

ENGINEERING STATEMENT & REQUEST TO EXTEND CP

This application proposes a digital flash cut facility for KRPE-LP, Channel 6, Facility ID 129651, licensed to Venture Technologies Group, LLC (“Applicant”).

Amendment

Applicant hereby amends the engineering statement of 0000138843 (digital flash cut application for KRPE-LP) to specify the following Study Cell Size and Profile Point Spacing to resolve interference to KVCR.

Additionally, Applicant submits a request to extend its digital construct permit, see attached **REQUEST FOR EXTENSION OF DIGITAL CONSTRUCTION PERMIT AND AUTHORITY TO TEMPORARILY CONTINUE ANALOG OPERATIONS**

The technical parameters proposed herein is identical to the technical parameters of the existing authorized analog facility of KRPE. The proposed facility was studied using TVStudy v2.2.5 with the same parameters as the existing authorized analog facility:

Study Cell Size: 1.00 km
Profile Point Spacing: 0.10 km

It is believed that the proposed facility complies with the requirements of Sections 74.709, 74.793(e), 74.793(f), 74.793(g), 74.793(h) and other applicable parts of the Rules and Regulations of the Federal Communications Commission.

Digital TV and Class A Station Protection

The proposed facility causes less than 0.5% interference to surrounding digital and Class A television stations and allotments and facilities (i.e., “*de minimis*”) based on TVStudy v2.2.5. It is believed that the proposed operation is in compliance with the spirit and intent of the FCC’s interference standards.

Low Power TV and TV Translator Station Protection

The proposed facility causes less than 2.0% interference to surrounding low power assignments and allotments (i.e., “*de minimis*”) based on TVStudy v2.2.5. It is believed that the proposed operation is in compliance with the spirit and intent of the FCC’s interference standards.

Environment Assessment Not Required

The proposed facility is deemed individually and cumulatively to have no significant effect on the quality of the human environment and are categorically excluded from environmental processing as defined by 47 C.F.R. § 1.1306. The applicant also certifies that it, in coordination with other users of each transmitter site, will reduce power or cease operation as necessary to protect persons having access to each site, transmitter or antenna from radio frequency electromagnetic exposure in excess of FCC guidelines.

**REQUEST FOR EXTENSION OF DIGITAL CONSTRUCTION PERMIT
AND AUTHORITY TO TEMPORARILY CONTINUE ANALOG OPERATIONS**

Venture Technologies Group LLC (“VTG”), licensee of low power television station KRPE-LP and applicant for digital low power television station KRPE-KD (the “Station”), respectfully requests a 180-day extension of its construction permit to allow it to complete construction of its digital facility through and including January 10, 2022.¹ VTG also requests authority to continue analog operations until it has completed construction of its digital facilities.

In the *LPTV DTV Third R&O*, the FCC established a fixed construction deadline/expiration date for all valid outstanding digital construction permits held by analog LPTV and TV translator stations on the date twelve months after the completion of the 39-month Post-Auction Transition Period.² At the same time, the Commission indicated that LPTV and TV translator stations may seek one last extension of time of up to six months to complete construction.³ In seeking an extension, stations must show that the delay was due to circumstances that were either unforeseeable or beyond their control or due to financial hardship and that they have taken all reasonable steps to resolve the problem.⁴

Since that time, a number of factors that were unforeseeable and beyond VTG’s control have contributed to VTG’s inability to complete the buildout of the Station’s digital facilities. First, COVID-19 has wreaked havoc both on the end of the 39-month Post-Auction Transition Period and the supply chain for digital LPTV equipment.⁵ As a result both of the delays in the full power transition and COVID-19 related issues, equipment suppliers have experienced unexpected backlogs. In the meantime, LPTV stations operating on channel 6 have remained in limbo awaiting guidance from the FCC about whether they can “operate analog FM radio type services on an ancillary or supplementary basis”—an issue first raised in a 2014 notice of proposed rulemaking.⁶

¹ 180 days from July 13, 2021 is January 9, 2022, a Sunday. VTG will endeavor to complete the Station’s digital facilities well before the new deadline, but seeks the maximum allowable time for administrative convenience.

