



(REFERENCE COPY - Not for submission)

Modification of a DTS Station Construction Permit Application

File Number: **0000034832** | Submit Date: **11/02/2017** | Call Sign: **KKAI** | Facility ID: **83180** | FRN: **0010900827** | State: **Hawaii** | City: **KAILUA**
 Service: **DTS** | Purpose: **Major Modification 0000028639** | Status: **Granted** | Status Date: **08/17/2018** | Expiration Date: **04/12/2019** | Filing Status: **Active**

General Information

| Section | Question | Response |
|--------------------|--|----------|
| Attachments | Are attachments (other than associated schedules) being filed with this application? | Yes |

Fees, Waivers, and Exemptions

| Section | Question | Response |
|----------------|---|----------|
| Fees | Is the applicant exempt from FCC application Fees? | No |
| | Indicate reason for fee exemption: | |
| | Is the applicant exempt from FCC regulatory Fees? | No |
| Waivers | Does this filing request a waiver of the Commission's rule(s)? | Yes |
| | Total number of rule sections involved in this waiver request: | 1 |
| | Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station? | No |

| Application Type | Fee Code | Fee Amount |
|--------------------|----------|---------------|
| Major Modification | MVT | 4785.0 |
| Total | | 4785.0 |

**Applicant
Information**

Applicant Name, Type, and Contact Information

| Applicant | Address | Phone | Email | Applicant Type |
|---|--|-----------------------|---------------------|------------------------------|
| KAILUA TELEVISION, LLC Doing Business As: KAILUA TELEVISION, LLC | CHRISTOPHER RACINE PO Box 8969 HONOLULU, HI 96810 United States | +1 (808) 593- 5524 | MANAGER@KKAI. TV | Limited Liability Company |

Authorization Holder Name

Check box if the Authorization Holder name is being updated because of the sale (or transfer of control) of the Authorization(s) to another party and for which proper Commission approval has not been received or proper notification provided.

**Contact
Representatives
(3)**

| Contact Name | Address | Phone | Email | Contact Type |
|---|---|----------------------|------------------------------|-----------------------------|
| HARRY F. COLE , ESQ. . FLETCHER, HEALD & HILDRETH, P.L.C. | HARRY F. COLE, ESQ. 1300 NORTH 17th STREET, 11th FLOOR ARLINGTON, VA 22209 United States | +1 (703) 812-0483 | COLE@FHHLAW. COM | Legal Representative |
| Kevin Thomas Fisher <i>President</i> Smith and Fisher, LLC | Kevin T. Fisher SMITH AND FISHER, LLC 4791 Wintergreen Court Woodbridge, VA 22192 United States | +1 (703) 505-1751 | kevin@smithandfisher. com | Technical Representative |
| CHRISTOPHER RACINE <i>GENERAL MANAGER</i> KAILUA TELEVISION, LLC | CHRISTOPHER RACINE PO Box 8969 HONOLULU, HI 96830 United States | +1 (808) 591-1683 | MANAGER@KKAI. TV | GENERAL MANAGER |

Alien Ownership

| Question | Response |
|---|----------|
| 1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act? | No |
| 2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1)) | |
| 3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2)) | |
| 4) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3)) | |
| 5) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4)) | |
| 6) Has the applicant received a declaratory ruling(s) under Section 310(b)(4) of the Communications Act? | |
| 6a) Enter the citation of the applicable declaratory ruling by DA/FCC number, FCC Record citation, release date, or any other identifying information. | |
| 7) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 6? | |
| 7a) Enter the File or Docket Number of the Petition for Declaratory Ruling that the applicant has filed for its foreign ownership in connection with this application pursuant to Section 310(b)(4) of the Communications Act. It is not necessary to file a request for a foreign ownership declaratory ruling if the applicant attaches a showing that the requested authorization(s) is exempt from the provisions of Section 310(b)(4). | |
| 8) Does the applicant certify that it is in compliance with the terms and conditions of the foreign ownership declaratory ruling(s) cited in response to Question 6? | |
| 9) In connection with this application, is the applicant filing a foreign ownership Petition for Declaratory Ruling pursuant to Section 310(b)(4) of the Communications Act? | |

