

**Before the
Federal Communications Commission
Washington, DC 20554**

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.622(i), Post- Transition Table of DTV Allotments, Television Broadcast Stations (Tulsa, Oklahoma) |) | MB Docket No. 21-9 RM-11872 |

To: Chief, Video Division, Media Bureau

REPLY COMMENTS OF KTUL LICENSEE, LLC

KTUL Licensee, LLC (the “*Licensee*”), holder of the Commission license for commercial broadcast television station KTUL, Tulsa, Oklahoma, Facility ID No. 35685 (the “*Station*”), affiliated with the ABC Television Network, through its counsel, files these reply comments pursuant to sections 1.415 and 1.419 of the Commission’s rules.¹ The Licensee has filed with the Commission a Petition for Rulemaking in the above-referenced proceeding (as amended, the “*Petition*”), and has also filed comments in response to the Commission’s Notice of Proposed Rulemaking (the “*NPRM*”) in this proceeding.² The Petition and Licensee’s comments propose the substitution of television Channel 14 for the Station’s current Channel 10. At the outset, the Licensee submits that the Commission has long understood that with proper filtering, land mobile facilities and Channel 14 television stations can coexist on a non-interfering basis.

The Licensee hereby replies specifically to the “Opposition of the Land Mobile Communications Council” (the “*Opposition*”) filed in this proceeding, which identifies itself as a

¹ 47 C.F.R. §§ 1.415 and 1.419.

² *Notice of Proposed Rulemaking, Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Tulsa, Oklahoma)*, MB Docket 21-9 (released January 12, 2021).

non-profit association of parties involved in the land mobile radio industry.³ In the Opposition, LMCC requests that the Commission impose a draconian approach to management of potential interference which is wholly inconsistent with Commission rules and precedents, and seeks to rectify prospective interference issues which are unlikely to arise and which, if they did arise, could be addressed through well-established technical resolutions and longstanding FCC rules and policies.

I. The Remedy Requested by LMCC is Inconsistent with Applicable Commission Rules, Policies and Precedents

The Commission has long recognized the need to address interference to land mobile facilities which may be caused by television broadcast stations operating on Channel 14.⁴ In the rulemaking proceeding which resulted in the Land Mobile Interference Order, the Commission conducted a broad and pragmatic review to determine procedures which would balance the need to provide land mobile operations with practical protection from interference, while not unduly impeding the ability of television stations on Channel 14 to serve viewers in their communities.

The result of that proceeding was the adoption of Section 73.687(e)(3)-(4) of the Commission's rules,⁵ which addresses the protection of land mobile radio operations from interference by television broadcast stations operating on Channel 14. Section 73.687(e)(4)(ii) requires that Channel 14 permittees take steps before construction to identify potential interference to land mobile facilities, install filters or take other precautions as necessary to eliminate such interference, and submit evidence to the Commission that no interference to land

³ *Opposition* at 2.

⁴ *See, e.g., Land Mobile Operations (Interference from UHF Channels 14 and 69)*, Report and Order, 6 FCC Rcd 5148, ¶ 2 (1991)(the "*Land Mobile Interference Order*") (citing interference resolution requirements set forth in *Channel 14 and 69 Television Permittees' Obligations to Protect Existing Land Mobile Facilities*, Public Notice (Mimeo 2526, March 1, 1982)).

⁵ 47 C.F.R. § 73.687(e)(3)-(4).

mobile operations is being caused by the station's operations. As a practical matter, compliance with Section 73.687(e)(4)(ii) means that the Video Division will grant a construction permit with a condition providing that while the station is conducting operations under equipment test authority pursuant to Section 73.1610 of the Commission's rules, but prior to grant of program test authority under Section 73.1620 of the Commission's rules, the permittee must take adequate measures to identify and substantially eliminate objectionable interference which may be caused to land mobile facilities, and submit documentation as to the absence of such interference with its request for program test authority.⁶ Consequently, once the station has identified potential interference and taken precautionary measures in construction of the new facilities, it may conduct equipment tests. The other requirements of Section 73.687(e)(4)(ii) are remedial and apply only after operation under equipment test authority has commenced.

