

### **KTIV's Channel 14 Land Mobile Efforts Satisfy the Threshold for PTA**

The applicant wishes to advise the Commission of the following information, which is supplementary to the information provided in Lohnes & Culver's Technical Statement attached to this program test authority (PTA) application.

- The CP for KTIV includes the following condition (the "Channel 14 Land Mobile Condition"):

During equipment tests, authorized by Section 73.1610 of the Commissions Rules, the permittee shall take adequate measures to identify and substantially eliminate objectionable interference which may be caused to existing land mobile radio facilities in the 460 to 470 MHz band. Documentation that objectionable interference will not be caused to existing land mobile radio facilities shall be submitted along with the request for Program Test Authority. Program tests shall not be commenced under Section 73.1620(a) of the Commissions Rules and may only be started after specific authority is granted by the Commission. An application for a license must be filed within 10 days after the start of program tests.

- Upon grant of KTIV's initial repack CP (in LMS File No. [0000027439](#)), the applicant began planning for compliance with the Channel 14 Land Mobile Condition. In other words, KTIV did not wait—and is not waiting—for its equipment testing phase to undertake the process of "identify[ing] and substantially eliminat[ing] objectionable interference."
- The applicant hired an outside vendor (RF Notifications) for assistance in identifying and communicating with potentially affected land mobile operators. In the first quarter of 2018, RF Notifications used the FCC's ULS database to identify 621 potentially affected land mobile licenses and mailed 1,105 letters to the potentially affected land mobile licensees (using multiple addresses in many cases in order to make the notification as robust as possible).
- RF Notifications established a webpage dedicated to KTIV's channel 14 repack project for potentially affected land mobile operators to provide information and data in order to facilitate the applicant's ability to identify and address relevant land mobile interference situations. The letters mailed to potentially affected land mobile licensees urged such licensees to visit the dedicated webpage and to provide relevant information and data.
- As of November 13, 2018, a total of 181 unique individuals have provided relevant information about 395 unique land mobile call signs via KTIV's dedicated webpage, which constitutes an impressive two-thirds (63.6%) response rate.
- The inactions of potentially affected land mobile operators who are unwilling to communicate with KTIV *despite KTIV's direct outreach* should not be allowed to compromise KTIV's ability to satisfy the Channel 14 Land Mobile Condition.

- KTIV's Phase One deadline is November 30, 2018. As described in multiple Transition Progress Reports and informal communications with FCC Staff, KTIV's repack construction has been repeatedly hindered by weather issues (but KTIV believes its full repack facility will be complete by the November 30 deadline). As such, it would have been impracticable and contrary to the public interest for KTIV to have waited until the commencement of equipment testing to attempt to identify potentially-affected land mobile operators and address potential interference. Indeed, if KTIV had not engaged in advance efforts to identify and engage with potentially-affected land mobile operators, the public interest may have been compromised as the construction deadline for Phase One comes down to the wire despite KTIV's best efforts complete construction in October 2018. Thus, not only has KTIV taken all necessary and proper steps in advance of testing, but also time is of the essence with respect to a grant of PTA to KTIV.

In light of the technical design of KTIV's channel 14 repack facility (as described in Lohnes & Culver's Technical Statement) and in light of the robust efforts that KTIV has made to engage with potentially-affected land mobile operators, KTIV believes that it has met—indeed, exceeded—the requirements of the CP's Channel 14 Land Mobile Condition. Moreover, KTIV is committed to continuing to work with potentially-affected land mobile licensees following commencement of equipment testing and program testing. Consequently, KTIV respectfully submits that it has met the Channel 14 Land Mobile Condition and that prompt grant of PTA is warranted.

\* \* \*