

**BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.**

**ATTORNEYS AT LAW**

**RALEIGH, NORTH CAROLINA**

MAILING ADDRESS  
POST OFFICE BOX 1800  
RALEIGH, N.C. 27602

OFFICE ADDRESS  
1600 WACHOVIA CAPITOL CENTER  
150 FAYETTEVILLE STREET MALL  
RALEIGH, N.C. 27601

TELEPHONE (919) 839-0300  
FACSIMILE (919) 839-0304

WWW.BROOKSPIERCE.COM

HENRY E. FRYE  
OF COUNSEL

J. LEE LLOYD  
SPECIAL COUNSEL

FOUNDED 1897

AUBREY L. BROOKS (1872-1958)  
W.H. HOLDERNES (1904-1965)  
L.P. McLENDON (1890-1968)  
KENNETH M. BRIM (1898-1974)  
C.T. LEONARD, JR. (1929-1983)  
CLAUDE C. PIERCE (1913-1988)  
THORNTON H. BROOKS (1912-1988)  
G. NEIL DANIELS (1911-1997)  
HUBERT HUMPHREY (1928-2003)

GREENSBORO OFFICE  
2000 RENAISSANCE PLAZA  
230 NORTH ELM STREET  
GREENSBORO, N.C. 27401

WASHINGTON OFFICE  
601 PENNSYLVANIA AVENUE, N.W.  
SUITE 900, SOUTH BUILDING  
WASHINGTON, D.C. 20004

WRITER'S DIRECT DIAL

L.P. McLENDON, JR.  
EDGAR B. FISHER, JR.  
W. ERWIN FULLER, JR.  
JAMES T. WILLIAMS, JR.  
WADE H. HARGROVE  
M. DANIEL McGINN  
MICHAEL D. MEEKER  
WILLIAM G. MCNAIRY  
EDWARD C. WINSLOW III  
HOWARD L. WILLIAMS  
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SARA R. VIZITHUM  
C. SCOTT MEYERS  
JOHN S. BUFORD  
NICOLE A. CRAWFORD  
ALEXANDER ELKAN  
C. ROBIN BRITT, JR.  
ANN HUBBARD  
KATHERINE J. CLAYTON  
JENNIFER A. GALASSI  
KATHLEEN A. GLEASON  
JANICE L. KOPEC  
SUSAN M. YOUNG

June 30, 2005

**VIA OVERNIGHT MAIL AND ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

c/o Mellon Client Service Center  
500 Ross Street, Room 670  
Pittsburgh, Pennsylvania 15262-0001

Attention: Lockbox Number 358165

**Re: KOCO-DT, Oklahoma City, Oklahoma  
MB Docket No. 03-15  
Supplement to Maximization Waiver Request and  
Request for Extension of Special Temporary Authority**

Dear Ms. Dortch:

On behalf of Ohio/Oklahoma Hearst-Argyle Television, Inc. ("Hearst-Argyle"), permittee of Digital Television Station KOCO-DT, Oklahoma City, Oklahoma, this letter shall serve as a supplement to Hearst-Argyle's "use-it-or-lose-it" maximization waiver request (filed by letter dated May 10, 2005)

Ms. Marlene H. Dortch  
June 30, 2005  
Page 2

for the purpose of providing the information requested in the Commission's June 15, 2005, Public Notice, DA 05-1636. As certified in its Form 381 filing (FCC File No. BCERCT-20041105ABA), KOCO intends to operate its post-transition DTV station based on its maximized facilities as authorized by its construction permit in FCC File No. BPCDT-20010904ABG.

This letter shall also serve as a request by Hearst-Argyle for an extension of special temporary authority ("STA") to operate KOCO-DT at reduced power during the pendency of Hearst-Argyle's maximization waiver request. The Commission last extended Hearst-Argyle's STA on February 2, 2005, for a term expiring on July 1, 2005 (FCC File No. BEDSTA-20050106ACQ). The STA expiration is concomitant with the use-it-or-lose-it maximization deadline.

A copy of Hearst-Argyle's May 10, 2005, maximization waiver request is enclosed. Also enclosed is an engineering statement from Hearst-Argyle's consulting engineer which provides further information in support of Hearst-Argyle's waiver request.

As indicated in the waiver request filed May 10, 2005, KOCO's tower is unable to support both its top-mount NTSC antenna and the DTV antenna at its maximized HAAT at the same time. However, Hearst-Argyle is presently operating its DTV facility at maximum permissible power from its STA authorized HAAT. As further detailed in the attached engineering statement, Hearst-Argyle's current DTV STA operation covers approximately 99.2 percent of KOCO's predicted maximized coverage.