Basic Qualifying Questions

| Section | Question | Response |
|-------------------------------------|--|----------|
| Revoked Application | Has the Applicant or any party to this application had any FCC station Authorization revoked or had any application for an initial, modification or renewal of FCC station Authorization denied by the Commission? | No |
| State or Federal Convictions | Has the Applicant or any party to this application, or any party directly or indirectly controlling the Applicant, ever been convicted of a felony by any state or federal court? | No |

Channel and Facility Information

| Section | Question | Response |
|--------------------------------------|---------------|------------|
| Proposed Community of License | Facility ID | 83180 |
| | State | Hawaii |
| | City | KAILUA |
| | DTS Channel | 29 |
| Facility Type | Facility Type | Commercial |
| | Station Type | Main |
| Zone | Zone | 2 |

DTS Reference Point

| Section | Question | Response |
|--|--|-------------------|
| Construction Permit File Number and Facility ID | File Number for Current Authorized Service Area: | BLCDT-20090611ACO |
| | Facility ID | 83180 |
| Coordinates (NAD83) | Latitude | 21° 19' 37.5" N+ |
| | Longitude | 157° 45' 14.1" W- |

**Site 1: Antenna
Location Data**

| Section | Question | Response |
|---------------------------------------|---|---------------------------------------|
| Antenna Structure Registration | Do you have an FCC Antenna Structure Registration (ASR) Number? | Yes |
| | ASR Number | 1246610 |
| Coordinates (NAD83) | Latitude | 21° 25' 19.6" N+ |
| | Longitude | 157° 45' 27.1" W- |
| | Structure Type | TOWER-A free standing or guyed struct |
| | Overall Structure Height | 35.4 meters |
| | Support Structure Height | 35.4 meters |
| | Ground Elevation (AMSL) | 141.7 meters |
| Antenna Data | Height of Radiation Center Above Ground Level | 25.9 meters |
| | Height of Radiation Center Above Average Terrain | 373 meters |
| | Height of Radiation Center Above Mean Sea Level | 167.6 meters |
| | Effective Radiated Power | 38.5 kW |

**Site 1: Antenna
Technical Data**

| Section | Question | Response |
|---------------------------------------|---|---------------------|
| Antenna Type | Antenna Type | Directional Custom |
| | Do you have an Antenna ID? | No |
| | Antenna ID | 1002527 |
| Antenna Manufacturer and Model | Manufacturer: | Jampro |
| | Model | JUHD-6/2(12) Peanut |
| | Electrical Beam Tilt | Not Applicable |
| | Mechanical Beam Tilt | Not Applicable |
| | toward azimuth | |
| | Polarization | Horizontal |
| DTV and DTS: Elevation Pattern | Does the proposed antenna propose elevation radiation patterns that vary with azimuth for reasons other than the use of mechanical beam tilt? | No |
| | Rotation | 90 degrees |
| | Uploaded file for elevation antenna (or radiation) pattern data | |

Directional Antenna Relative Field Values (Pre-rotated Pattern)

| Degree | V _A (Authorized Value) | Degree | V _A (Authorized Value) | Degree | V _A (Authorized Value) | Degree | V _A (Authorized Value) |
|--------|-----------------------------------|--------|-----------------------------------|--------|-----------------------------------|--------|-----------------------------------|
| 0 | 0.11 | 90 | 1.00 | 180 | 0.11 | 270 | 1.00 |
| 10 | 0.13 | 100 | 0.96 | 190 | 0.13 | 280 | 0.96 |
| 20 | 0.18 | 110 | 0.85 | 200 | 0.18 | 290 | 0.85 |
| 30 | 0.27 | 120 | 0.71 | 210 | 0.27 | 300 | 0.71 |
| 40 | 0.38 | 130 | 0.56 | 220 | 0.38 | 310 | 0.56 |
| 50 | 0.56 | 140 | 0.38 | 230 | 0.56 | 320 | 0.38 |
| 60 | 0.71 | 150 | 0.27 | 240 | 0.71 | 330 | 0.27 |
| 70 | 0.85 | 160 | 0.18 | 250 | 0.85 | 340 | 0.18 |
| 80 | 0.96 | 170 | 0.13 | 260 | 0.96 | 350 | 0.13 |

