

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of
ONE MINISTRIES, INC.

)
) LMS file Number: 0000036125

To: Video Division, Media Bureau

PETITION FOR RECONSIDERATION

ONE MINISTRIES, INC., licensee KKPM-CD, Yuba City, California (KKPM or Station), for minor modification, and related request for waiver, herewith submits this petition for reconsideration of the Commission's action dismissing said applications. In support whereof, the following is stated:

In the dismissal of OMI's applications, the FCC concludes that waiving the rule and allowing OMI to move KKPM-CD thirty-nine (39) miles would not be in the public interest. On the contrary, the Commission has granted a similar request for another station in the market, KCSO-LD. Both the move of KKPM-CD and KCSO-LD have similarities in their justification.

Although the commission has waived this rule only infrequently, it has stated that waiver requests will be entertained based upon a significant showing that the public interest will be benefited from the move, provided that the new site will have contour overlap with the original contour and a showing that there is no other useful site within the 30 mile radius of the transmitter.

For example, In *White Park Broadcasting, Inc.*, 24 FCC Rcd 3549 (2009), the Commission stated that the spacing waiver policy requires consideration of three key elements: (1) the suitability (or lack thereof) of the present site; (2) the availability of other non-shortspaced sited; and (3) consideration of all public interest factors concerning the short-spacing. Citing *Edens Broadcasting, Inc.*, 2 FCC Rcd 689, 695 (rev. BD. 1987), aff'd 5 FCC Rcd 2576 (1990), *Edens* confirmed that the commission considers an applicant's relocation to a *de facto* antenna farm to be a positive public interest factor. *Edens* is guided by the earlier order of the full commission in *Beasley Broadcasting of Philadelphia, Inc.*, Memorandum Opinion and Order, 1007 FCC 2d 106 (1985), at Note 6.

Indeed, our recent actions in MM Docket 80-90, cause us to devote more attention to the potential hazards to air safety that the expected growth in the number of tall FM towers may create. In view of that, we intend to consider location on a recognized antenna farm, whether officially designated or not, as a positive factor to be weighed in requests in FM spacing waivers.
(emphasis added)

The FCC adopted its antenna farm policy in 1967 to facilitate the siting of broadcast towers and further the interest of their navigation and safety¹. In Beasley, the commission stated that although it has never established a designated antenna farm under Part 17 of the rules, it recognized that *de facto* antenna farm areas exist with beneficial effect and that *de facto* antenna farms are within the aims and objectives of the commission's antenna farm policy. The instant application meets all of the criteria for recognition of a *de facto* antenna farm move and a waiver of the commission's rules.

Suitability of the Present Site.

KKPM-CD is licensed to Yuba City covering the Sacramento market. Although the Commission establishes the 51 dBu contour as the service contour for Class A TV station, Class A stations are often regularly viewed in the noise-limited 41 dBu contour just as they are viewed for full power TV stations. From when KKPM-CD was first licensed atop the Sutter Buttes it has served the Sacramento area, which is within its 41 dB contour.

With the repacking of the TV band, the coverage area of KKPM-CD has been eroded over the main portion of the Sacramento market that it covers. When using the FCC's TV Study program and running KKPM-CD as if it is full power TV station operating at 15 kW, the FCC's TV Study program shows more than 10% of the coverage area is interfered with by newcomers KBTB-CD Channel 27 and KBCW Channel 28. The interference from KBTB-CD forms a circle around the tower site that KBTB-CD is located on within the heart of Sacramento. The FCC's TV Study program only considers interference within the 51 dBu contour, so this interference is not normally shown; however, those are real people who watch KKPM-CD's mixture of programming that cannot be seen on any other station. The only solution to remedy the loss of coverage over Sacramento is to move close in to KBTB-CD. Otherwise locating too far away from KBTB-CD would cause interference to KBTB-CD.

Below is a demonstration of interference received by KKPM-CD when run as a Class A station in TV Study. (Note: only 57 people are shown to be interfered with.)

----- Interference to proposal scenario 1

	Call	Chan	Svc	Status	City, State	File Number	Distance
Desired:	KKPM-CD	D28+	DC	LIC	Yuba City, CA	BLDTA20100914AHF	
Undesireds:	KBTB-CD	D27	DC	LIC	SACRAMENTO, CA	BLDTA20140908AD0	76.9 km
	KBCW	D28	DT	CP	SAN FRANCISCO, CA	BLANK0000033563	170.3
Service area		Terrain-limited		IX-free		Percent IX	
10838.6	776,734	10687.8		775,229	10672.7	775,135	0.14 0.01
Undesired				Total IX	Unique IX	Prct Unique IX	
KBTB-CD D27 DC LIC	0.5			37	0.0	0	0.00 0.00
KBCW D28 DT CP	15.1			94	14.6	57	0.14 0.01

¹ *Antenna Farms*, 8 FCC 2d 559, 1967

Below is a demonstration of interference received by KKPM-CD when run as if it is a Full Power Station in TV Study so that its coverage is considered out to the 41 dBu signal level. (Note: 10.29% of the population – 206,528 people are shown to be interfered with. Most of this interference is around KBTB-CD's tower location)

