

**Request for STA for Channel 14 Equipment Testing to Identify and Resolve  
Land Mobile Interference in Advance of Transition Phase 6 Testing Period**

**A. Background and Need for STA**

The instant request for STA seeks authority for WLKY to commence equipment testing<sup>1</sup> on its post-transition channel as soon as possible, i.e., several months in advance of the Transition Phase 6 testing period. WLKY currently operates on Channel 26 and has been reassigned to Channel 14 on the Transition Phase 6 schedule. As a Channel 14 permittee, WLKY is required to “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 Commission’s Rules and may only be started after specific authority is granted by the Commission.” *See* WLKY Repack Construction Permit in LMS File No. [0000025154](#) (granted June 28, 2018) and WLKY Maximized Construction Permit in LMS File No. [0000034536](#) (granted January 9, 2018) (the “Channel 14 LM CP Condition”).

As noted in the Engineering Statement attached to this STA request, WLKY has identified **thousands** of land mobile (“LM”) operations that may be affected by WLKY’s post-transition operations. *See* Engineering Statement, p.2. Given the sheer number of LM operations, and the fact that some are located on WLKY’s own tower (*see* Engineering Statement, p.2), it would likely be impossible for WLKY (i) to comply with the Channel 14 LM CP Condition during the six-week Phase 6 Testing Period (which starts September 7, 2019) **and** (ii) file and receive a grant of program test authority by the Phase 6 deadline of October 18, 2019.

**B. Steps WLKY Has Taken in an Effort to Address Channel 14 LM Issues**

During the spring of 2017, soon after learning that it had been reassigned to Channel 14, WLKY’s consulting engineer conducted a series of studies to determine whether any other available post-transition channel in the market would be a viable substitute in terms of population served and geographic area covered. Because no other available channel would provide adequate coverage for WLKY’s post-transition operation, WLKY did not attempt to make an “unable to construct” showing so that it could file during the First Priority Window that was open from August 9 – September 15, 2017,<sup>2</sup> nor did WLKY file an application to change its post-transition

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<sup>1</sup> To be clear, WLKY is **not** seeking authorization to conduct program testing at this time.

<sup>2</sup> *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).

Hearst Properties Inc.  
WLKY, Louisville, Kentucky (Fac. ID No. 53939)  
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channel in the Second Priority Window that was open from October 3 – November 2, 2017.<sup>3</sup> Instead, WLKY quickly turned its attention to implementation of strategies to identify and remediate (as necessary) interference that might be caused by WLKY's Channel 14 operations to LM facilities.

To that end, WLKY has enlisted the assistance of multiple consultants, including Dennis Wallace (of Meintel, Sgrignoli & Wallace), Joe Davis (of Chesapeake RF Consultants, LLC), Merrill Weiss (of Merrill Weiss Group, LLC), Ben Pidek (of Mid-State Consultants, Inc.), and Pete Sockett (of RF Notifications, Inc.) to provide guidance and advice about filtering equipment, minimizing potential interference to LM operations, and identification of and communication with potentially affected LM operators. In consultation with such experts, WLKY developed a plan to structurally (e.g., use of a 12-pole filter) minimize the likelihood of interference, to identify potentially affected LM operators, and to mitigate any actual interference.

WLKY put its plan into motion during the spring of 2018 by sending notification letters to potentially affected LM operators and requesting that they visit and input their LM information into a website that was established for the purpose of facilitating communication between WLKY and potentially affected operators. Between spring and fall, WLKY has been in communication with multiple LM operators and establishing a dialog about the time line for WLKY's channel 14 operations. In addition, however, WLKY has already experienced some difficulty in communicating with some LM operators who do not initially seem to fully understand why WLKY has contacted them; indeed, the fact that some LM operators express uncertainty about the process is another reason why WLKY's early testing concept is important.

