

## Request for Special Temporary Authorization

KCFW-TV, Kalispell, Montana (the “Station”) respectfully requests special temporary authorization (“STA”) to increase its power from 2.5 kW ERP to 17 kW ERP.

The Station operates on a VHF channel (Channel 9), and it is seeking STA to increase its power in order to provide a more robust signal to viewers who receive the Station’s signal through an antenna, as well as to improve the coverage that the Station can provide to the more remote cable system headends in the Station’s market. The Commission has recognized that digital VHF signals are not as reliably received as were analog VHF signals, and that power increases can help to improve reception.<sup>1</sup>

The requested power level of 17 kW ERP is within the maximum power limit set forth in Section 73.622(f) of the Commission’s rules, and it has been previously coordinated with the Canadian authorities.<sup>2</sup> As shown in the attached engineering analysis, operations at 17 kW would not cause impermissible interference to any other station.

This request for STA is not subject to the freeze imposed by the Media Bureau on April 5, 2013, which applies by its terms only to modification applications and not requests for STA.<sup>3</sup> To the extent necessary, however, a waiver of the freeze is requested. The freeze was imposed in order to stabilize stations’ facilities for purposes of providing protection for such facilities in the upcoming repacking of the TV band.<sup>4</sup> The Station is not seeking protection in the repacking for the gain area/population. Thus, the basis for imposing the freeze is inapplicable here. Moreover, the Commission has now determined that although certain stations may increase their coverage areas, the gains will not be protected in the repacking except in certain

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<sup>1</sup> See, e.g., *Innovation in the Broadcast Television Bands*, Notice of Proposed Rulemaking, 25 FCC Rcd 16498 at 16512-3 (2010); see also *Innovation in the Broadcast Television Bands*, Report and Order, 27 FCC Rcd 4616, 4621 (2012).

<sup>2</sup> See FCC File No. BMPCDT-20080613ABC. The Station timely constructed the 17 kW facilities authorized by this construction permit, but inadvertently did not file a license application prior to the expiration of the permit. Upon discovering the issue, the Station promptly reduced its power to the 2.5 kW authorized by its current license. It now seeks to restore its power to 17 kW, as previously authorized, for the reasons set forth above and in light of calls from viewers who have lost reception of the Station’s signal. The Station notes that the Media Bureau recently granted a license application filed by another station, WBRA-TV, for a construction permit that expired approximately two and a half years prior to the filing of the license application. See FCC File No. BLEDT-20131218CHV. It also notes that the Station was inspected twice recently as part of an Alternative Broadcast Inspection Program, once prior to the expiration of the 17 kW permit and once after, and the inadvertent failure to file the license application was not flagged during either inspection.

<sup>3</sup> Public Notice, “Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate,” DA 13-618 (April 5, 2013).

<sup>4</sup> *Id.*

circumstances not applicable here.<sup>5</sup> Thus, the freeze should not preclude grant of the requested STA.

Authorizing the Station to operate at 17 kW would permit the Station to restore a better-quality signal to viewers and cable headends, without any impact on the repacking process. Accordingly, grant of the requested STA would be in the public interest.

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<sup>5</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, FCC 14-50 (rel. June 2, 2014), paras. 212-213 (allowing grant of pending modification applications entailing maximization, while cautioning that such facilities will not be protected in the repacking).