

CONTINGENT REQUEST FOR SPECIAL TEMPORARY AUTHORITY

KNAZ-TV, Flagstaff, Arizona (Facility ID No. 24749), currently provides analog service on channel 2 and pre-transition digital service on channel 22. On April 18, 2008, the station was granted a construction permit authorizing it to return to channel 2 for its post-transition digital operations. See FCC File No. BPCDT-20080417AAB. Pursuant to the Phased Transition Provision of the Commission's *Report and Order* in the 3rd Periodic Review, MB Docket No. 07-91, FCC 07-228 at ¶¶ 92-93 (rel. Dec. 31, 2007), and for the reasons and under the circumstances described below, KNAZ respectfully requests special temporary authority ("STA") to operate post-transition on its pre-transition DTV channel 22 for a period of up to one year following the DTV transition. This request is contingent on the outcome of a Petition for Rule Making filed by KNAZ on June 20, 2008. Specifically, the STA requested herein is needed only in the event that the channel substitution requested in the Petition does not occur.

Background

As noted above, KNAZ currently operates on analog channel 2 and digital channel 22 and has elected to return to channel 2 post-transition. As reported in its initial DTV Transition Status Report (Form 387) filed in February 2008, its plan for construction of its digital channel 2 facilities involved use of its existing analog channel 2 antenna and a transmitter repurposed from another station in the corporate television group, which would be transported, installed and converted to digital use at KNAZ. To that end, KNAZ applied for and was granted a construction permit for channel 2 on April 18, 2008. In the February Status Report, KNAZ also reported its intent to proceed under the Phased Transition Provisions of the *Report and Order*, requesting, on or before August 17, 2008, an STA to operate post-transition on channel 22 until the channel 2 transmitter could be readied for use in Flagstaff. This submission constitutes that request, timely filed to comply with the *Report and Order*. However, for the reasons explained below, KNAZ has requested a change in its digital build-out plan which would make the STA unnecessary. This request, therefore, is contingent on the non-occurrence of the alternative build-out plan discussed below.

Changed Circumstances

Beginning in April 2008, KNAZ's licensed channel 2 antenna began to experience high reflected power, which caused the station's transmitters to shut down automatically (a safety feature in the transmitter, designed to protect it from damage). On-site inspection of the antenna disclosed that it had sustained severe damage from ice storms during the past winter (an unusually hard winter, based on historical patterns). The inspectors found a crack in the antenna's mast, broken and missing parts, and visible signs of arcing, with an ultimate diagnosis that the antenna is in the process of burning itself up. An STA was requested and has been granted that authorizes analog operation at 30 percent of licensed power. It is likely that the antenna will fail completely in the near term. When this occurs, the station will be forced to cease providing analog service entirely. KNAZ is

broadcasting announcements informing its viewers of the reduced power and the possibility of termination of analog service prior to February 17, 2009.

KNAZ explored repairing or replacing the channel 2 antenna, but neither is a viable option. To begin, the station's tower is located in an area that is inaccessible for installation and major tower work from October through May. The cost of repairing the existing antenna is prohibitive and would far exceed the cost of obtaining a new antenna. Nor is it possible to replace the antenna at this point in the transition, due to the backlog of orders for digital antennas. Moreover, even if the station were able to obtain a used antenna from a current low-VHF station, it would be extremely difficult to get that antenna onto the tower. KNAZ would be required to cut the lengthy antenna into pieces and have it airlifted into place – at a cost of several hundred thousand dollars.

Petition for Rule Making

Faced with the reality that its planned use of its analog channel 2 antenna would not be possible, on June 20, 2008 KNAZ filed a Petition for Rule Making asking the Commission to substitute channel 22 for channel 2 in the DTV Table of Allotments, with parameters that conform to the licensed KNAZ channel 22 facility. The petition remains pending and a decision will not be made prior to the August 17, 2008 date set in the *Report and Order* for the filing of STA requests for Phased Transition relief. This request is therefore timely, but is contingent on the outcome of the Rule Making.