During this period of time, WLKY has also developed the plan to engage in equipment testing, using a test signal that conforms to the digital television standard (but without regular programming), in order to best position WLKY for satisfaction of the Channel 14 LM CP Condition. To that end, WLKY has secured consent from two potentially affected full-power stations—WTIU and WKSO-TV—to accept interference during WLKY's periodic equipment tests. As memorialized in the attached executed consents, (i) both WTIU and WKSO-TV recognize the importance of WLKY's equipment testing, (ii) the parties have agreed that WLKY will notify WTIU and WKSO-TV in advance of each test period, (iii) WLKY will begin the endeavor by testing during the overnight period (eventually moving to some daytime testing when LM operations are more likely to be live), and (iv) WLKY agrees not to test during a particular period if WTIU or WKSO-TV notifies WLKY that a particular test period is unsatisfactory to WTIU or WKSO-TV.

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<sup>3</sup> *Incentive Auction Task Force And Media Bureau Announce The Opening Of The Second Filing Window For Eligible Full Power And Class A Television Station—October 3 Through November 2, 2017*, Public Notice, 32 FCC Rcd 6989 (2017).

**C. WLKY Wishes to Avoid a KTNC Scenario**

Fundamentally, as noted above, WLKY is concerned that the Transition Phase 6 Testing Period will not be a sufficiently long period of time to identify and address LM interference cases and, as a result, WLKY may not be able to commence program testing and full power operation in a timely fashion (i.e., by the Phase Completion Date). Moreover, the Transition Phase 6 Testing Period only covers a short period of time in the autumn, which means that any seasonal effects on the channel 14 interference profile would be untested until later, which could result in later discoveries of interference cases. Rather than rely on equipment testing during the several weeks leading up to October 18, 2019, WLKY is submitting this STA request in order to proactively and preemptively address these issues. WLKY's ultimate objective is to avoid a fate such as KTNC-TV. As the Commission is aware, KTNC-TV, Concord, California (Fac. ID No. 21533) became a Channel 14 station as part of the original DTV transition. *See* CDBS File No. BMPCDT-20080222ABB). Because KTNC-TV was unable to ever satisfy the Media Bureau staff that it had met the channel 14 land mobile interference identification and mitigation condition on its construction permit, KTNC hobbled along at 30 percent of authorized power for several years. *See, e.g.*, CDBS File No. BEDSTA-20140612ABH (final STA extension for 30% authorized power sought); *see also* CDBS File No. BLCDT-20091210ABC (never granted and ultimately dismissed October 11, 2017).

**D. The Public Interest Would Be Served By a Grant of This STA**

WLKY is a CBS network affiliate that routinely provides 45 hours of regularly scheduled local news every week and routinely provides in-depth, life-saving emergency information and coverage during severe weather and other critical events. It would be unacceptable and contrary to the public interest for WLKY to operate at reduced power on its post-transition Channel 14 while attempting to sort out LM interference issues that it discovers during the Transition Phase 6 Testing Period. Instead, it would further the public interest to grant this STA request so that WLKY can make considerable progress toward meeting its Channel 14 LM CP Condition well in advance of the Transition Phase 6 Testing Period and Phase Completion Date. WLKY's early, extended equipment testing period would also benefit affected LM operators who will have more time to work with WLKY in order to appropriately resolve actual interference experienced during the testing.

Finally, WLKY has already taken delivery of and installed its Channel 14 transmitter and the broadband antenna that would be used during the extended equipment testing period. Thus, grant of this STA for early, extended equipment testing operations on WLKY's post-transition Channel 14 as specified herein is in the public interest because it is in furtherance of WLKY's repack transition plan and would have no negative impact on the overall transition plan.

\* \* \* \* \*

**MEMORANDUM OF UNDERSTANDING RELATING TO POTENTIAL  
INTERFERENCE BY WLKY FOR PURPOSES OF REPACK  
LAND MOBILE INTERFERENCE TESTING ON R.F. CHANNEL 14**

THIS MEMORANDUM OF UNDERSTANDING (the "MOU") is entered into as of August 2, 2018, between Hearst Properties Inc. ("Hearst") and Kentucky Authority for Educational TV ("KET").

