



(REFERENCE COPY - Not for submission)

## Amendment to a Modification of a Licensed Facility for DTV Application

File Number: **BPEDT-19990122KF** | Submit Date: **01/22/1999** | Call Sign: **KQEH** | Facility ID: **35663** | FRN: **0001549765**  
State: **California** | City: **SAN JOSE**  
Service: **DTV** | Purpose: **Minor Modification Amendment** | Status: **Granted** | Status Date: **01/24/2001** | Expiration Date: **12/01/2022** | Filing Status: **InActive**

### General Information

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

### Fees, Waivers, and Exemptions

Section	Question	Response
Waivers	Does this filing request a waiver of the Commission's rule(s)?	
	Total number of rule sections involved in this waiver request:	
	Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	

**Applicant  
Information**

**Applicant Name, Type, and Contact Information**

<b>Applicant</b>	<b>Address</b>	<b>Phone</b>	<b>Email</b>	<b>Applicant Type</b>
<b>KTEH-TV FOUNDATION Applicant</b> Doing Business As: KTEH-TV FOUNDATION	1585 SHALLENBERGER ROAD SAN JOSE, CA 95131 United States	+1 (408) 437- 5454		Other

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**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  
(2)**

Contact Name	Address	Phone	Email	Contact Type
<b>DANE E. ERICKSEN, P.E.</b> <i>CONSULTING ENGINEER</i>	BOX 280068 SAN FRANCISCO, CA 94128 United States	+1 (707) 996- 5200		Technical Representative
<b>LAWRENCE M. MILLER</b> SCHWARTZ, WOODS & MILLER	United States	+1 (202) 833- 1700	MILLER@SWMLAW. COM	Legal Representative

## 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?	
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?	
7) 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
<b>Revoked Application</b>	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?	
<b>State or Federal Convictions</b>	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?	

**Channel and Facility Information**

<b>Section</b>	<b>Question</b>	<b>Response</b>
Facility ID	35663	
State	California	
City	SAN JOSE	
DTV Channel	50	
<b>Facility Type</b>	Facility Type	Noncommercial Educational
	Station Type	Main
<b>Zone</b>	Zone	2

**Antenna Location Data**

Section	Question	Response
<b>Antenna Structure Registration</b>	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1019291
<b>Coordinates (NAD83)</b>	Latitude	37° 29' 17.0" N+
	Longitude	121° 52' 03.0" W-
	Structure Type	
	Overall Structure Height	184.4 meters
	Support Structure Height	
	Ground Elevation (AMSL)	743.4 meters
<b>Antenna Data</b>	Height of Radiation Center Above Ground Level	145 meters
	Height of Radiation Center Above Average Terrain	662 meters
	Height of Radiation Center Above Mean Sea Level	888.4 meters
	Effective Radiated Power	290 kW

**Antenna  
Technical Data**

Section	Question	Response
<b>Antenna Type</b>	Antenna Type	Directional Custom
	Do you have an Antenna ID?	Yes
	Antenna ID	34197
<b>Antenna Manufacturer and Model</b>	Manufacturer:	AC
	Model	ATS 8/4/8
	Rotation	0 degrees
	Electrical Beam Tilt	1.25
	Mechanical Beam Tilt	1
	toward azimuth	280
	Polarization	Horizontal
<b>DTV and DTS: Elevation Pattern</b>	Does the proposed antenna propose elevation radiation patterns that vary with azimuth for reasons other than the use of mechanical beam tilt?	No
	Uploaded file for elevation antenna (or radiation) pattern data	

**Directional Antenna Relative Field Values (Pre-rotated Pattern)**

Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	0.289	90	0.239	180	0.986	270	0.435
10	0.249	100	0.227	190	0.903	280	0.453
20	0.187	110	0.322	200	0.808	290	0.474
30	0.208	120	0.403	210	0.7	300	0.504
40	0.239	130	0.587	220	0.566	310	0.517
50	0.259	140	0.738	230	0.476	320	0.528
60	0.265	150	0.889	240	0.369	330	0.508
70	0.27	160	0.979	250	0.398	340	0.452
80	0.261	170	1	260	0.403	350	0.389

**Additional Azimuths**

Degree	V <sub>A</sub>
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**Parties to the  
Application (0)**

Information not provided.



**Attributable Interest**

Section	Question	Response
<b>Equity and Financial Interests</b>	Applicant certifies that equity and financial interests not set forth by the applicant parties are non-attributable.	
<b>Other Authorizations</b>	Does the applicant or any party to the application have an attributable interest in any other broadcast station(s).	

**Construction  
Permit  
Certifications**

Section	Question	Response
<p><b>Post-Incentive Auction Expedited Processing</b></p>	<p>It will operate on the DTV channel for this station as established in the post-incentive auction channel reassignment public notice.</p>	
	<p>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.</p>	
	<p>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.</p>	
	<p>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.</p>	
<p><b>Environmental Effect</b></p>	<p>Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)</p>	
<p><b>Broadcast Facility</b></p>	<p>The proposed facility complies with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.616, 73.622(i), 73.623(e), 73.625, 73.1030, and 73.1125.</p>	<p>Yes</p>

**Legal  
Certifications**

Section	Question	Response
<b>Eligibility</b>	The applicant certifies that it is a:	
	The applicant certifies that the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural, and civic segments of the principal community to be served.	
	The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application.	
	FCC File Number	-
	The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.	
<b>Character Issues</b>	Applicant certifies that neither applicant nor any party to the application has or had any interest in, or connection with: <ul style="list-style-type: none"> <li>(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</li> <li>(b) any pending broadcast application in which character issues have been raised.</li> </ul>	Yes
<b>Adverse Findings</b>	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?	Yes
<b>Program Service Certification</b>	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.	Yes
<b>Local Public Notice</b>	Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	Yes
<b>Equal Employment Opportunity (EEO)</b>	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.	
<b>Holding Period</b>	Applicant certifies that this application does not propose a modification to an authorization that was awarded on the basis of a preference for fair distribution of service pursuant to 47 U.S.C. Section 307(b).	
	Applicant certifies that the proposed modification will not downgrade service to the area on which the Section 307(b) preference was based.	

<p>Applicant certifies that although it proposes to downgrade service to the area on which the Section 307(b) preference was based, applicant has provided full service to that area for a period of four years of on-air operations.</p>	
<p>Applicant certifies that this application does not propose a modification to an authorized station that received a credit for superior technical parameters under the point system selection method in 47 C.F.R. Section 73.7003.</p>	
<p>Applicant certifies that the population and area within the proposed service contour (60 dBu (FM) or Noise-Limited (TV)) are greater than or equivalent to those authorized.</p>	

**Certification**

Section	Question	Response
<p><b>General Certification Statements</b></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><b>Authorized Party to Sign</b></p>	<p><b>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</b></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>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><b>THOMAS E. FANELLA</b></p> <p>01/22/1999</p>

## Attachments

Information not provided.