Were Hearst-Argyle required to fully comply with the July 1, 2005, deadline, Hearst-Argyle would have to significantly modify its tower with more structural support, which three years ago was estimated to cost approximately \$1,145,000 and would require KOCO's NTSC facility to operate at reduced power for at least a month during the construction of the tower support. Because the additional structural support will not be necessary when Hearst-Argyle's NTSC antenna is removed, the significant expense involved to correct a temporary condition is not economically justifiable. Furthermore, because compliance with the July 1, 2005, deadline would require Hearst-Argyle to lower KOCO's NTSC antenna, compliance would result in a loss of NTSC service to approximately 51,402 viewers.

Hearst-Argyle is, of course, dedicated to digital television and will be able to complete installation of KOCO-DT's maximized DTV facility and fully comply with the maximization requirement after analog operation terminates.

During the pendency of Hearst-Argyle's maximization waiver request, Hearst-Argyle requests extension of its DTV STA. This extension request proposes continued operation with the station's ERP at 47 kW and the HAAT reduced to 370 meters. The STA operation is otherwise consistent with that permitted by Hearst-Argyle's DTV construction permit ("CP") (Permit File No. BPCDT-20010904ABG).

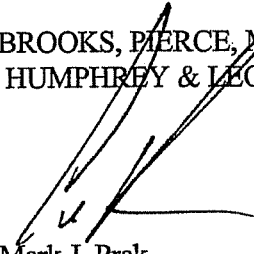
Enclosed is an FCC Form 159 completed with credit card authorization to cover the requisite filing fee. Also enclosed is an Anti-Drug Abuse Act Certification.

Ms. Marlene H. Dortch  
June 30, 2005  
Page 3

If any questions should arise during the course of your consideration of this request, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.



Mark J. Prak  
Coe W. Ramsey  
*Counsel to Ohio/Oklahoma  
Hearst-Argyle Television, Inc.*

Enclosures

cc: Shaun Maher, FCC (via email and hand delivery)  
Vernese O'Bryant, FCC (via email)  
Nazifa Sawez, FCC (via email)  
Nai Tam, FCC (via email)

BERNARD R. SEGAL, P. E.  
CONSULTING ENGINEER  
KENSINGTON, MARYLAND

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ENGINEERING STATEMENT  
DTV BUILD OUT DEADLINE WAIVER SUPPORT  
OHIO/OKLAHOMA HEARST-ARGYLE TELEVISION, INC.  
STATION KOCO-DT, OKLAHOMA CITY, OKLAHOMA

Ohio/Oklahoma Hearst-Argyle Television, Inc. is the permittee in BPCDT-20010904ABG for the construction of a new DTV facility for Station KOCO-DT, Oklahoma City, Oklahoma. The construction authorization is for operation on Ch. 7 with maximum effective radiated power of 34 kW. A directional antenna is authorized and the specified antenna radiation center height above the average terrain is 430 meters.

Pending completion of the authorized construction, Station KOCO-DT is operating pursuant to a Special Temporary Authorization (STA). The STA, File No. BMDSTA-20030604ACT, is for operation on Ch. 7 with maximum effective radiated power of 47 kW and antenna radiation center height above average terrain of 370 meters. The STA operation is from the same site as authorized in the outstanding construction permit, and with the same directional antenna and orientation as for the construction permit. The same tower, also, supports the antenna for the NTSC, Ch. 5, operation of Station KOCO-TV.

The authorized construction for KOCO-DT is not yet completed. The instant Engineering Statement provides support for a request for waiver of the July 1, 2005, deadline that is needed to preserve the right to carry-over interference protection for the KOCO-DT maximized service on Channel 7.

In support of the waiver request, this Engineering Statement demonstrates that the service provided by the current STA operation for KOCO-DT, essentially, replicates the authorized service. In further support for the waiver, it is shown that if the build out for KOCO-DT were required at this time, then, in order to maintain service continuity for KOCO-TV, a temporary side-mount antenna installation would be required that would

BERNARD R. SEGAL, P. E.  
CONSULTING ENGINEER  
KENSINGTON, MARYLAND

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Engineering Statement  
DTV Build Out Deadline Waiver Support  
Station KOCO-DT, Oklahoma City, Oklahoma

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result in a loss of KOCO-TV NTSC Grade B, or better, service to more than 50,000 persons.