In the Petition, the Licensee acknowledged the possibility of land mobile interference, committed to using a Dielectric mask filter and submitted data from Dielectric (the antenna and mask filter manufacturer) and Rhode & Schwartz (the transmitter manufacturer) demonstrating the effectiveness of the filter in suppressing potential interference to land mobile operations.⁷ Licensee thereby has committed to perform during construction of the Channel 14 facility the pre-operation steps required under Section 73.687(e)(4)(ii) of the Commission's rules, and has

⁶ See, e.g., Construction Permits for television stations WUTV (BPCT-19991101AJC) and WMYA (BPCT-20080620ADM), Special Operating Condition No. 2.

⁷ See *Statement of John E. Hidle, P.E., Regarding the Characteristics of the Standard Dielectric Channel 14 Mask and Lower-Sideband Filter Proposed to be Installed at KTUL, Tulsa, Oklahoma*, Attachment to Amendment to Rulemaking Petition, LMS File No. 0000127897 (the "*Interference Remediation Statement*"). See also *Statement of John E. Hidle, P.E., Regarding the Opposition of the Land Mobile Communications Council to the Channel 14 Substitution*, attached hereto as Exhibit A (the "*Engineering Statement Regarding LMCC Opposition*").

gone beyond the requirements of the rule by committing to perform outreach to potentially affected land mobile facilities to identify and resolve any interference issues which may arise.⁸

LMCC, however, requests that the Commission impose additional requirements which have no basis in Commission rules or policies. Specifically, LMCC asks the Commission to require, as a condition to the Station commencing operations, that not one but two Station employees be on duty 24 hours a day and seven days a week to immediately shut down the Station's operations upon any complaint made by a land mobile operator, regardless of the degree or extent of the purported interference and without any evidence that such interference actually exists or is caused by the Station.⁹ This unacceptable approach would require that the Station abruptly cut off ABC Network and local programming to the Station's viewers without warning, based on an unsubstantiated complaint of minor or even negligible interference to any land mobile facility.¹⁰

Clearly this result was not the Commission's intent when Section 73.687(e)(4)(ii) was adopted. The rule states as follows:

A TV permittee must reduce its emissions within the land mobile channel of a protected land mobile facility *that is receiving interference caused by the TV emission* producing a vertically polarized signal and a field strength in excess of 17 dBu at the land mobile receiver site on the land mobile frequency....A TV permittee must correct a desensitization problem *if its occurrence can be directly linked to the start of the TV operation* and the land mobile station is using facilities with typical desensitization rejection characteristics. A TV permittee must identify the source of an intermodulation product *that is generated when the TV operation commences*. If the intermodulation source is under its control, the TV permittee must correct the problem.¹¹

⁸ See *Interference Remediation Statement* at 1.

⁹ *Opposition* at 2, 5.

¹⁰ LMCC blithely suggests that the Licensee may move to a channel other than channel 14. However, after having made a diligent search, the Licensee's consulting engineer has determined that there is no such other channel available in the Tulsa market to which it is technically feasible for the Station to move. *Engineering Statement Regarding LMCC Opposition* at 1-2.

¹¹ 47 C.F.R. § 73.687(e)(4)(ii) (2021) (emphasis added).

The plain language of the rule makes clear that once a permittee has performed the required pre-operation steps, its obligation, subject to certain conditions, is to co-operate with land mobile operators to resolve interference issues that may arise and which are caused by the Station after it begins operating. No plausible reading of the rule implies that a TV station is required to terminate operations, with the attendant loss of service to the public, loss of revenue and adverse impact on the public interest, based on a bare allegation that it is causing interference to a land mobile facility. In this case, the Licensee has affirmatively committed to install filters and take other precautions to avoid land mobile interference, and to make outreach efforts to local land mobile stations, and will comply fully with Commission rules in making efforts to co-operate with any land mobile stations which may experience interference to resolve such interference.¹² The Commission's rules require no more than that, and LMCC cites no case in which the Commission has ever imposed the sort of immediate shut down remedy that LMCC proposes.

