

227 Central Avenue  
Metuchen, NJ 08840-1242  
(732) 494-6400 Phone  
(732) 494-6401 Fax

## **Merrill Weiss Group** LLC

---

*Consultants in Electronic Media Technology / Management*

### **Request for Special Temporary Authorization (STA) during KEMO DTS Network Construction**

NOTE: The associated STA application is intended to request an Engineering STA but has been filed in the FCC CDBS Electronic Filing System (EFS) as a Legal STA because the EFS would not permit the filing of an Engineering STA for Distributed Transmission System (DTS) records. Answers to engineering questions can be provided at the address and phone number given above or through e-mail to [merrill@mwgrp.com](mailto:merrill@mwgrp.com).

NOTE: Expedited processing is requested for the associated STA application, as construction of the KEMO DTS network already is under way, and it is expected that the modification of the antenna pattern of the existing transmitter will be ready for operation within less than a week of filing of the STA application.

When the FCC adopted rules for the use of DTV Distributed Transmission System (DTS) technologies,<sup>1</sup> the Commission specified limitations on the configurations that were to be permitted for the facilities to be built and operated. Those limitations now are included in the FCC rules.<sup>2</sup> The Commission has not addressed how stations may transition their configurations from existing, licensed, single-transmitter facilities to new DTS operations. The current application therefore seeks permission, through STA, for Station KEMO to operate at variance to certain requirements of the DTS rules, during the period when it completes its DTS network construction, so that it may continue to provide its existing service while bringing the benefits of its new DTS service to the public as quickly as possible.

The specific rule from which KEMO seeks relief is §73.626(f)(1), the requirement that the combined coverage from all of the DTS transmitters covers all of the applicant's authorized service area. The KEMO DTS Construction Permit (CP) is a modification of an earlier-granted CP that involved changes in antenna, antenna pattern, and effective radiated power (ERP) at its existing transmitter site at Mt St Helena. The DTS modification added a second transmitter at Sutro Tower.

It is not possible to complete both the modification of the Mt St Helena transmitter and the installation of the Sutro Tower transmitter at the same time. The Mt St Helena antenna pattern change that brings about the change in ERP can be completed immediately. The installation at Sutro Tower is being held up by the process of obtaining permits from the City of San Francisco, which is being managed by Sutro Tower, Inc. While waiting for the Sutro Tower permits, the benefits of the changed antenna pattern can be obtained.

Since licensing of DTS facilities requires applications to include all of the transmitters in a DTS network on a single application, it is not possible to apply for a license to cover for just one of the transmitters. Thus, it will be necessary for filing of a license application to cover the Mt St Helena transmitter to be delayed until the Sutro Tower transmitter is completed, when application can be made for a license to cover both transmitters. Thus, this application for STA is to permit operation of the Mt St Helena transmitter with its new antenna beyond the normal 10-day period for the filing of an application for license to cover while the remainder of the KEMO DTS network is constructed.

The approach covered by this STA request is the same as has been used in at least two other cases – those of KRBK and KILM – in which STAs were granted by the Commission for partial operation of DTS CP facilities until construction of the entire networks was completed, with applications for license to cover then being filed.

---

<sup>1</sup> Report and Order in the Matter of Digital Television Distributed Transmission System Technologies, MB Docket 05-312, FCC 08-256, Adopted November 3, 2008, Released November 7, 2008.

<sup>2</sup> Section 73.626 DTV distributed transmission systems.