

Request for Engineering STA

KHTV-CD, Los Angeles, CA (Facility ID 60026) has been reassigned to channel 22 in the repacking process associated with the broadcast television spectrum incentive auction. It was assigned to Phase 2 with a construction deadline of April 12, 2019. The testing window for Phase 2 begins on December 1, 2018.

To complete the construction of KHTV's repack facility, American Tower Corporation (AMC) must upgrade the tower to comply with structural standard EIA/TIA 222G. AMC has asked KHTV to relocate temporarily to an adjacent tower while it completes this work. Therefore, this Engineering STA requests authority to operate an interim facility from an adjacent tower in the Mt. Harvard (Mt. Wilson) antenna farm that is 0.1 km distant from the existing KHTV-CD licensed facility and construction permit. There is no increase in contours versus that of the construction permit (FCC File No. 0000034687). KHTV would relocate to the adjacent tower and begin operating on channel 22 on December 1, 2018 (the start of the Phase 2 testing period). See Attachment A - Letter from AMC.

The proposed facility was studied using TVStudy v2.2.5 using the following parameters:

- Study cell size: 0.50 km
- Profile point spacing: 0.10 km

And the results are as follow:

- Distance to Canadian border: 1622.0 km
- Distance to Mexican border: 188.8 km
- Conditions at FCC monitoring station: Livermore, CA
Bearing: 320.7 degrees Distance: 512.4 km
- Proposal is not within the West Virginia quiet zone area
- Conditions at Table Mountain receiving zone:
Bearing: 56.2 degrees Distance: 1308.8 km

The F(50,90) 51 dBu contours of the proposed facility overlaps with the F(50,90) 51 dBu contours of the existing authorized facility. It is believed that the proposed facility complies with the requirements of Sections 74.709, 74.793(e), 74.793(f), 74.793(g), 74.793(h) and other applicable parts of the Rules and Regulations of the Federal Communications Commission.

Digital TV and Class A Station Protection and Interference Acceptance

The proposed STA facility of KHTV-CD interferes with KMRZ-LD on channel 22 at 28.11% (worst case scenario 1). KMRZ-LD is displaced by KHTV-CD's repack facility and has filed a displacement application in the recent displacement window for LPTV stations (FCC File No. 0000054819). KMRZ-LD and KHTV-CD are commonly owned by the Applicant, and the Applicant hereby accepts the interference to KMRZ.

In addition, this STA causes interference to FCC File No. 0000029968, a major modification application for KRET-CD (“KRET Application”). The KRET Application was dismissed (See Attachment B – Letter from Barbara A. Kreisman), however, the engineering database has not yet been updated to reflect that dismissal. Therefore, the predicted interference to KRET should not prevent the grant of this STA.

Except as referenced above, the proposed facility causes less than 0.5% interference to surrounding digital and Class A television stations and allotments and facilities (i.e., “*de minimis*”) based on TVStudy v2.2.5. It is believed that the proposed operation is in compliance with the spirit and intent of the FCC’s interference standards.

Low Power TV and TV Translator Station Protection

Based on TVStudy v2.2.5 with the Build Option to Protect LPTVs, the proposed facility causes less than 2.0% interference to surrounding low power assignments and allotments (i.e., “*de minimis*”). It is believed that the proposed operation is in compliance with the spirit and intent of the FCC’s interference standards.

Environment Effect

The proposed facility is deemed individually and cumulatively to have no significant effect on the quality of the human environment and are categorically excluded from environmental processing as defined by 47 C.F.R. § 1.1306. Additionally, the Applicant certifies that it will reduce power or cease operation as necessary to protect any persons from having RF exposure in excess of FCC guidelines.

Attachment A



VIA ELECTRONIC MAIL

July 5, 2018

Ms. Christine Meng
Venture Technologies Group, LLC
5670 Wilshire Blvd., Suite 1620
Los Angeles, CA 90036

Re: KHTV-CD repack requirements at American Tower (AMT) site #301287 Mt. Harvard #1 (Los Angeles, CA, FCC ASRN 1213941)

Dear Ms. Meng,

KHTV-CD (KHTV) informed AMT they will be required to change their RF transmission equipment at the above AMT owned broadcast transmission facility to accommodate their FCC mandated channel repack.

The AMT Mt. Harvard #1 tower is only 199 ft. AGL. The structure supports main transmit and ancillary equipment for multiple TV stations and other communications equipment. It is a very congested short structure. The tower will require modifications to meet the EIA/TIA 222G Structural Standard for Antenna Supporting Structures and Antennas. Due to the required modification work and to create a location for KHTV's new channel antenna, AMT will require the removal of KHTV's existing antenna and line while the work is performed on the tower. We have requested that KHTV install an interim antenna on the AMT Mt. Harvard #2 tower adjacent to the Harvard #1 tower. KHTV's existing transmitter is located inside a transmitter building that serves both towers. The existing transmitter will feed the interim antenna from its current location. AMT is also investigating whether an existing abandoned transmission line can be repurposed for the interim antenna use. If not, a new 1 5/8" flex line will have to be installed.

