

DISPLACEMENT NARRATIVE

LOW POWER TELEVISION STATION KFVT-LD WICHITA, KS

DTV America Corporation (DTV America) amends the displacement application of KFVT-LD, Wichita, Kansas to identify operations on channel 29 instead of channel 34. Concurrent with this amendment, DTV America is filing a separate request for special temporary authority to operate using channel 29 on an interim basis.

Background. DTV America is the licensee of low-power digital television station KFVT-LD, Wichita, KS (FCC Facility ID 38217), currently licensed to operate on channel 34 under a special temporary authority (“STA”) (LMS File No. 0000029203). KFVT-LD sought the STA to operate on channel 34 after being displaced from channel 40 by T-Mobile which indicated that it planned to start mobile broadband operations by October 31, 2017. KFVT-LD also filed a currently pending displacement application for channel 34 at the same time it filed the STA for this channel (LMS File No. 0000026399). KFVT-LD is now amending its displacement application to apply for channel 29 and, separately, filing a new STA application so that it can immediately begin operating on channel 29.¹ Because the Special Displacement Window is ongoing, KFVT-LD does not require or request a new waiver of the freeze on LPTV displacement application.²

Public Interest Benefits. Grant of DTV America’s amended displacement application and new STA application promotes the public interest. First, grant will allow KFVT-LD to continue to provide free, over-the-air programming in Wichita and its surrounding areas. Second, grant will not create harmful interference: channel 29 is currently vacant and moving KFVT-LD’s broadcast signal to channel 29 will not interfere with any co- or adjacent-channel stations. Third, the application overcomes a current limitation of LMS. DTV America intends to file a displacement application for KFVT-LD for channel 29 during the Special Displacement Window, but the licensee has not been able to submit a displacement application for channel 29 due to the currently pending displacement application on channel 34. Consistent with guidance received from FCC staff, KFVT-LD is now filing a new STA and an amended displacement application for channel 29 so that both applications seek the same channel. KFVT-LD will move its broadcasts from channel 34 to channel 29 immediately following grant of the amended STA request.

¹ See Public Notice, *Incentive Auction Task Force and Media Bureau Announce Post-Incentive Auction Special Displacement Window*, DA 18-125 (rel. Feb. 9, 2018) (“*Special Displacement Window Public Notice*”).

² See Public Notice, *Media Bureau Freezes the Filing of Minor Change Applications for LPTV/Translator Stations*, DA 17-1227 (rel. Dec. 20, 2017).

Satisfying the Displacement Criteria. KFVT-LD’s application fully satisfies the requirements for grant of a displacement application under the Special Displacement Window Public Notice. KFVT-LD used *TVStudy* to identify Channel 29 as an available channel and verifies that the displacement facility proposed will not create harmful interference. KFVT-LD is eligible to participate in the Special Displacement Window. KFVT-LD qualifies as both “operating” and “displaced” as defined under the FCC’s eligibility criteria.³ KFVT-LD’s displacement proposal does not move the station’s facilities an impermissible distance.⁴

The interference analysis completed utilizing *TVStudy*, indicates KFVT-LD interference amount is less than the 0.5 percent interference allowance for predicted loss of service to DTV, authorized Class A or digital Class A stations.⁵ The analysis shows that KFVT-LD will not cause unacceptable interference to the predicted service of (1) all other primary users in the repacked TV Band or in adjacent bands (including land mobile operations); (2) licenses and valid construction permits for LPTV/translator stations; (3) licenses and valid construction permits for full power and Class A stations that were not reassigned; (4) the post-auction channels of reassigned full power and Class A stations as reflected in the Closing and Reassignment Public Notice; and (5) the alternate channels and expanded facilities proposed during the two filing windows by reassigned full power and Class A stations.⁶

Conclusion. DTV America respectively requests that the Commission accept this amended displacement application during the Special Displacement Window.

³ *Special Displacement Window Public Notice* at ¶ 5.

⁴ *Id.* at ¶ 6 (citing 47 C.F.R. §§ 76.53, 74.787(a)(4) and 73.3572(a)(4)(i)).

⁵ 47 C.F.R. §§ 74.973.

⁶ *See The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, 32 FCC Rcd 3860 ¶ 11 (rel. May 12, 2017).