² See *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd. 14927 ¶ 9 (2015) (“*LPTV DTV Third R&O*”).

³ *Id.* ¶ 12.

⁴ *Id.*; see also *Media Bureau Reminds Low Power Television and Television Translator Stations of July 13, 2021, Digital Transition Date*, DA 21-260 (MB rel. Mar. 4, 2021).

⁵ In a March 17, 2020 Public notice, the Commission recognized that “construction and delivery delays that are occurring as a result of the COVID-19 pandemic, as well as efforts undertaken by the stations themselves to protect the health of their employees and their families, result from circumstances outside of a station’s control.” See *Guidance for Stations in Phase 9 of the Post-Incentive Auction Transition as a Result of the Novel Coronavirus (COVID-19) Pandemic*, Public Notice, 35 FCC Rcd. 2720 (IATF & MB 2020). The Commission subsequently granted a waiver to extend the Phase 10 completion deadline to several full power stations based on, among other things, COVID-19 related work stoppages and supply chain issues. See *Post-Incentive Auction Transition Request for Waiver of Cox Television Jacksonville LLC*, 35 FCC Rcd. 6826 (2020).

⁶ See *LPTV DTV Third R&O* ¶ 4 n. 12 (“We intend to issue a decision on whether to permit digital LPTV stations to operate analog FM radio type services on an ancillary or supplementary basis at a later date.”); *Media Bureau Seeks to Update the Record on the Operation of Analog Radio Services By Digital LPTV Stations As Ancillary or Supplementary Services*, Public Notice, 34 FCC Rcd. 11162 (MB Dec. 4, 2019).

As to the specific circumstances affecting the Station, VTG filed an application for a digital companion channel on April 18, 2019, that the Commission never granted. LMS File No. 000072004. VTG recently withdrew that application and instead requested to “flash cut” to ATSC 3.0. See LMS File No. 0000138843. By converting directly to ATSC 3.0, VTG will avoid the “double build” scenario that the Commission has recognized would otherwise be problematic for LPTV stations.⁷ However, the FCC did not adopt its rules incorporating the ATSC A/322:2017 standard until November 2017,⁸ and compatible transmission systems have only recently become available. The initial focus of manufacturers was on UHF applications, and manufacturing of low band ATSC 3.0 transmission systems remains extremely delayed.

Current manufacturing estimates would result in delivery of the transmitter and related equipment in June 2021. Under this timeline, the Station might be able to complete its conversion to digital by the July 13, 2021 deadline. However, VTG is anticipating significant COVID-19-related delays based on its recent experience with orders of low band transmission systems. Accordingly, VTG seeks this extension out of an abundance of caution. The extension is in the public interest because it will allow the Station to achieve the Commission’s goal of providing digital service to viewers in the Station’s service area.

To the extent necessary, VTG also respectfully requests special temporary authority and/or a waiver of Section 74.731(m), 47 CFR § 74.731(m), to allow the Station to continue serving the public while it completes construction of its digital facilities. The purpose of the analog cut off date is “to ensure that analog LPTV and TV translator stations take all steps necessary to complete their digital construction in a timely manner.”⁹ VTG is already working diligently to complete its digital facilities while awaiting confirmation from the Commission that it can offer an analog FM audio service on an ancillary or supplementary basis. Requiring the Station to terminate operations, therefore, will disrupt service to the public, including persons who view the Station on LPTV channel 6 and who listen to the station on their FM radios, with no corresponding benefit. Providing the Station with special temporary authority and/or an extension of its analog license will eliminate this disruption and, therefore, is also in the public interest.

⁷ See *LPTV DTV Third R&O* ¶¶ 9, 16.

⁸ See *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, 32 FCC Rcd. 9930 (2017).

⁹ See *LPTV DTD Third R&O* ¶ 14.