DELETED, IS HIGHLIGHTED - NOTE: WATER AREAS NOT HIGHLIGHTED.

County Borders Lat/Lon Grid

Map Scale: 1:1000000 1 cm = 10.00 km V/H Size: 160.30 x 162.99 km

Figure 10

WLNY TV CH 55 5,000 kW @ 194 M HAAT RIVERHEAD, NY



Communications Technologies, Inc. Marlton, New Jersey

AREA WHICH RECEIVES TEN OR MORE SERVICES, WITH WLNY NTSC DELETED, IS HIGHLIGHTED - NOTE: WATER AREAS NOT HIGHLIGHTED.

County Borders Lat/Lon Grid

Map Scale: 1:1000000 1 cm = 10.00 km V/H Size: 160.30 x 162.99 km

Figure 11