

AMENDMENT

NBC Telemundo License Co. ("Telemundo"), the licensee of Telemundo affiliate KNSO-DT, Merced, California (the "Station"), submits this amendment in support of the Station's post-transition maximization application, which is predicted to deliver over-the-air Spanish-language television service to a population with no current predicted over-the-air digital television service (a "white area") without creating any new interference. See FCC File No. BMPCDT-20080620ADF (the "Application"). Based on this showing, the Application serves the public interest and should be granted a waiver of Section 73.622(f)(5) or otherwise approved.

On June 20, 2008, Telemundo submitted the Application in order to enhance the Station's service area. The facilities proposed in the Application will provide multiple public interest benefits:

- The Station's digital noise-limited contour, as proposed in the Application, would encompass approximately 400 persons who are not within any other station's projected digital noise-limited contour. See Attachment 1. (As a post-transition filing, analog coverage should not be relevant.)
- The digital facility proposed in the Application will not cause any new interference and will reduce existing projected interference. Compared to the Station's Appendix B facility, the Application is projected to reduce interference by 15 percent with respect to Class A Station K12OZ - without reducing the Station's projected coverage - by reducing the effective power and increasing the height of the proposed facility. The Appendix B facility is predicted to cause interference to 157,355 people in the K12OZ service area, compared with only 122,434 for the proposed facility.
- The Application will enable the Station to use a non-directional antenna to serve the entire Appendix B population of the Station, which will expedite construction and facilitate maintenance, consistent with past Commission pronouncements. See, e.g., 47 C.F.R. § 73.685(b). ("To provide the best degree of service to an area, it is usually preferable to use a high antenna rather than a low antenna with increased transmitter power [I]t is generally preferable to choose a site where a nondirectional antenna may be employed.") A rejection of the Application or the inflexible imposition of a requirement that the Station's projected contour remain entirely within the Station's current contour also would obligate the Station to design and install a far more complicated directional antenna in order to maintain digital service to as many viewers as possible.

In order to achieve these clear public interest benefits in light of these unusual circumstances, the Application proposes modifications that would result in a limited extension of the Station's projected digital contour in rural and/or mountainous areas to the east of its community of license. The changes proposed in the Application address what

otherwise would be a notable loss of digital over-the-air service, as compared to the Station's Appendix B facility, if the Station were able to construct only its currently authorized post-transition facility. *Compare* Application with FCC File No. BPCDT-20080314ACL. Indeed, because the authorized parameters of the Station's Appendix B facility were beyond the standard height and power level for the Station's market in order to match the Station's pre-transition digital operation on Channel 5, any practical antenna design that requires the Station not to exceed its current projected contour anywhere based on an unrealistic application of Section 73.622(f)(5) of the Commission's Rules is very likely to reduce the Station's overall digital coverage as compared to the hypothetical Appendix B facility. As the recent tests in Wilmington has demonstrated, such a reduction of over-the-air television coverage can result in much public confusion and is generally not consistent with the public interest.

In addition, although the relevant section of the *Third Periodic Review* does not specifically address Section 73.622(f)(5), the Application also complies with all but one of the requirements specified for the "rapid approval of minor expansion applications" detailed in paragraph 151 of the *Third Periodic Review*, see *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, MB Docket No. 07-91 (released Dec. 31, 2007) ("*Third Periodic Review*"):

Different Post-Transition Channel. The Station's post-transition digital channel is Channel 11; the Station's pre-transition digital channel is Channel 5.

Available Antenna. The Application will enable the Station to use an existing antenna from a commonly-owned station with no significant post-transition reduction in its analog service area.

Create Less than 0.5% New Interference. The Application creates no new interference and reduces interference to K12OZ.

As a result of these similarities, the reasoning underlying the Commission's willingness to grant a waiver of other FCC requirements set forth by the *Third Periodic Review* also support any waiver necessary for the proposed limited contour extension/maximization in the Application. See *id.* at ¶ 152. The Application will enable the Station to use an existing antenna (albeit of a commonly owned station), which will reduce demand on equipment suppliers and the need to design new and complicated antennas, and will protect existing viewers of the Station's current digital operations.

In light of these unique issues and public interest benefits, the Application best serves the Commission's overall goal of maintaining digital service through its proposal to reduce power by 13 kilowatts and increase antenna height by 47 meters. Accordingly, Telemundo hereby requests that the Application (including any waiver of Section 73.622(f)(5) necessary) be granted.