Additional Azimuths

| Degree | V _A |
|--------|----------------|
|--------|----------------|

**Site 2: Antenna
Location Data**

| Section | Question | Response |
|---------------------------------------|---|-------------------|
| Antenna Structure Registration | Do you have an FCC Antenna Structure Registration (ASR) Number? | No |
| | ASR Number | |
| Coordinates (NAD83) | Latitude | 21° 24' 12.0" N+ |
| | Longitude | 158° 05' 52.1" W- |
| | Structure Type | MTOWER-Monopole |
| | Overall Structure Height | 25.9 meters |
| | Support Structure Height | 25.9 meters |
| | Ground Elevation (AMSL) | 819.3 meters |
| Antenna Data | Height of Radiation Center Above Ground Level | 19.8 meters |
| | Height of Radiation Center Above Average Terrain | 687 meters |
| | Height of Radiation Center Above Mean Sea Level | 839.1 meters |
| | Effective Radiated Power | 118.5 kW |

**Site 2: Antenna
Technical Data**

| Section | Question | Response |
|---------------------------------------|---|-------------------------------|
| Antenna Type | Antenna Type | Directional Custom |
| | Do you have an Antenna ID? | No |
| | Antenna ID | 1002528 |
| Antenna Manufacturer and Model | Manufacturer: | Jampro |
| | Model | JUHD-10/2(20) Narrow Cardioid |
| | Electrical Beam Tilt | Not Applicable |
| | Mechanical Beam Tilt | Not Applicable |
| | toward azimuth | |
| | Polarization | Horizontal |
| DTV and DTS: Elevation Pattern | Does the proposed antenna propose elevation radiation patterns that vary with azimuth for reasons other than the use of mechanical beam tilt? | No |
| | Rotation | 70 degrees |
| | Uploaded file for elevation antenna (or radiation) pattern data | |

Directional Antenna Relative Field Values (Pre-rotated Pattern)

| Degree | V _A (Authorized Value) | Degree | V _A (Authorized Value) | Degree | V _A (Authorized Value) | Degree | V _A (Authorized Value) |
|--------|-----------------------------------|--------|-----------------------------------|--------|-----------------------------------|--------|-----------------------------------|
| 0 | 1.00 | 90 | 0.95 | 180 | 0.06 | 270 | 0.03 |
| 10 | 0.94 | 100 | 1.00 | 190 | 0.03 | 280 | 0.06 |
| 20 | 0.83 | 110 | 0.99 | 200 | 0.04 | 290 | 0.18 |
| 30 | 0.79 | 120 | 0.91 | 210 | 0.07 | 300 | 0.34 |
| 40 | 0.90 | 130 | 0.79 | 220 | 0.09 | 310 | 0.48 |
| 50 | 0.94 | 140 | 0.65 | 230 | 0.10 | 320 | 0.65 |
| 60 | 0.90 | 150 | 0.47 | 240 | 0.09 | 330 | 0.79 |
| 70 | 0.79 | 160 | 0.34 | 250 | 0.07 | 340 | 0.90 |
| 80 | 0.83 | 170 | 0.18 | 260 | 0.04 | 350 | 0.99 |

Additional Azimuths

| Degree | V _A |
|--------|----------------|
|--------|----------------|

**Parties to the
Application (0)**

Information not provided.

Attributable Interest

| Section | Question | Response |
|---------------------------------------|--|----------|
| Equity and Financial Interests | Applicant certifies that equity and financial interests not set forth by the applicant parties are non-attributable. | |
| Other Authorizations | Does the applicant or any party to the application have an attributable interest in any other broadcast station(s). | |
| Multiple Ownership | Is the applicant or any party to the application the holder of an attributable radio or television joint sales agreement or an attributable radio or television time brokerage agreement in the same market as the station subject to this application? | No |
| | Applicant certifies that the proposed facility complies with the Commission's multiple ownership rules and cross-ownership rules. | Yes |
| | <p>Applicant certifies that the proposed facility:</p> <ul style="list-style-type: none"> (a) does not present an issue under the Commission's policies relating to media interests of immediate family members; (b) complies with the Commission's policies relating to future ownership interests; (c) complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors | Yes |
| | <p>Does the Applicant claim status as an "eligible entity," that is, an entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping (as set forth in 13 C.F.R. § 121-201), and holds:</p> <ul style="list-style-type: none"> (a) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or (b) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or (c) more than 50 percent of the voting power of the corporation that will own the media outlet (if such corporation is a publicly traded company)? | No |