Figure 1 is a map that compares the 36 dBu, F(50,90) noise-limited service contour for the KOCO-DT STA operation with the 36 dBu, F(50,90) contour authorized pursuant to the outstanding KOCO-DT construction permit. The two contours are almost contiguous. The population included within the STA noise-limited service area is 1,400,772. The population within the CP noise-limited service area is 1,411,803. The STA noise-limited contour encompasses 99.2 % of the population that resides within the noise-limited contour for the CP facility. The respective contour areas are 33,346 km<sup>2</sup> and 34,628 km<sup>2</sup>. The STA noise-limited contour envelops 96.3 % of the area encompassed by the CP noise-limited contour.

The ultimate location for the antenna that is now employed for the KOCO-DT STA operation is the top of the tower. It will supplant the antenna for KOCO-TV's, Ch.5, NTSC operation. If the build out has to take place in advance of the final transition deadline, some provision for the continuance of the KOCO-TV operation would be needed. The transmission line that is in place for the KOCO-DT, Ch. 7, STA operation can work, as well, for a temporary Ch. 5 installation. Then, from an engineering perspective, an interchange of the KOCO-TV top-mounted antenna for the KOCO-DT side-mounted antenna is logical.

Figure 2 compares the Grade B contour for the KOCO-TV licensed operation to the Grade B contour for a prospective side-mounted STA operation for KOCO-TV. The maximum ERP for the STA would be 100 kW, and the antenna radiation center would be 721 meters above mean sea level. A power level of 100 kW is the maximum that is permitted for a NTSC station on a low band VHF channel. The number of persons included within the KOCO-TV Grade B contour for the licensed operation is 1,461,284

BERNARD R. SEGAL, P. E.  
CONSULTING ENGINEER  
KENSINGTON, MARYLAND

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Engineering Statement  
DTV Build Out Deadline Waiver Support  
Station KOCO-DT, Oklahoma City, Oklahoma

Page 3

persons. The area within this Grade B contour is 39,956 km<sup>2</sup>. The Grade B contour for the prospective STA operation includes 1,409,882 persons in an area of 34,364 km<sup>2</sup>. Thus, 51,402 persons in 5,592 km<sup>2</sup> would no longer have available NTSC service of Grade B, or better, from KOCO-TV.

In preparing the maps of Figures 1 and 2, the distances to contours were determined from an algorithm developed by EDX. The algorithm employs terrain profile data from the U.S.G.S. 3 arc-second terrain elevation database. The populations were determined by means of a computer program that includes in the database the geographic coordinates for the centroids of census divisions and places within the divisions. The 2000 Census populations are included in the database, also. If the centroid is located within the contour for which the tally is being made, then the population is included in the enumeration. The areas were determined by a computer program that uses an integration methodology.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 29, 2005.

Bernard R. Segal, P. E.

BERNARD R. SEGAL, P. E.  
CONSULTING ENGINEER  
KENSINGTON, MARYLAND

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Engineering Statement  
DTV Build Out Deadline Waiver Support  
Station KOCO-DT, Oklahoma City, Oklahoma

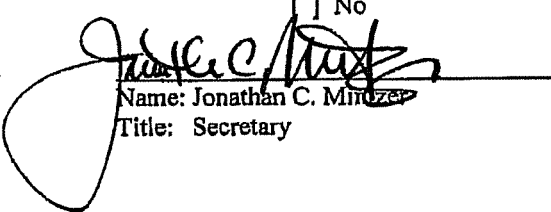
Page 4

## ANTI-DRUG ABUSE ACT CERTIFICATION

By checking "Yes", the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, refer to 47 C.F.R. §1.2002(b).

☒ Yes☐ No

Ohio/Oklahoma Hearst-Argyle Television, Inc.  
Licensee



Name: Jonathan C. Minizer  
Title: Secretary

Date: June 14, 2005



**BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.**

**ATTORNEYS AT LAW**

**RALEIGH, NORTH CAROLINA**

MAILING ADDRESS  
POST OFFICE BOX 1800  
RALEIGH, N.C. 27602

OFFICE ADDRESS  
1600 WACHOVIA CAPITOL CENTER  
150 FAYETTEVILLE STREET MALL  
RALEIGH, N.C. 27601

TELEPHONE (919) 839-0300  
FACSIMILE (919) 839-0304

WWW.BROOKSPIERCE.COM

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WASHINGTON OFFICE  
601 PENNSYLVANIA AVENUE, N.W.  
SUITE 900, SOUTH BUILDING  
WASHINGTON, D.C. 20004

