

# THIRD COAST BROADCASTING

## Exhibit #6 Request for Waiver of the Rules.

### 1. Non-Co-located DTV Adjacent Channel Operation.

This application requests the use of an adjacent channel which is not co-located with the protected DTV stations. According to 47 C.F.R 74.706 protection has to be shown to all areas within the DTV protected contour, based on an undesired to desired ratio of 48 dB. In this application, the applicant proposes to operate from an unpopulated transmitter location on West Mesa at a distance of 34 Km from KOB-DT, channel 26 and KNAT-DT operating on channel 24. These stations are co-located on the Sandia Peak broadcast site, a site which is known by the Commission to have very tight RF radiation hazard constraints. Because of these limitations, the applicant is not proposing to co-locate with these two stations.

In the instant case, the applicant proposes to operate with an effective radiated power of 31.1 Kw. The protected stations are authorized to operate at a power of 290 Kw for KOB-DT and 200 Kw for KNAT-DT. Taken with individual antenna directivities and height above average terrain at the proposed location, the stations provide a signal strength of 92.02 dBu for KOB-DT and 90.36 dBu for KNAT-DT. In order to create interference for these stations (considering the worst case, KNAT-DT at 90.36 dBu) the proposed station would need to create a signal greater than  $90.36 \text{ dBu} + 48 \text{ dB}$  or 138.36 dBu.

With the proposed power, this contour would extend to a distance of approximately 40 feet, a range which would not encompass any viewers on the transmit site. Therefore, this application requests acceptance of this waiver request as it concerns KNAT-DT and KOB-DT.

### 2. Terrain Shielding to K25FI, Mora NM.

This application requests the use of terrain shielding to indicate that it will not create interference to LPTV station K25FI, Mora, NM. Although the conventional FCC F:50/10 and F:50/50 rules indicate a slight overlap of interference contour over the protected contour, the attached path profile indicates that there are 3 significant mountain ridges between the proposed station and the protected station. The path profile and path budget analysis indicates an excess of 90 dB in path loss caused by the obstruction, therefore, this application will clearly not create interference to the protected station. (See Exhibit 6A, path profile). Therefore as permitted under 47 CFR 74.707(e), this application requests waiver of the contour protection rules in this case.

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### 3. 7 channel taboo waiver request.

This application requests to locate a channel within the protected 100 Km distance separation requirement for KAZQ in Albuquerque NM. In the 7 channel taboo restriction, the theoretical interference is based not on the radiation of the proposed station or the combination of signals created by the proposed station and others, but is based on the possibility of TV sets which are tuned to the proposed station radiating a signal which would cause interference to the reception of the desired signal. Numerous studies have been done, by Richard Bogner and others, which have analyzed the potential for actual interference, and some have indicated that it is negligible with current TV sets. However, in the case of Albuquerque, the proposed coverage area is very urbanized and has a high cable penetration where the TV sets which are connected to the cable may select the proposed channel and radiate signals, even in the absence of a designated station. In Albuquerque, as in most urban markets the exclusion of the 7 channel taboo channel does not eliminate the possibility that TV sets would be tuned to the excluded channel. DTV assignments further reduce that possibility.

Further, the DTV 6<sup>th</sup> Report and Order indicated that the Commission, on a case by case basis, would entertain a waiver of the 7 channel rule, based on need. This review is requested in this case. The *applicant is displaced and no other channel which will be useable for LPTV has been found which can be used by the applicant. Applicant is being displaced by a DTV station who is voluntarily changing channels.* In this displacement application, *this is the fourth channel which has been required in the DTV displacement process*; the first change to avoid the spectrum auction reassignment, and three other DTV channel displacements to avoid DTV allotments and modifications. *This is an operational, licensed station which has gone through extreme technical and economic measures to stay on the air and desperately needs a replacement channel to avoid the risk of going dark.* Applicant submits that there is specific need in this case and requests the 7 channel taboo be waived to permit this station to remain on the air.

Therefore, with the support of the foregoing information, applicant requests that this application be granted.

Submitted 12/12/2001

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Robert W. Fisher  
Consultant

Frequency: 539.0 MHz Transmitter Elevation: 1770.0 m Receiver Elevation: 2431.0 m  
Number of Obstacles: 6 Diffraction Loss: 90.4 dB Total Path Loss: 221.8 dB  
K factor: 1.333 Transmitter coords: 35 4 6 106 46 46 Azimuth: 52.00 degs.