**Construction
Permit
Certifications**

| Section | Question | Response |
|--|--|---|
| Post-Incentive Auction Expedited Processing | It will operate on the DTV channel for this station as established in the post-incentive auction channel reassignment public notice. | No |
| | It will operate post-incentive auction facilities that do not expand the noise-limited service contour in any direction beyond that established by the post-incentive auction channel reassignment public notice. | No |
| | It will operate post-incentive auction facilities that match or reduce by no more than five percent with respect to predicted population from those defined in the post-incentive auction channel reassignment public notice. | Yes |
| | The antenna structure to be used by this facility has been registered by the Commission and will not require re-registration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely affect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7. | Yes |
| Environmental Effect | Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See Section 1.1306 of 47 C.F.R.) | No |
| Broadcast Facility | The proposed facility complies with all of the following applicable rule sections. 47 C.F.R. Sections 74.709, 74.793 (e), 74.793(f), 74.793(g), 74.793(h) | Yes |
| Interference Protection Provisions | The proposed TV station satisfies the interference protection provisions of 47 C.F.R. Section 73.626. | Yes |
| DTS Facility Requirements | The combined coverage from all of the DTS transmitters in the proposed DTS facility covers all of the station's authorized service area, as required in 47 C.F.R. Section 73.626(f)(1). | Yes |
| | Each DTS transmitter's coverage is contained within either the TV station's Table of Distances area (47 C.F.R. Section 73.626 (c)) or its authorized service area, except where such coverage is of a minimal amount and necessary to meet the requirements of 47 C.F.R. Section 73.626(f)(1). | Yes, but coverage exceeds station s authorized service area by minimal amount |
| | Each DTS transmitter's coverage is contiguous with at least one other DTS transmitter's coverage, as required in 47 C.F. R. Section 73.626(e)(3). | Yes |
| | The coverage from one or more DTS transmitter(s) in the DTS facility provide(s) principal community coverage, as required in 47 C.F.R. Section 73.626(e)(4). | Yes, multiple transmitters provide principal community coverage |
| | The combined field strength of all of the DTS transmitters in the proposed DTS facility do not cause interference to another station in excess of the criteria specified in 47 C.F. R. Section 73.616, as required in 47 C.F.R. Section 73.626 (e)(5). Note: The combined field strength level shall be determined by a "root-sum-square" calculation, where the combined field strength level at a given location is equal to the square root of the sum of the squared field strengths from each transmitter in the DTS network at that location. | Yes |

Each DTS transmitter in the proposed DTS facility is located within either the TV station's Table of Distances area or its authorized service area.

Yes

**Legal
Certifications**

| Section | Question | Response |
|---|--|----------|
| Character Issues | <p>Applicant certifies that neither applicant nor any party to the application has or had any interest in, or connection with:</p> <p>(a) any broadcast application in any proceeding where character issues were left in unresolved or were resolved adversely against the applicant or party to the application; or</p> <p>(b) any pending broadcast application in which character issues have been raised.</p> | Yes |
| Adverse Findings | <p>Has the Applicant or any party to this application had an adverse finding or an adverse final action taken by any court or administrative body in a civil or criminal proceeding brought under any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?</p> | No |
| Program Service Certification | <p>Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.</p> | Yes |
| Local Public Notice | <p>Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.</p> | Yes |
| Auction Authorization | <p>Is the applicant submitting an application to obtain a construction permit as a result of winning an auction?</p> | No |
| Equal Employment Opportunity (EEO) | <p>If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report.</p> | N/A |

Certification

| Section | Question | Response |
|--|---|---|
| <p>General Certification Statements</p> | <p>The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).</p> | |
| | <p>The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR §1.2002(b), for the definition of "party to the application" as used in this certification §1.2002 (c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.</p> | |
| <p>Authorized Party to Sign</p> | <p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</p> <p>Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application.</p> <p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).</p> | |
| | <p>I certify that this application includes all required and relevant attachments.</p> | <p>Yes</p> |
| | <p>I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.</p> | <p>Christopher Racine <i>President</i></p> <p>11/02/2017</p> |

Attachments

| File Name | Uploaded By | Attachment Type | Description |
|--|-------------|------------------------------|--|
| 01114199.PDF | Applicant | Fees, Waivers and Exemptions | For discussion of waiver request, see engineering exhibit. |
| KKAI-DT Second Priority Window Engineering.pdf | Applicant | Technical Certifications | KKAI-DT Channel 29 DTS Engineering Report, including power density calculations, DTS requirements and waiver request |