AMT supports KHTV's 399 request for an interim antenna and it will also be beneficial in assisting them to make the Phase 2 required deadline.

Warmest Regards,

Cyndi Byrd

Cyndi Byrd
Broadcast Senior Manager
American Tower Corporation

Attachment B



Federal Communications Commission
Washington, D.C. 20554

August 28, 2018

Charles R. Meeker
c/o George R. Borsari, Jr., Esq.
Borsari & Paxson
5335 Wisconsin Avenue, N.W.
Suite 440
Washington, D.C. 20015

KVMD Licensee Co., LLC
c/o Barry A. Friedman, Esq.
Thompson Hine LLP
1919 M Street, N.W.
Suite 700
Washington, D.C. 20036

Re: KRET-CD, Palm Springs, California
Facility ID No. 10536
Major Modification of BLDTA-20140702ADK
LMS File No. 0000029968

Dear Licensees:

By letter dated December 7, 2017, the Video Division dismissed the above-referenced application of Charles R. Meeker (Meeker), the licensee of Class A television station KRET-CD, channel 31, Palm Springs, California, for a major change to its licensed facility to move to channel 22, concluding that Meeker was not eligible to file a major change application at the time. Meeker filed a timely petition for reconsideration, which is opposed by KVMD Licensee Co., LLC (KVMD), the licensee of KVMD(TV), channel 23, Twentynine Palms, California.¹ For the reasons set forth below, the petition for reconsideration is denied.

Background. Upon completion of the incentive auction, the Commission initiated a transition period for broadcast stations to transition to their new channels, including a first priority filing window for "any reassigned station, band changing station, or non-reassigned station entitled to protection in the repacking process that is predicted to experience a loss of population served in excess of one percent as a result of the repacking process . . ." ² The *Closing and Channel Reassignment Public Notice* that was

¹ LMS Pleading File Nos. 0000038246 and 0000040405.

² *Incentive Auction Task Force and Media Bureau Announce the Opening of the First Priority Filing Window for Eligible Full Power and Class A Television Stations from August 9 Through September 8, 2017*, Public Notice, 32 FCC Rcd 5785 (2017) (*First Priority Filing Window Public Notice*); *Incentive Auction Task Force and Media*

released at the completion of the broadcast incentive auction included a link to publicly available data providing projected coverage and population data of all full power and Class A television stations that were not the subject of a winning reverse auction bid to go off-air and which indicated those stations that were eligible to file in the first priority filing window because of loss of service.³ Although KRET-CD was not identified as an eligible station, Meeker filed a major modification in the first window to change channel, claiming that KRET-CD's current operation on channel 31 is predicted to receive new station-to-station interference in excess of one percent as a result of KCBS-TV, Los Angeles, being repacked from channel 43 to channel 31, KXLA-TV, Rancho Palos Verdes, California, being repacked from channel 51 to channel 30, and KNLA-CD, Los Angeles, being repacked from channel 50 to channel 32.

The staff concluded that Meeker's application was defective because it failed to demonstrate that KRET-CD's channel 31 facility would experience a loss in population service in excess of one percent. The dismissal letter noted that Commission studies released in connection with the incentive auction show that KRET-CD currently receives interference only from KTLA, channel 31, Los Angeles, to 11,906 persons within KRET-CD's service area, and that KRET-CD's pre-auction interference free population was 447,415 persons.⁴ The dismissal letter further explained that the current interference from KTLA, which is being repacked from channel 31 to channel 35, will be replaced by interference caused by KCBS-TV's reassignment to channel 31 at Los Angeles, that KCBS-TV on channel 31 will be the only station causing interference to KRET-CD, and that the total interference to KRET-CD from repacked KCBS-TV is 11,875 persons.⁵ Accordingly, KRET-CD's post-auction interference-free population would actually increase to 447,446 persons after the repack. The dismissal letter concluded that Meeker's application was also defective because the engineering analysis used to study KRET-CD's pre-auction service failed to consider the interference currently received by KRET-CD from KTLA.