1. Hearst is the licensee of television broadcast station WLKY, Louisville, Kentucky (FCC Facility ID No. 53939) ("WLKY"), and has been (a) directed by the Federal Communications Commission ("FCC") to construct and operate the WLKY post-transition facility on Channel 14 with 400 kW effective radiated power ("ERP") pursuant to its construction permit in LMS File Number 0000025154 and (b) authorized by the FCC to construct and operate a maximized post-transition facility on channel 14 with 710 kW ERP pursuant to its construction permit in LMS File Number 0000034536. WLKY has been assigned to Transition Phase 6, which currently has a transition deadline scheduled for October 18, 2019.

2. KET is the licensee of television broadcast station WKSQ-TV, Somerset, Kentucky (FCC Facility ID No. 34222) ("WKSQ-TV"). KET currently operates WKSQ-TV on Channel 14 with 53.3 kW ERP, pursuant to the authority granted by the FCC in File No. BMLEDT-20120608AAL, and has been authorized by the FCC to construct and operate its post-transition facility on channel 17 and complete such transition during Transition Phase 6, which is currently scheduled with a deadline of October 18, 2019. KET is also the owner/operator of WKHA, Hazard, Kentucky, which serves the same Designated Market Area as WKSQ-TV.

3. Hearst and KET acknowledge and agree that WLKY and WKSQ-TV each provides an important programming service to and in its respective market and that this MOU is necessary and desirable in furtherance of the nationwide post-Auction transition. Hearst and KET each acknowledges and agrees that this MOU is desirable to memorialize the expectations and agreement of the parties during the period of time that WLKY engages in operational testing of its Channel 14 operations by and through which Hearst will make efforts to identify, respond to, and mitigate land mobile radio interference caused by Hearst's Channel 14 operations on WLKY in advance of the Transition Phase 6 deadline.

4. Each of Hearst's above-referenced construction permits for WLKY includes an operational condition which states as follows:

During equipment tests, authorized by Section 73.1610 of the Commission's 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 Commission's 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.

KET acknowledges that Hearst must satisfy the above-quoted condition in order to commence post-transition operations on Channel 14, and KET acknowledges that this condition presents an operational challenge to Hearst.

**MEMORANDUM OF UNDERSTANDING RELATING TO POTENTIAL  
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5. Hearst and KET believe that it is necessary and desirable for Hearst to conduct testing of WLKY's Channel 14 RF signal during certain limited periods of time between July 1, 2018, and September 7, 2019 (the "WLKY LM Testing Period"), pursuant to special temporary authority ("STA") to be obtained by Hearst from the FCC in order to identify, respond to, and mitigate potential interference situations caused by WLKY's Channel 14 operations, and KET specifically agrees to cooperate with Hearst in such testing efforts. More specifically, KET agrees to accept interference caused by WLKY's Channel 14 STA operations during the WLKY LM Testing Period, subject to certain conditions as set forth in this MOU. Hearst will notify KET, and provide a copy, of the grant of STA within 3 business days of receipt of the STA grant from the FCC.

6. Notwithstanding any other provision of this MOU, WLKY agrees to conduct no testing during KET's on-air fundraising periods, which are, as of the time of execution of this MOU, scheduled for August 25 – 26, 2018, November 23 – December 2, 2018, March 2 – 17, 2019, and August 17 – 25, 2019. Additional on-air fundraising periods may be identified by KET in its sole discretion, and WLKY agrees that such periods shall be "blackout" periods for purposes of WLKY's LM Test Operation (as defined below).

7. WLKY's operation of WLKY on Channel 14 during the WLKY LM Testing Period will consist of an RF signal with no modulation and with no program content at a maximum effective radiated power of 432 kW ("WLKY's LM Test Operation"). KET consents to receive interference from WLKY's LM Test Operation. Subject to the conditions set forth in this MOU, KET believes the public interest in WLKY's LM Test Operation outweighs the limited interference that may occur to WKSQ-TV during the WLKY LM Testing Period. Hearst and KET agree that the relative success of WLKY's LM Test Operation in Hearst's identification of, response to, and mitigation of land mobile operations depends in material part on the WLKY LM Testing Period spanning all seasons of the year.