WRITER'S DIRECT DIAL

May 10, 2005

**RECEIVED**

MAY 10 2005

Federal Communications Commission  
Office of Secretary

**EXPEDITED PROCESSING REQUESTED**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: **KOCO-DT, Oklahoma City, OK**  
**Request for Maximization/Replication Waiver**

Dear Ms. Dortch:

On behalf of Ohio/Oklahoma Hearst-Argyle Television, Inc. ("Hearst-Argyle" or "KOCO"), the license of KOCO-TV, Oklahoma City, Oklahoma, this letter shall serve as Hearst-Argyle's request for waiver of the Commission's use-it-or-lose-it maximization/replication deadline of July 1, 2005. See *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, FCC 04-192 (Rel. Sept. 7, 2004) ("DTV R&O"), at ¶¶ 83, 87.

As certified in its Form 381 filing (FCC File No. BCERCT-20041105ABA), KOCO intends to operate its post-transition DTV station based on its maximized facilities as authorized by its construction permit in FCC File No. BPCDT-20010904ABG. The parameters of KOCO's maximized facilities are as follows:

<b>Maximized Construction Permit</b>		
<b>Channel</b>	<b>ERP</b>	<b>HAAT</b>
7	34 kW	430 meters

KOCO is presently operating its DTV facility pursuant to its DTV STA in FCC File No. BMDSTA-20030604ACT using a side-mount DTV antenna in accordance with the following parameters:

<b>Current STA Operation</b>		
<b>Channel</b>	<b>ERP</b>	<b>HAAT</b>
7	47 kW	370 meters

Pursuant to FCC File No. BLCT-19930607KE, KOCO's NTSC antenna is top mounted at 464 meters HAAT on the same tower that is specified in KOCO's DTV construction permit. Because Hearst-Argyle's NTSC antenna will need to remain in operation during the DTV transition, KOCO cannot construct its DTV replication facility at 430 meters. KOCO's tower is unable to support both the top-mount NTSC antenna and the DTV antenna at 430 meters HAAT at the same time. Hearst-Argyle notified the Commission that it would be filing the instant waiver request in connection with its FCC Form 381 filing.

In the *DTV R&O*, the Commission stated that it "will establish a limited waiver process and grant extensions of the applicable replication or maximization interference protection deadline on a six-month basis if good cause is shown." *DTV R&O*, at ¶ 87. Stations "that cannot build out for reasons beyond their control" may seek a waiver. *DTV R&O*, at ¶ 83. The instant case clearly presents a circumstance beyond Hearst-Argyle's control because its tower cannot support KOCO-DT's antenna at 430 meters until the end of the DTV transition at which time KOCO's top-mount NTSC antenna may be removed.

Grant of the instant waiver request would not undermine the digital transition and unwavering enforcement of the use-it-or-lose-it maximization/replication deadline against KOCO would be inequitable and contrary to reason and the public interest. Absent a waiver, Hearst-Argyle would be required to remove and relocate its NTSC antenna, which would likely require Hearst-Argyle to purchase a side-mount antenna for its temporary NTSC operation. Not only would such modification to KOCO's NTSC facility involve a sunk cost in equipment that will only be useful until the DTV transition is complete, but such modification would likely involve a reduction of

Marlene H. Dortch  
May 10, 2005  
Page 3

KOCO's NTSC height and power, and thus, result in a loss of NTSC service to some of KOCO's viewers.

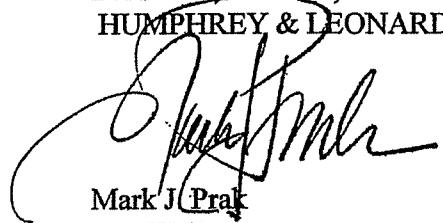
Though KOCO cannot operate its DTV station at its allotted HAAT until the DTV transition is complete, Hearst-Argyle is, of course, dedicated to digital television and is operating its facility at maximum permissible power from its currently authorized, albeit lower, HAAT.

For the foregoing reasons, Hearst-Argyle believes that a waiver of the Commission's use-it-or-lose-it maximization/replication deadline is warranted in this case and is necessary or otherwise in the public interest.

If any questions should arise during the course of your consideration of this request, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.

A handwritten signature in black ink, appearing to read 'Mark J. Prak', is written over the typed name and title.

Mark J. Prak  
Coe W. Ramsey  
Counsel to Ohio/Oklahoma  
Hearst-Argyle Television, Inc.

cc: Clay Pendarvis, FCC (via email)  
Nazifa Sawez, FCC (via hand delivery)