Discussion. On reconsideration, Meeker argues that the staff's action was arbitrary and capricious "because it did not explain the basis for the decision" and failed to take into consideration adjacent channel interference KRET-CD would allegedly receive from repacked stations KXLA-TV and KNLA-CD.⁶ As KVMD points out in its opposition, however, the letter clearly explained that the interference KRET-CD currently receives would be replaced by a lesser amount of interference from repacked KCBS-TV, resulting in an increase in KRET-CD's interference-free population, and also provided citations to data available on the Commission's website that could be used to verify the staff's conclusions.⁷

Meeker also argues that the staff erred in failing to acknowledge that KRET-CD would receive interference from the repacked facilities of KXLA-TV and KNLA-CD because the repacked facilities would have "clear line of sight from their transmitter sites to the KRET-CD service area."⁸ In response, KVMD argues that "the Commission's rules do not recognize use of line-of-sight methods for any type of

Bureau Extend the Filing Deadline for the First Priority Filing Window for Eligible Full Power and Class A Television Stations, Public Notice, 32 FCC Rcd 6827 (2017).

³ *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32-FCC Red 2786, 2804, para. 56 (2017).

⁴ Citing to Reverse Auction Opening Prices Spreadsheet

[https://wireless.fcc.gov/auctions/incentive-auctions/Reverse Auction Opening Prices 111215 .xlsx](https://wireless.fcc.gov/auctions/incentive-auctions/Reverse%20Auction%20Opening%20Prices%20111215.xlsx).

⁵ Citing to Coverage Baseline for Post-Auction Table of Allotments Spreadsheet

[http://data.fcc.gov/download/incentive-auctions/Transition Files/Post Auction Baseline.xlsx](http://data.fcc.gov/download/incentive-auctions/Transition%20Files/Post%20Auction%20Baseline.xlsx).

⁶ Petition for Reconsideration at 2.

⁷ KVMD Opposition at 2.

⁸ Petition for Reconsideration at 2.

television broadcast interference analysis.”⁹ In this regard, the Spectrum Act gave the Commission broad discretion to “make such reassignments of television stations that the Commission considers appropriate” “[f]or purposes of making available spectrum to carry out the forward auction,”¹⁰ subject to the requirement that “the Commission must make all reasonable efforts to preserve, as of the date of the enactment of this Act, the coverage area and population served of each broadcast television licensee, as determined using the methodology described in OET Bulletin No. 69 of the Office of Engineering and Technology of the Commission.”¹¹ OET Bulletin No. 69, which is titled “Longley-Rice Methodology for Evaluating TV Coverage and Interference,” provides guidance on the implementation and use of the Longley-Rice propagation methodology for evaluating television coverage and interference with the use of a computer program.¹² The *TVStudy* computer program the Commission used in the repacking took certain inputs, including population data, geographical terrain data,¹³ and data about stations’ transmission facilities, and applied the methodology described in OET-69 to generate a station’s predicted coverage area and population within a station’s noise-limited contour. A station’s noise limited contour is based on a signal strength to noise-limited ratio,¹⁴ and not line of sight or noise-limited contour overlap as Meeker argues. In addition, any adjacent-channel interference KRET-CD would receive from KXLA-TV or KNLA-CD would be masked by co-channel interference from KCBS-TV.

Meeker also argues that use of a ComStudy 2.2 application processing program demonstrates interference to KRET-CD from the three adjacent channel stations on Mt. Wilson to KRET-CD’s Edom Hill tower site because it takes into account unique terrain irregularity between the sites. *TVStudy* also considers terrain factors consistent with OET-69. Meeker is also incorrect that the Commission relies on and uses ComStudy 2.2 in processing applications; the Video Division staff relies exclusively on *TVStudy* to process full power and Class A applications. We also note that Meeker admitted that “[o]ur initial run of *TVStudy* (ver.2.2.3) gave no indication of the . . . resulting interference” generated by the ComStudy 2.2 program, and thus disagree with Meeker that the two programs achieve comparable results.

In addition, an independent basis for denying reconsideration of the dismissal of Meeker’s application is that the proposed facility would cause impermissible interference (19.39%) to the previously filed application for a construction permit for KHTV-CD, Los Angeles, California, which was repacked from channel 27 to channel 22.¹⁵

⁹ KVMD Opposition at 3.

¹⁰ Spectrum Act §§ 6403(b)(1), (b)(1)(B)(i).

¹¹ *Id.* at § 6403(b)(2).

¹² See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, Section B.2.b (2014) (*Incentive Auction R&O*) (subsequent citations omitted).

¹³ While Meeker complains that the staff failed take terrain into account in determining interference, Petition for Reconsideration at 3, *TVStudy* does factor in terrain.

¹⁴ See 47 CFR § 73.622(e).

¹⁵ LMS File No. 0000027749.

In view of the foregoing, the petition for reconsideration filed by Charles R. Meeker IS HEREBY DENIED.

Sincerely,

A handwritten signature in black ink, appearing to read 'B A Kreisman', with a long, sweeping horizontal stroke at the end.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Joan Stewart, Esq.