Federal Communications Commission
Washington, D.C. 20554

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Re: WPXD-DT, Ann Arbor, MI
Petition for Rulemaking
Amendment of Section 73.622(i)
DTV Channel Substitution
File No. BPRM-20080619ALV
Facility ID No. 5800

WXMI-DT, Grand Rapids, MI
Application for Digital Construction Permit
File No. BPCDT-20080619AKI
Facility ID No. 68433

WISE-DT, Fort Wayne, IN
Application for Digital Construction Permit
File No. BPCDT-20080619AIM
Facility ID No. 13960

Dear Counsel:

This is with respect to the above-referenced: (1) rulemaking petition filed by Paxson Communications License Company, LLC seeking to substitute DTV channel 19 for the assigned DTV channel 31 for WPXD-DT, Ann Arbor, Michigan; (2) maximization application filed by Tribune Television Holdings, Inc. for television station WXMI-DT, Grand Rapids, Michigan; and (3) maximization application filed by WISE-TV License, LLC for television station WISE-DT, Fort Wayne, Indiana. Our engineering analysis shows that the proposed channel substitution facility for WPXD-DT is predicted to cause interference to 2.75% of the population within the noise limited contour of the facility proposed in the WXMI-DT application, and that the facility proposed in WXMI-DT's application is predicted to cause interference to 1.44% of the population within the noise limited contour of the facility proposed in the rulemaking petition In addition, the facility proposed in WXMI-DT's application is predicted to cause interference to 0.87% of the population within the noise limited contour of the facility proposed in the WISE-DT application. Accordingly, the above-referenced rulemaking petition and applications are mutually-exclusive.

When the Commission lifted the freeze on the filing of DTV maximization applications and petitions for digital channel substitutions,[1] it announced that until the end of the statutory DTV transition on February 17, 2009, mutually-exclusive applicants would be provided a 30-day period of time to resolve their mutual-exclusivity via engineering amendment or settlement, rather than the 90-day period afforded by Section 73.623(h) of the rules.[2] Similarly, we also shorten the settlement period for rulemaking petitions and mutually-exclusive maximization applications that were received on or before June 20, 2008. If the parties resolve their mutual-exclusivity, we will continue the rulemaking process by issuing the appropriate order and will also continue processing the maximization application. If the parties are unable to resolve their mutual-exclusivity, we will dismiss the rulemaking petition and the maximization application.

Accordingly, the parties have 30 days from the date of this letter to resolve their mutual-exclusivity, either by entering into an interference consent agreement or proposing engineering solutions to eliminate the amount of interference. Submissions involving an application must be filed electronically on FCC Forms 301 and/or 340 using the Commission's Consolidated Database System ("CDBS") via the Internet from the Media Bureau's Web site at

http://www/fcc/gov/mb/cdbs.html

or

http://fjallfoss.fcc.gov/prod/cdbs/forms/prod/cdbs_ef.htm.

Submissions involving a rulemaking petition must be filed with the Office of the Secretary and an electronic copy sent to joyce.bernstein@fcc.gov and ron.graser@fcc.gov.

Sincerely,

Clay C. Pendarvis
Associate Chief, Video Division
Media Bureau

[1] *See* "Commission Lifts the Freeze on the Filing of Maximization Applications and Petitions for Digital Channel Substitutions, Effective Immediately," *Public Notice*, DA 08-1213, released May 30, 2008.

[2] 47 C.F.R. § 73.623(h)(3).