

**KNMT-TV, PORTLAND, OREGON, REQUEST FOR STA  
TO CONTINUE OPERATING ON PRE-AUCTION CHANNEL  
AND CHANGE FROM REPACK PHASE 2 TO PHASE 3**

KNMT-TV, Portland, Oregon (FID # 47707) hereby respectfully requests special temporary authority to continue operating on its current, pre-auction channel 45 beyond the April 12, 2019, Phase 2 deadline and/or to be reclassified as a Phase 3 station. In January 2019 KNMT-TV timely filed a CP Extension Application (FCC File No. 0000065700) for its post-auction channel 32 CP (FCC File No. 0000026545, granted July 10, 2017). That CP Extension was submitted in accordance with the *Incentive Auction Closing and Channel Reassignment Public Notice*, DA 17-314, released April 13, 2017 (32 FCC Rcd 2786), and *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines, Public Notice*, DA 18-884 (¶11), released August 27, 2018 (“*Post-Auction Deadlines PN*”). The *Post-Auction Deadlines PN* (at ¶11) explained that:

“A station may seek a single extension of the construction permit expiration date of up to 180 days by submitting an extension application [ ] 90 days before a station’s construction permit deadline.” (footnotes deleted)

As a Phase 2 repack station, KNMT-TV is facing an April 12, 2019 completion date. It filed its CP Extension request out of an abundance of caution because it had not yet obtained confirmation that all local permitting was completed to allow the required rigging and tower work needed to comply with the Phase 2 Completion Date. The Sylvan Tower owner is responsible for local permitting. Until permitting is issued, KNMT remains prohibited from completing its repack work, which is why it is now seeking an STA to continue operating on channel 45, if necessary. In addition, because KNMT may continue to operate on channel 45 after the Phase 2 completion date of April 12, 2019, it respectfully requests that it be reclassified as a Phase 3 station, which would allow continued operation until June 21, 2019.

The new post-auction channel 32 transmitter for KNMT is installed and running into a dummy load. The antenna and feedline have been delivered on site, and the tower crew (Radio Tower Co., see Attachment 2) is standing by and ready to work. KNMT’s on site engineer has been in regular communication with the tower owner on the issuance of the required permits, and while Sylvan Tower is actively working to obtain the permits, that has not yet happened. Accordingly, because KNMT does not currently have a definitive time frame for when the permits are to be issued, it will need an STA to allow the station to remain on its current pre-auction channel, using its current antenna on the tower, and/or to be reclassified as a Phase 3 facility.

The Structural Analysis & Condition Assessment Report done by Tower Engineering Company (“TEC”) for the tower was completed in January 2018 (Attachment 1). It concluded (pg. 6-7) that:

“the tower members meet the design criteria under the TIA-222-G-2 Standard in the existing and proposed loading configurations. The existing condition stress level on the tower is 103.8% controlled by the diagonals. The proposed condition stress level on the tower is 95.6% controlled by the bolts. These overstresses do not exceed the industry

standard of 105% of design stress for existing structures. [and . . . [b]ased on the results shown, it is acceptable to replace the existing KOIN, KATU, and KRCW top-mounted RFS PHP80E antenna with a Dielectric TUM25-O4-16/64H-2-R-T, *and replace the existing KNMT side-mounted ERI ATW25H3-HSO-45S antenna with an ERI ATW25H3-HSO-32H.* (Italics added)

Accordingly, KNMT has no reason to believe the local permits will not finally be issued.

In addition, to minimize impact on the viewing public, KNMT will double the number of Public Service Announcements (PSA) and Viewer Crawls specified in Commission Rule 73.7300(c)(1)&(3), 47 C.F.R. §73.7300(c)(1)&(2). According to Rule 73.3700(c)(1), stations that are repacked as a result of the incentive auction must provide at least one PSA – KNMT proposes to provide two – and run at least one crawl in every quarter of every day – KNMT proposes to provide two during each quarter – during the 30-day period prior to the date that the station terminates operations on its pre-auction channel. KNMT will also provide at least two of the required PSAs and crawls during prime time hours (between 8:00 p.m. and 11:00 p.m. Pacific Time). Doubling the number of required PSAs and crawls will help minimize public confusion and insure the public is provided advance notice of the KNMT channel change.

Granting this STA and/or reclassifying KNMT to Phase 3 is consistent with Commission precedent which explains that accommodation in circumstances like this is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall Commission policy on an individual basis. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990), *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); and 47 CFR § 1.3 (waiver for good cause shown).

Finally, KNMT is in the 600 MHz band so no detailed interference study is required to support this request, and there will be no impact on any linked station set since KNMT is moving to a later phase.

Based on the foregoing, and out of an abundance of caution, KNMT respectfully requests special temporary authority to operating on its pre-auction channel (channel 45) until June 21, 2019, if necessary, and/or to be reclassified as a Phase 3 transition station.