

110 Veterans Memorial Boulevard, Suite 300
Metairie, Louisiana 70005
Telephone 504.830.4646
Facsimile 504.830.4659
www.hardycarey.com

March 10, 2006

Mark A. Balkin
mbalkin@hardycarey.com

2377.027

By Hand

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

RECEIVED - FCC

MAR 13 2006

Federal Communication Commission
Bureau / Office

Re: *Television Station: WGNM, Macon, GA*
Facility ID: 24618

REQUEST FOR AUTHORITY TO DISCONTINUE ANALOG SERVICE

Dear Ms. Dortch:

This firm, on behalf of Christian Television Network, Inc. ("CTN"), the licensee of television station WGNM, Macon, Georgia (NTSC channel 64) and the licensee of its paired DTV station WGNM-DT (DTV channel 45), requests authority from the Commission to permit CTN to cease the analog operations of WGNM in order to broadcast only the digital signal of WGNM-DT on channel 45.

In its *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking in the matter of Service Rules for the 746-764 and 776-794MHz Bands, and Revisions to Part 27 of the Commissions Rules*¹, the Commission established a presumption in favor of approving broadcasters' applications to voluntarily vacate the upper 700 MHz NTSC channels prior to the end of the DTV transition. The Commission found that said voluntary vacations will provide "substantial public interest benefits" in part by helping "expedite a transition to DTV", "providing supplemental resources to incumbent broadcast licensees facing the cost of transition to DTV operations" thus strengthening "the viability of those licensees and their ability to provide over-the-air service in the long run."²

CTN recognizes that the early return of the NTSC signal will result in the loss of an over-the-air analog service. However, the Commission has made clear that it will rely on the "voluntary judgment of the incumbent broadcast licensees with a direct interest in strengthening their transition to DTV" when evaluating the loss of over the air service. "[W]e find that the

¹ 15 FCC Rcd 20845 (2000).

² Id. at ¶ 56.

limited and temporary loss of service issues here – especially when the loss results in supplemental resources that . . . strengthen the individual licensee's long term viability as a DTV provider – do not raise concerns that prevent" the approval of applications to vacate the upper 700 MHz band.

Indeed, that is exactly what the grant of this application will do. Though WGNM is a commercial station, CTN is a non-profit corporation that operates the station using viewer support. It is not financially feasible for CTN to continue operating WGNM on both an analog and digital basis. In addition to the electricity and lease costs, WGNM's analog transmitter is an Acrodyne model AU30D. Maintenance of this transmitter has become difficult and expensive. Specifically, Thales, the French manufacturer of replacement TH680 diacode tubes for the transmitter has severely limited the number of tubes it manufactures, thus increasing the amount of time it takes to obtain a replacement tube and the cost of such tubes.

In addition, WGNM's analog channel is 64, one of the channels designated for use by public safety agencies. Permitting the return of WGNM's analog license will clear this channel for public safety use.

Given the cable and satellite penetration rates in the DMA, the impact on the public will be virtually imperceptible. Neilson Media Research reports that in Nov. 2005, the total cable and/or alternate delivery system (ADS) penetration rate for the Macon DMA was 88.9% of TV Households.³ WGNM's NTSC signal is presently carried on the largest cable system in the DMA owned by Cox Cable, and on 43 smaller cable systems in the DMA. Because WGNM-DT's signal has a larger coverage area than the analog signal, WGNM-DT will be carried on these cable systems and other in communities where the analog station does not provide a sufficient signal for carriage.

In further support of this request, CTN submits that there are twenty-eight (28) other NTSC television stations providing Grade B service with WGNM's NTSC Grade B coverage contour.⁴ Further, of the six (6) television stations licensed in the Macon DMA, WGNM's market share in this, the 120th largest DMA is not in the top four. WGNM is an independent station and is not among the network affiliated four largest stations in the DMA. WGNM is far from the sole broadcast, or even television service, licensed to Macon.⁵ Three (3) other full

³ Television Bureau of Advertising Online, DMA Household Universe Estimates, http://www.tvb.org/nav/build_frameset.asp?url=/rcentral/MarketTrack/Cable and ADS Penetration by DMA.asp

⁴ See attachment.

⁵ It is noted that the Commission, after considering the factors set forth in *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, has approved the discontinuance of the analog service of the sole television broadcast station licensed to a community. (See *WTVT-TV, Goldvein, Virginia*, DA 03-2845, released September 10, 2003.)

power television stations⁶, a Class A television station⁷, a TV translator⁸, four (4) FM stations⁹, six (6) AM stations¹⁰ and two (2) FM translators¹¹ are also licensed to Macon. In addition, as WGNM is not a NCE station, the grant of this request will have no effect on the number of NCE television stations available to viewers.

