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## **Merrill Weiss Group** LLC

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*Consultants in Electronic Media Technology / Management*

### **Technical Statement for Amendment of Construction Permit Application:**

**Caballero Acquisition LLC  
Station KGMM-CD, Facility ID 17830  
Channel 36  
San Antonio, TX**

### **Modification of a Construction Permit in File No. 0000028148**

#### ***Introduction***

This Technical Statement provides supplemental technical data and information associated with a proposed amendment of an application for a Minor Modification of a Construction Permit for KGMM-CD, San Antonio, TX.<sup>1</sup> The Pending Modification seeks to relocate the Digital Class A station's transmitter, change its antenna pattern and bearing, and change its radiation center height above ground level (RCAGL).

This amendment to the CP Modification application seeks to further change the antenna azimuth pattern and bearing. It also seeks to change the Mask Filter type used by the station. The net effects will be an increase in the contour size and service area of KGMM-CD and a corresponding reduction in predicted interference to adjacent-channel station KAXX-LD on Channel 35. This amendment also seeks to update the statement on Environmental Impact/Radio Frequency Radiation to correct an error in the name of the station owner. Because the station files the instant amendment application after the close of the freeze window for non-repacked stations, the station requests a waiver, to the extent necessary and for the reasons described in more detail below, to permit acceptance of the amendment. The amendment will permit an increase in service area that KGMM-CD will be entitled to request once the freeze is lifted again. Accepting that change now, before opening a window for filing for displacement relief by LPTV and translator stations, will provide a more stable environment for such stations without

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<sup>1</sup> See LMS File No. 0000028148 (granted July 28, 2017; expiring June 21, 2019). The current application for Modification of the KGMM-CD Construction Permit is pending. See LMS File No. 0000036142 (the "Pending Modification").

the danger -that they will be displaced again if KGMM-CD requests such a change later and the request is granted. Indeed, because of the general reduction in interference that is implied in the current amendment request, there should be room for more LPTV and translator stations, thereby serving the public interest.

### ***Waiver Request***

To the extent necessary, Caballero Acquisition LLC (Caballero), licensee of KGMM-CD, seeks a limited waiver of the freeze on the filing and processing of minor modification applications that would increase a Class A television station's noise limited contour. *Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate*, Public Notice, 28 FCC Rcd. 4364 (MB 2013) (April 2013 Freeze Public Notice). In the April 2013 Freeze Public Notice, the Media Bureau explained that it was important to have "a stable database of full power and Class A broadcast facilities," both for the development and analysis of potential repacking methodologies and "to avoid frustrating the central goal of 'repurpos[ing]' the maximum amount of UHF band spectrum for flexible licensed and unlicensed use." Now that the repacking methodology has been established and the auction is complete, these original purposes for the freeze are no longer valid. Indeed, in its October 2017 Public Notice, the Media Bureau explained that lifting the freeze for a limited period would "help ensure the utility of the Special Displacement Window by reducing the likelihood that such channels are the subject of full power and Class A filings after the Special Displacement Window closes and the freeze is permanently lifted." *Freeze on the Filing of Modification Applications to Be Lifted Temporarily to Permit Filing of Applications to Expand the Contours of Full Power and Class A Television Stations That Are Not Part of the Post-Incentive Auction Repack Process*, Public Notice, DA 17-1033 ¶ 6 (rel. Oct. 19, 2017). Caballero sought to take advantage of the Media Bureau's temporary lifting of the freeze when it filed its initial CP Modification application. However, following the re-imposition of the freeze, Caballero determined that it could simultaneously increase its service and reduce interference to its neighbors through the antenna pattern and filter changes proposed in the current amendment. As the Media Bureau previously recognized, absent a waiver, Caballero likely will file the instant amendment "when the freeze is permanently lifted after the Special Displacement Window closes, which may again displace LPTV/translator stations that receive construction permits through the Special Displacement Window." *Id.* Accordingly, processing of the instant amendment "will permit the staff to include more

complete and informative data in the Displacement Public Notice for LPTV/translator station use in choosing a new channel and/or transmitting location.” *Id.*

### ***Facilities***

The current Construction Permit Modification application specifies a medium cardioid azimuth pattern at a bearing of 356 degrees. The proposed amendment specifies a wide cardioid azimuth pattern at a bearing of 355 degrees. No change is proposed in the antenna elevation pattern, its radiation center height above ground level, or its effective radiated power (“ERP”). It is proposed to change the mask filter from a Stringent type to a Full Service type. These changes all are incorporated in the data entered into the LMS entry form for the current amendment request, and no supplemental attachments are necessary directly related to these changes.

### ***Interference Analysis***

As a result of the proposed changes in antenna azimuth pattern and mask filter type described in the preceding section, interference studies were conducted to confirm that interference protection to neighboring stations would be maintained after the proposed changes. The studies were conducted using the Commission’s TVStudy software, version 2.2.3. The Licensing and Management System (LMS) database dated December 4, 2017 was applied.

TVStudy found only two records requiring analysis, representing a single adjacent-channel LPTV station and a single co-channel Class A station. The stations, records, and results are included in the following table.

Call	Chan	Svc	Status	City, State	File Number	Dist. km	IX % Incr.
KAXX-LD	D35	LD	LIC	SAN ANTONIO, TX	BLANK0000029253	27.6	-0.63
KTFO-CD	D36	DC	LIC	AUSTIN, TX	BLDTA20100609AGZ	119.6	-0.19

As can be seen in the table, both records show decreases in predicted interference due to the proposed antenna and filter changes of KGMM-CD. With a permissible increase in the level of predicted interference of 2.0 percent with respect to LPTV stations and 0.5 percent with respect to Full Service and Class A stations, there is no impermissible new interference predicted to be caused. Indeed, interference is predicted to be reduced to the two relevant stations, in particular with respect to KAXX-LD, which had a predicted interference increase of 1.99 percent from the Construction Permit Modification application currently on file, and for which predicted interference drops by over 2½

percent with the proposed amendment. Complete data from the interference studies described are provided in a file uploaded to the LMS record named <KGMM ATC 282679 ERI ALP-W at 355dT 15kW FSMask tvixstudy.pdf>, which can be compared with the file <KGMM ATC 282679 ERI ALP-M at 356degT 15kW tvixstudy.pdf> previously uploaded to the LMS record..

### ***Environmental Impact/Radio Frequency Radiation***

An analysis of the potential effects of radio frequency radiation, conducted according to the provisions of OET Bulletin No. 65, was prepared for the facility requested in the Construction Permit Modification application now being amended. The results of that analysis, in terms of the percent of the Maximum Permissible Exposure (“MPE”) to which the general population could be exposed, were filed with the CP Modification application. The current amendment proposes no changes in the antenna elevation pattern, antenna height above ground level, ERP, and frequency of operation, which are the parameters that determine the percent of MPE that will exist in the environment surrounding the transmitter site. Consequently, the RFR percentage of the MPE has not been recalculated for this amendment application. The only change in the attachment on this subject is correction of the licensee name. The file uploaded as an attachment to the amendment application is named < Environmental Impact - Radio Frequency Radiation - KGMM San Antonio v2.pdf>.