

EXPLANATION OF APPLICATION
APPLICATION FOR CONSTRUCTION PERMIT
TELEVISION STATION KOHD
BEND, OREGON
CHANNEL 18 84.1 KW (MAX-DA) 221 M HAAT

The instant Application for Construction Permit was prepared to implement the change in channel for KOHD from Channel 51 to Channel 18, pursuant to a voluntary relocation agreement, and as ordered in the FCC *Report and Order* in MB Docket No. 15-88.^{*} As intended, the Application proposes to place the new Channel 18 antenna at the same place on the same tower as KOHD's current Channel 51 antenna, as constructed by a prior licensee of KOHD before the station was acquired by its current licensee, TDS Broadcasting, late last year pursuant to prior FCC approval. However, in the process of finalizing the new Channel 18 transmission system design, it was discovered that the prior licensee apparently had mounted the existing KOHD Channel 51 antenna at 75 meters above ground level (AGL) on the tower supporting structure, as opposed to the height previously recorded. Accordingly, this Application proposes to correct the Station's AGL going forward to reflect the actual height of the antenna on the tower, as well as to change the station's channel, as directed by the Commission. Although, as a Channel 51 application, this channel is not subject to the freeze generally applicable to television stations' contours,[†] a comparison of the licensed and proposed KOHD predicted noise limited 41 dBu F(50,90) contours reveals less than one mile of difference in the main lobes of radiation. Based on this, the effect of an

^{*} See *Report and Order*, In the Matter of Amendment of Section 73.622(i) , Post-Transition Table of DTV Allotments, Television Broadcast Stations (Bend, Oregon), MB Docket No. 15-88, RM-11747, DA 15-584, Released: May 14, 2015.

[†] See, e.g., "Media Bureau Designates May 29, 2015 as Pre-Auction Licensing Deadline," *Public Notice*, DA 15-116, at n. 5 (rel. Jan. 28, 2015) ("Rulemaking petitions and applications for construction permits to relocate from channel 51 are not subject to the current freeze on the filing of channel substitution rulemaking petitions and certain facility modification applications.") (Citations omitted).

AGL correction of 14 meters as part of the proposed channel change Application should be considered to be *de minimis*.

In addition, in other channel 51 change cases, the Commission has recognized that minor changes in a station's contours should not affect prompt consideration of a proposed non-Channel 51 facility.[‡] It is noted that the Bend Market has been identified in simulations by the National Association of Broadcasters (NAB) to be outside of the major markets needed for spectrum recovery. In the NAB simulations of the Incentive Auction, the Bend market was shown to be one that requires zero stations for recovery in the auction even under worst-case simulation of 120 MHz spectrum recovery. Therefore, the minor change in KOHD predicted coverage will have no effect on the outcome of the FCC's Incentive Auction.

[‡] See, e.g., *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Providence, Rhode Island), Notice of Proposed Rulemaking*, MB Docket No. 15-98, RM-11748, at n.5 (rel. April 21, 2015) ("Although the noise-limited contour of the proposed channel 50 facility is not totally encompassed by the noise-limited contour of the station's licensed facility, the extension of contour is not extensive and protecting the channel 50 facility, rather than the channel 51 facility, will not significantly impact [Commission] flexibility.")