In other requests to cease analog operations, the Commission staff has requested that the applicant distinguish its application from the application of KJLA (TV), Ventura, CA to cease analog operations that was denied.¹² The first and most important difference between the two applications is the fact that the channel that CTN is seeking to return is Channel 64, in the upper 700 MHz band. KJLA's channel, Channel 57, is in the lower 700 MHz band. The Commission has specified different criteria in considering applications for the early hand in of channels in the different sections of the band and has provided a presumption that any turn in is in the public interest only for channels 60-69.

Further, KJLA was Ventura's sole broadcast television station. As mentioned above, WGNM is not the sole television broadcast station licensed to Macon. Additionally, KJLA provides "unique Spanish-language programming" that would no longer be available to analog over-the-air viewers. While CTN certainly believes its programming is unique, it is not "unique Spanish language programming." Indeed, CTN is not the only Christian television programmer in Macon. Both the Class A and TV translator stations mentioned above provide Christian programming.

Finally, as set forth above, continuing to broadcast on both an analog and digital basis is a significant financial burden to CTN. Given the incredibly high cable and satellite penetration in the market, continuing these dual operations makes the station viewable by few, if any, more people than digital only service. Monies saved by the cessation of analog service would be used to maintain WGNM-DT at full power and to improve programming on WGNM-DT.

Should this request be granted, prior to ceasing analog operations, CTN commits to broadcasting announcements informing viewers that it will change to digital-only operations. Further CTN will request that cable operators initially carry WGNM-DT's over-air digital signal in an analog format and provide the cable operators with any conversion equipment necessary to translate the station's digital signal to analog.

⁶ WGXA, Fac. ID. No. 58262; WMAZ-TV, Fac. ID. No. 46991; WMGT-TV, Fac. ID. No. 43847.

⁷ WDMA-CA, Fac. ID. No. 21150.

⁸ W50DA, Fac. ID. No. 67972.

⁹ WBKG, Fac. ID. No. 76358; WDEN-FM, Fac. ID. No. 46996; WIFN, Fac. ID. No. 68679; WLZN, Fac. ID. No. 54672.

¹⁰ WAYS, Fac. ID. No. 68678; WBML, Fac. ID. No. 71216; WDDO, Fac. ID. No. 52546; WLCG, Fac. ID. No. 41987; WMAC, Fac. ID. No. 46998; WNEX, Fac. ID. No. 54034.

¹¹ W203BH, Fac. ID. No. 78573; W282AE, Fac. ID. No. 77130.

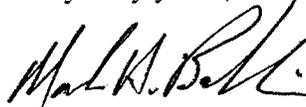
¹² Letter to Barry Friedman dated February 9, 2005 (DA 05-343)

Ms. Marlene H. Dortch
March 10, 2006
Page 4

Based on the foregoing, there is nothing to rebut the presumption that the public interest will be served by permitting CTN to cease broadcasting on and surrender its license for NTSC channel 64, Macon, Georgia and operate full power digitally on channel 45.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



