

Request for Waiver of Section 73.622(f)(5)

KTVB(TV), Boise, Idaho (Facility ID No. 34858) (“KTVB”), currently provides NBC network programming on DTV channel 7, which the station elected for post-transition digital operations in the channel election process. On June 12, 2009, KTVB terminated analog channel 7 operations and transitioned its DTV operations from its pre-transition facility on channel 26 to its maximized post-transition facility on channel 7. *See* FCC File Nos. BMPCDT-20080617ADX, BLCDDT-20090612AJF.

Within hours of moving from its pre-transition UHF channel to its post-transition VHF channel, KTVB began to receive a deluge of calls from viewers that could no longer receive the station’s digital signal via their indoor antennas. Despite attempts to walk callers through the process of resetting and/or re-scanning their equipment, station personnel were unable to resolve many indoor reception issues. Moreover, the majority of callers to KTVB’s call center were either unwilling or unable to install roof-top VHF antennas.¹

To resolve the indoor reception issue, KTVB is requesting (a) special temporary authorization (“STA”) to increase its power to 31.6 kW ERP and (b) a construction permit for a minor change to the station to increase its power to 63.2 kW ERP.² As demonstrated in the accompanying technical exhibit, neither power level comports with the Commission’s power and antenna height limits for DTV stations operating on channels 7-13. Accordingly, KTVB respectfully seeks waiver of Section 73.622(f)(5) so that it may attempt to resolve indoor reception issues by increasing power such that its predicted service area exceeds that of the largest station in the market, KBCI-DT.³

KTVB submits that the extraordinary circumstances surrounding the station’s transition to digital VHF operations provide ample for a waiver of Section 73.622(f)(5) of the Commission’s Rules. First, problems that are now plaguing the VHF television band were not predicted in the Commission’s standard coverage analysis. Thus, stations, such as KTVB, were caught off-guard by the magnitude and the seemingly unpredictable nature of the indoor attenuation of digital VHF transmissions.

Second, KTVB’s viewers are demonstrably encountering difficulties with indoor over-the-air reception of the station’s digital signal. For example, between June 12 and June

¹ For example, some callers stated that they would not install roof-top antennas because of the additional cost (and their ability to receive other stations’ over-the-air UHF signals), while others indicated that building restrictions in condominiums and other multiple-dwelling-units prevented them from doing so.

² KTVB is taking this two-step approach because while it is technically capable of immediately increasing power to 31.6 kW ERP, it must modify its DTV transmitter for operations at 63.2 kW ERP. KTVB expect to be able to complete such modifications within two to three weeks.

³ As noted in its maximization application, KTVB’s 27 kW ERP facility already exceeds the maximum ERP established in Section 73.622(f)(7).

19, 2009, the station's call center fielded more than 2,000 calls from viewers encountering reception issues.

Finally, Boise, ID residents are unusually dependent on over-the-air broadcasting. Two market research companies, Nielsen and Leigh Stowell, have determined that between 25% and 31% of the Boise DMA relies on over-the-air signals to receive television programming. In light of this pervasive reliance on over-the-air reception, the public in the Boise DMA possesses a keen interest in its ability to successfully tune to KTVB to receive emergency information, the station's top-rated local news programs, and NBC network programming.

For these reasons, KTVB respectfully requests that the Commission waive the maximum power and height restrictions set forth in Section 73.622(f)(5) of its Rules to permit the station to attempt to ameliorate indoor reception issues by increasing its power to 31.6 kW ERP pending the construction of 63.2 kW ERP facilities.