Phased Transition STA

If the FCC fails to substitute channel 22 for channel 2, KNAZ will need time, after the transition, to complete the construction of channel 2 facilities. As reported in its initial Form 387 and noted above, the channel 2 transmitter would be one that is repurposed from another commonly-owned station and would require shipment, installation and conversion to digital operation following the end of the transition. In addition, KNAZ would need to replace its now-defunct channel 2 antenna. Therefore, KNAZ would need an STA to operate post-transition on channel 22 while constructing the channel 2 facilities.

In order to qualify for Phased Transition relief, the *Report and Order* requires that the station serve at least the same population that receives its current analog TV and DTV service. In addition it must not cause impermissible interference to other stations (i.e., no more than 0.5 percent) or prevent other stations from making their transition. Included in this STA request is an engineering statement that describes (1) KNAZ's currently licensed analog and digital service contours and the service contour of the STA facility proposed herein (along with a comparison of the populations contained within such contours), and (2) the proposed STA facility's compliance with the 0.5 percent interference limit.

As demonstrated in the engineering statement, the current KNAZ-DT facilities do not serve 100 percent of the population that receives its analog signal. The *Report and Order* contemplates that stations that cannot satisfy this requirement may still qualify for

continued interim operations if they demonstrate that they would provide digital service to a greater population than would their incomplete post-transition facility. This requirement is met here, since the post-transition facility would provide no service at all until the repurposed transmitter becomes available. However, the *Report and Order* states further that in those instances, Commission approval can be obtained only under the stricter standard of review given to requests for an extension of time to construct post-transition facilities. KNAZ also meets this requirement.

Compliance with Stricter STA Standard of Review

The stricter standard adopted in the *Report and Order* to be applied in cases of extension of time allows for extensions under three conditions: equipment shortages; financial hardship; and circumstances beyond the station's control. KNAZ qualifies under the financial hardship criteria. KNAZ discussed at length in its Petition for Rule Making that as the lone full-power, major network affiliate licensed to Flagstaff, Arizona, it has lost money every year since the licensee acquired the station in 1997:

Flagstaff is in the Phoenix (Prescott), AZ Nielsen Designated Market Area ("DMA"). This DMA is extremely large, covering approximately two thirds of the state of Arizona. While ten full power stations are licensed to Phoenix, only three (including KNAZ) are licensed to the smaller community of Flagstaff. Aside from KNAZ, no other major network affiliate serves the Flagstaff market with a full-power station. KNAZ-TV is the only major network full-power station in Flagstaff: the city's other two full-power stations, KCFG(TV) and KFPH-TV, are affiliated with the America One and TeleFutura Networks, respectively. Simply put, Flagstaff is not a good market for supporting viable full power television operations.

See KNAZ Petition for Rule Making, dated June 20, 2008, at 4 [citations omitted]. Given the difficult economic challenges in the market, KNAZ has consistently lost money every year. A confidential filing containing further information on its losses is already before the Commission, submitted in conjunction with its Petition. KNAZ would be happy to submit the documentation again, on a confidential basis, if it is needed.

In view of the economic challenges facing KNAZ, grant of an STA to operate post-transition with its licensed facilities pending construction of permanent post-transition facilities is warranted.¹

Term of STA Operation

KNAZ acknowledges that operation on its pre-transition channel 22 upon grant of this request may continue for no longer than one year after the transition date and that it will

¹ It should also be noted that KNAZ's interim digital facilities are comparable to the facilities of the other two full power stations in Flagstaff. The KNAZ facilities serve 98 and 99 percent of the populations covered by the other two stations.

receive an extension of time to construct and begin operations with its full, authorized final, post-transition channel 2 facilities no later than February 18, 2010.

Summary

KNAZ respectfully requests an STA to operate post-transition with its licensed interim digital facilities on channel 22. The request is timely filed prior to the August 17 deadline set for such requests in the *Report and Order*. The public interest would be served by continuing digital service of KNAZ comparable to the service provided by the other two full power television stations serving Flagstaff. However, KNAZ has requested that the Commission change its post-transition channel from channel 2 to channel 22. If the petition is granted this request will become moot. Therefore, this request is contingent on the non-occurrence of the substitution of channel 22 for channel 2 and will be withdrawn upon completion of the substitution.