

KTSM-TV, El Paso, Texas (Facility ID No. 67760)
Request for Experimental Authority to Increase ERP
January 2010

ComCorp of El Paso License Corp. (“ComCorp”), licensee of KTSM-TV, El Paso, Texas, hereby requests experimental authority pursuant to Sections 74.102 and 74.131 of the Commission’s rules for KTSM-TV to operate on DTV Channel 9 at increased power of 70 kW.

Background. As ComCorp previously advised the Commission, when KTSM-TV switched on June 12, 2009, from its pre-transition UHF channel to its post-transition VHF channel, ComCorp began receiving widespread reports of reception difficulties.¹ The reports came from viewers throughout KTSM-TV’s service area – ranging from viewers who live as close as three miles from the station’s transmitter to viewers who live fifty or more miles away. To address these service losses, ComCorp requested – and the Commission kindly granted – experimental authority for KTSM-TV to resume operations with its pre-transition DTV facilities on Channel 16.² Since then, KTSM-TV has operated simultaneously on both Channels 9 and 16, and ComCorp has taken measurements throughout its service area to determine which channel is superior. The results thus far, however, have been inconclusive.

Request. ComCorp understands that it cannot operate on both Channels 9 and 16 indefinitely, but it takes seriously its obligation to provide over-the-air broadcast service to all those viewers who could receive the analog signal. To help determine whether UHF or VHF service will better serve this obligation, ComCorp seeks authority to increase KTSM-TV’s ERP on Channel 9 to 70 kW. This power increase will allow ComCorp to conduct additional tests to determine whether operating on Channel 9 at a higher power level would indeed be the superior option for its viewers. As is well documented, many VHF DTV stations have encountered similar over-the-air reception challenges since June 12, 2009. Several of these VHF stations have found that an increase in ERP has greatly improved reception.³ ComCorp believes that it too would achieve similar results if it is authorized to increase ERP to 70 kW.

ComCorp recognizes that operation at 70 kW exceeds the limits in Section 73.622(f)(7). ComCorp, therefore, requests a waiver of that rule so it may attempt to resolve these significant reception difficulties. A waiver of Section 73.622(f)(7) serves the public interest because it will allow ComCorp to confirm whether it can provide reliable over-the-air service on Channel 9 to viewers in the El Paso (Las Cruces) designated market area, which has the third highest percentage of over-the-air households in the country.⁴ Operation at 70 kW will not cause

¹ See FCC File No. BDSTA-20090715AIG.

² See FCC File No. BDSTA-20090715AIG (authorizing KTSM-TV to operate with the facilities specified in FCC File No. BLCDDT-20050914ABZ).

³ See, e.g., FCC File No. BDSTA-20091218ACS (approving an increase in ERP for WUSA(TV) on VHF Channel 9); FCC File No. BEDSTA-20091117AAG (approving an increase in ERP for WJLA-TV on VHF Channel 7); FCC File No. BDSTA-20091001ADW (increasing ERP for WTVD(TV) on VHF Channel 11).

⁴ Cable and ADS Penetration by DMA *available at* http://www.tvb.org/rcentral/markettrack/Cable_and_ADS_Penetration_by_DMA.asp.

impermissible interference to any other television station, and it will not require further coordination with Mexico, which has pre-approved this power level.⁵ Moreover, ComCorp notes that Section 73.622(f)(5) of the Commission's rules permits stations to increase power "to provide the same geographic coverage as the largest station within their market." Given the widespread reports of service losses for KTSM-TV on Channel 9, ComCorp believes that an increase in power finally could provide legitimate parity between KTSM-TV and the UHF stations in the El Paso (Las Cruces) market.

ComCorp believes that no interference would be caused by operating with the facilities proposed herein. In the unlikely event that objectionable interference is caused, ComCorp is willing to take all reasonable steps to eliminate such, including modifying operating parameters or ceasing operation, if necessary. ComCorp understands that grant of this request does not provide any permanent authority to operate the station in the manner proposed.

⁵*See* FCC File No. BPCDT-20091104AFO.