8. Hearst intends to conduct WLKY's LM Test Operation at reasonable times. For example, Hearst intends to begin the WLKY LM Testing Period by engaging in WLKY's LM Test Operation between the hours of midnight and 5:00 a.m. local time. Because the late night hours are unlikely to feature many LM operations, Hearst intends to vary the times in which it conducts WLKY's LM Test Operation so that other daypart windows are used, for example 10:00 a.m. to 2:00 p.m. and other similar periods of time.

9. Irrespective of the time periods for WLKY's LM Test Operation, Hearst will provide KET with at least 24 hours' advance written notice (e.g., by email) of its intended operations, provided that the 24-hour period includes at least 8 hours of a regular business day (for illustration, notification provided on a Friday afternoon would be for WLKY's LM Test Operation commencing on the following Monday afternoon or later). In all instances, KET shall have the unfettered right, which must be exercised reasonably and in good faith, to decline to allow Hearst to conduct WLKY's LM Test Operation. To decline one or more of WLKY's LM Test Operations, KET shall communicate in writing (e.g., by email) at least 6 hours prior to the proposed commencement time. Further, in the event that WLKY's LM Test Operations commence on any

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particular date and result in unreasonable disruption to the reception of KET's WKSQ-TV signal by viewers in the affected geographic areas and such reception is not mitigated by the availability of KET's WKHA signal, then, after the commencement of such operations, KET may notify Hearst of such unreasonable disruption in which case Hearst will temporarily suspend such WLKY LM Test Operation; and, further, in such instance, Hearst and KET agree to engage in good faith negotiations to find a mutually agreeable schedule for further WLKY LM Test Operation.

10. To facilitate the notices required by this MOU, the parties shall each designate one principal point of contact, and the parties shall exchange contact information for their respective principal points of contact, including email addresses, cell numbers, and landline telephone numbers within 3 business days of Hearst's receipt of an STA grant from the FCC or execution of this MOU, whichever is later.

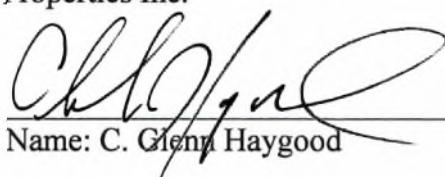
11. This MOU may be filed, at Hearst's election, with the FCC in connection with Hearst's request for STA for WLKY's LM Test Operation. Each of Hearst and KET shall take all commercially reasonable steps to satisfy any questions or concerns raised by the FCC with respect to any regulatory filings implicated by this MOU, notify the other of any FCC inquiries relating to this MOU and WLKY's LM Test Operation, and furnish all information requested by the FCC with respect thereto. Neither Hearst nor KET shall take any action that is inconsistent with its obligations under this MOU or that could hinder or delay the other party's enjoyment of its rights and interests contemplated by this MOU.

12. Neither party may assign this MOU without the prior written consent of the other party, which shall not be unreasonably withheld. Notwithstanding the foregoing, it is understood that the acceptance of interference levels agreed to herein shall continue to run with the station, not the licensee, and shall be binding on future successors or assigns (without the need for consent) in the event of assignment of a station's license or a change in control of a licensee. Nothing in this MOU expressed or implied is intended or shall be construed to give any rights to any person or entity other than the parties hereto and their respective successors and permitted assigns. No monetary consideration is being paid by either party in connection with this MOU. This MOU may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have duly executed this MOU as of the date first set forth above.

Hearst Properties Inc.