Interference to proposal scenario 1
10.29% interference received

	Call	Chan	Svc	Status	City, State	File Number	Distance
Desired:	KKPM-CD	D28+	DT	LIC	Yuba City, CA	BLDTA20100914AHF	
Undesireds:	KBTB-CD	D27	DC	LIC	SACRAMENTO, CA	BLDTA20140908ADO	76.9 km
	KPJK	D27	DT	CP	SAN MATEO, CA	BLANK0000034004	170.3
	KMMD-CD	D28	DC	LIC	SALINAS, CA	BLANK0000068622	297.4
	KBCW	D28	DT	CP	SAN FRANCISCO, CA	BLANK0000033563	170.3
	KMPH-TV	D28	DT	LIC	VISALIA, CA	BLCDT20030204AGN	382.2
	Service area	Terrain-limited			IX-free	Percent IX	
	17423.8	2,091,724	16952.2	2,085,033	16639.6	1,870,500	1.84 10.29
Undesired				Total IX	Unique IX	Prcnt Unique IX	
KBTB-CD D27 DC LIC		135.4		202,746	194,741	0.64	9.34
KMMD-CD D28 DC LIC		0.2		0	0	0.00	0.00
KBCW D28 DT CP		204.4		19,792	11,787	1.05	0.57

City of License Coverage

Beasley and its progeny recognize full city of license coverage to be an extremely important public interest factor.

The proposed site is the only one that could be found to cover the majority of Yuba City while also eliminating interference to the main part of the Sacramento market in Sacramento City while also not causing objectionable interference to KBTB-CD and KBCW

No Other Suitable Site

The third important factor in *Beasley*, and recognized in *White Park*, was that no other closer site would provide a city-grade signal to the licensed community.

The applicant studied other tower sites in-between Sutter Buttes and the northern outskirts of the Sacramento area. There were no other tall towers that would allow coverage of both Yuba City and the Sacramento metro area. There were also no tall mountains or hills. Sutter Buttes is the smallest mountain range in the world and strangely sticks up out of the Central Valley in-between Chico and Sacramento, CA. Other than Sutter Buttes, and the proposed tower, there aren't any tall towers over the 39-mile distance. Smaller cell phone towers are available, but coverage area from there is greatly diminished and not viable.

Equivalent Protection and Commitment to Resolve Interference Problems

The Technical Statement affirms that at its current site and at the new proposed tower, KKPM-CD is and will be fully compliant with the FCC's interference

Accordingly, a grant of this application will actually *improve* the interference caused to KBCW by situation, serving the public interest by 45,092 people (0.66%).

***De facto* Antenna Farm**

Finally, as previously noted, the commission considers a move to a *de facto* antenna farm to *ipso facto* be a positive factor in the public interest. That the site constitutes a *de facto* antenna farm is undeniable. Several other broadcast stations are located at the site including KMSX-LD, KMUM-CD, KBEB, KEFM-LP, KQEI-FM, KXJZ, and KDND.

Other Public Interest Factors: The EAS

Chairman Tom Wheeler has called the broadcast Emergency Alert System “one of the most important tools broadcast, cable, and satellite providers use to keep the public safe in times of crisis.” Commissioner Pai said “the emergency alert system (EAS) still serves the basic and important purpose of providing the American public with timely access to emergency information.”²

Keeping in mind that Chinese speaking homes in the Sacramento DMA rely on KKPM-CD to deliver emergency notifications to their homes in their native language with its EAS and news content, it is of critical importance that we do all we can to assure that KKPM-CD reaches the all-Chinese speaking homes possible in times of emergency. Time and again, from New Orleans to Joplin Missouri, serving the public in this way has been proven to be of utmost importance. The website Earthquake track reports that the Sacramento area has had 71 earthquakes in the past year of Magnitude 1.5 or greater in the past year.³ The USGS database shows that there is a 45.42% chance of a major earthquake within 50km of Sacramento, CA within the next 50 years. The largest earthquake within 30 miles of Sacramento, CA was a 4.4 Magnitude in 1978.⁴ This move will allow KKPM-CD to advance the public interest by serving this unique audience when lives may depend on it.

Conclusion

KKPM-CD has met all the requirements and criteria previously set forth by the commission in its most definitive cases addressing the antenna farm waiver. A waiver of Section 74.787(b)(iii) permitting KKPM-CD to relocate at the northern Sacramento tower would allow it to provide substantially improved service to its DMA of license and reduce the population of viewers not able to receive its signal due to the repacking of KBTB and KBCW. This move does not diminish the coverage of KKPM-CD due to duplication of its service via its translators in Chico via KKRK-LD and on the Sutter Buttes via KYUB-LD. Accordingly, the requested move is manifestly in the public interest. One Ministries, Inc. respectfully requests that this waiver be granted and KKPM-CD’s minor modification application be reinstated and granted.

² *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, FCC 14-50, 29 FCC Rcd 6567 (2014), at ¶ 371.

³ See: <http://earthquaketrack.com/us-ca-sacramento/recent> Last viewed January 10, 2020

⁴ <http://www.homefacts.com/earthquakes/California/Sacramento-County/Sacramento.html> Last viewed January 10, 2020


The instant petition for reconsideration is timely, being filed within thirty (30) days of the date of the Commission's letter ruling (December 16th, 2019).

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WHEREFORE THE PREMISES CONSIDERED, it is respectfully requested that the Commission grant the instant petition for reconsideration.

Respectfully submitted,

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 01/11/2020

Keith Leitch, President
January 11, 2020