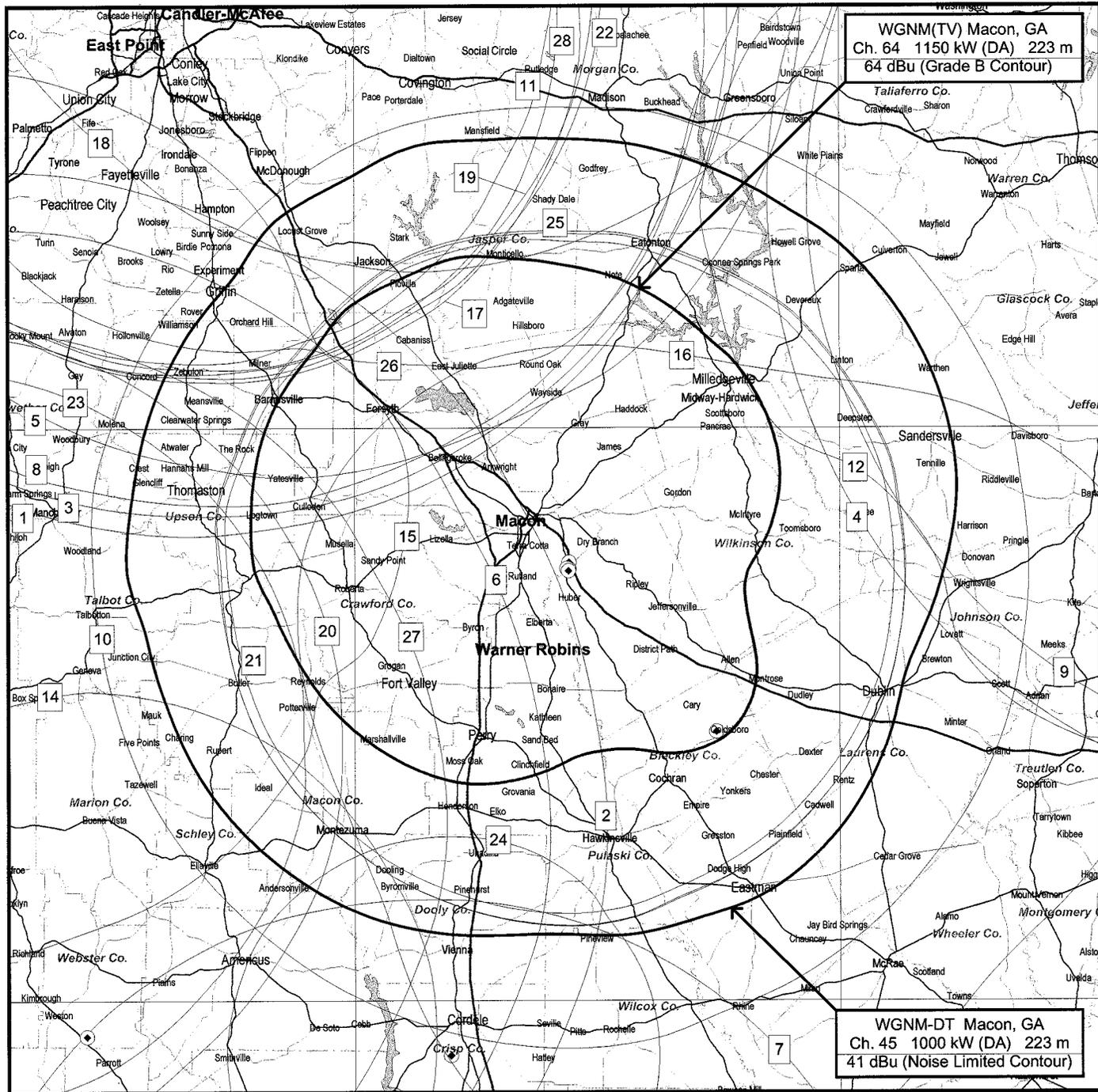
Mark A. Balkin

MAB:faz

cc: Ms. Barbara Kreisman, Chief, Video Division
Ms. Joyce Bernstein
Mr. Robert D'Andrea
Ms. Virginia Oliver

Attachment

Figure 1



**OTHER NTSC STATIONS PROVIDING GRADE B SERVICE
WITHIN THE WGNM(TV) GRADE B COVERAGE CONTOUR**

**WGNMTV)/WGNM-DT
MACON, GEORGIA**

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 1a

Tabulation of Stations

Identifier	Call Sign	Channel	Community of License	State	Status
1	WSB-TV	2	ATLANTA	GA	LIC
2	WRBL	3	COLUMBUS	GA	LIC
3	WAGA	5	ATLANTA	GA	LIC
4	WJBF	6	AUGUSTA	GA	LIC
5	WGTV	8	ATHENS	GA	LIC
6	WTVM	9	COLUMBUS	GA	LIC
7	WALB	10	ALBANY	GA	LIC
8	WXIA-TV	11	ATLANTA	GA	LIC
9	WRDW-TV	12	AUGUSTA	GA	LIC
10	WMAZ-TV	13	MACON	GA	LIC
11	WTBS	17	ATLANTA	GA	LIC
12	WCES-TV	20	WRENS	GA	LIC
14	WACS-TV	25	DAWSON	GA	LIC
15	WJSP-TV	28	COLUMBUS	GA	LIC
16	WDCO-TV	29	COCHRAN	GA	LIC
17	WPBA	30	ATLANTA	GA	LIC
18	WUVG-TV	34	ATHENS	GA	LIC
19	WATL	36	ATLANTA	GA	LIC
20	WLTZ	38	COLUMBUS	GA	LIC
21	WMGT-TV	41	MACON	GA	LIC
22	WGCL-TV	46	ATLANTA	GA	LIC
23	WXTX	54	COLUMBUS	GA	LIC
24	WSST-TV	55	CORDELE	GA	LIC
25	WPGA-TV	58	PERRY	GA	LIC
25	WGXA	24	MACON	GA	LIC
26	WHSG-TV	63	MONROE	GA	LIC
27	WLGA	66	OPELIKA	AL	LIC
28	WUPA	69	ATLANTA	GA	LIC