By:

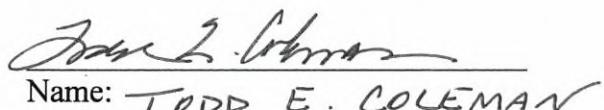


Name: C. Glenn Haygood

Title: President and General Manager

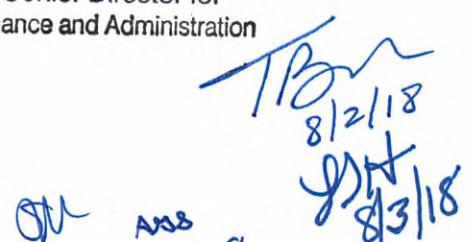
Kentucky Authority for Educational TV

By:



Name: TODD E. COLEMAN

Title: Senior Director for  
Finance and Administration



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JMK  
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GW AAS

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2. WTIU is the licensee of television broadcast station WTIU, Bloomington, Indiana (FCC Facility ID No. 66536) ("WTIU"). WTIU currently operates WTIU on Channel 14 with 224 kW ERP, pursuant to the authority granted by the FCC in File No. BLEDT-20030925AVS, and has been authorized by the FCC to construct and operate its post-transition facility on channel 33 and complete such transition during Transition Phase 6, which is currently scheduled with a deadline of October 18, 2019.
3. Hearst and WTIU acknowledge and agree that WLKY and WTIU each provides an important programming service to and in its respective market and that this MOU is necessary and desirable in furtherance of the nationwide post-Auction transition. Hearst and WTIU each acknowledges and agrees that this MOU is desirable to memorialize the expectations and agreement of the parties during the period of time that WLKY engages in operational testing of its Channel 14 operations by and through which Hearst will make efforts to identify, respond to, and mitigate land mobile radio interference caused by Hearst's Channel 14 operations on WLKY in advance of the Transition Phase 6 deadline.
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8. Irrespective of the time periods for WLKY's LM Test Operation, Hearst will provide WTIU with at least 24 hours' advance written notice (e.g., by email) of its intended operations, provided that the 24-hour period includes at least 8 hours of a regular business day (for illustration, notification provided on a Friday afternoon would be for WLKY's LM Test Operation commencing on the following Monday afternoon or later). In all instances, WTIU shall have the unfettered right, which must be exercised reasonably and in good faith, to decline to allow Hearst to conduct WLKY's LM Test Operation. To decline one or more of WLKY's LM Test Operations, WTIU shall communicate in writing (e.g., by email) at least 6 hours prior to the proposed commencement time.

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numbers within three (3) business days of Hearst's receipt of an STA grant from the FCC or execution of this MOU, whichever is later.

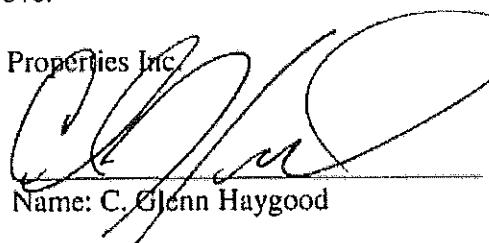
10. This MOU may be filed, at Hearst's election, with the FCC in connection with Hearst's request for STA for WLKY's LM Test Operation. Each of Hearst and WTIU shall take all commercially reasonable steps to satisfy any questions or concerns raised by the FCC with respect to any regulatory filings implicated by this MOU, notify the other of any FCC inquiries relating to this MOU and WLKY's LM Test Operation, and furnish all information requested by the FCC with respect thereto. Neither Hearst nor WTIU shall take any action that is inconsistent with its obligations under this MOU or that could hinder or delay the other party's enjoyment of its rights and interests contemplated by this MOU.

11. Neither party may assign this MOU without the prior written consent of the other party, which shall not be unreasonably withheld. Notwithstanding the foregoing, it is understood that the acceptance of interference levels agreed to herein shall continue to run with the station, not the licensee, and shall be binding on future successors or assigns (without the need for consent) in the event of assignment of a station's license or a change in control of a licensee. Nothing in this MOU expressed or implied is intended or shall be construed to give any rights to any person or entity other than the parties hereto and their respective successors and permitted assigns. No monetary consideration is being paid by either party in connection with this MOU. This MOU may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have duly executed this MOU as of the date first set forth above.

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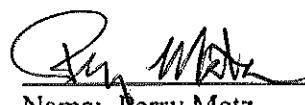


Name: C. Glenn Haygood

Title: President and General Manager

The Trustees of Indiana University

By:



Name: Perry Metz

Title: General Manager