II. LMCC Provides no Basis to Conclude that the Station's Proposed Channel 14 Facilities Would Cause Interference to Land Mobile Operations, or that if Such Interference Were to Occur it Could not be Resolved

Despite demanding a remedy which would take the Station off the air and deprive viewers of free over-the-air ABC network service, LMCC makes no showing in the Opposition to demonstrate that the land mobile interference it fears would be likely to actually occur. As the Interference Remediation Statement shows, the filters proposed by the Licensee will be sufficient to prevent emissions outside the Channel 14 frequency from causing interference to land mobile

¹² Licensee will reiterate those commitments in its application for a construction permit if Channel 14 is allotted to Tulsa, Oklahoma as requested in the Petition.

operations.¹³ LMCC essentially concedes this point in the Opposition,¹⁴ and the Commission has noted that most interference situations involving land mobile facilities are caused by out-of-band emissions from a television station.¹⁵

LMCC contends, however, that the antenna system proposed by the Station “will not prevent front end overload of land mobile receivers [which] will cause land mobile receiver desensitization,” and that it is “unaware of any technical ‘fix’ [the Station] could employ to address that type of interference.”¹⁶ The Licensee recognizes its obligation under the Commission’s rules to correct a desensitization problem which may arise after Station operations commence, assuming that any such problem is directly linked to the start of the Station’s operations and the land mobile station incurring interference is using facilities with typical desensitization rejection characteristics.¹⁷ In regard to those desensitization rejection characteristics, the installation of widely-available band stop filters (also known as band rejection filters) installed in land mobile facilities have proven very effective at addressing desensitization issues.¹⁸ Despite LMCC’s apparent lack of familiarity with such filters, curious with respect to an organization which claims to represent “virtually all” of the major companies in the land mobile industry,¹⁹ use of these filters, which would constitute the sort of typical

¹³ Interference Remediation Statement at 2.

¹⁴ *Opposition* at 4-5. (“It may be that [the antenna system proposed to be used by the Station] is effective in preventing [out-of-band emission] interference” and the Station’s “use of the Dielectric antenna might satisfactorily address the issue” of out-of-band emission interference.) *See also Letter from LMCC to Thomas Reed, Wireless Telecommunications Bureau*, dated November 25, 2020 attached as Attachment A to *Opposition* at 2 (“...in every instance in which a Channel 14 TV station has added proper filters, the interference to PLMRS incumbents was resolved...”)

¹⁵ *Land Mobile Interference Order* at ¶ 22.

¹⁶ *Opposition* at 4.

¹⁷ *See* 47 C.F.R. § 73.687(e)(4)(ii).

¹⁸ *Engineering Statement Regarding LMCC Opposition* at 2-3. The Commission recognized the effectiveness of such filters thirty years ago. *See Land Mobile Interference Order* ¶ 18 (“Interference caused by receiver desensitization may be reduced by the use of cavity filters at the land mobile receiver.”)

¹⁹ *Opposition* at 2.

desensitization rejection characteristics contemplated by Section 73.687(e)(4)(ii), is not uncommon in the land mobile industry.

Aside from out-of-band interference issues and receiver desensitization, neither of which is likely to arise given the filters in the Station's proposed antenna system and typical desensitization rejection characteristics on the part of potentially affected land mobile facilities, LMCC's remaining unsupportable assertion is with respect to intermodulation interference. LMCC is apparently so unconvinced that intermodulation will be a real-world problem that it mentions the issue only in passing and in the Conclusion section of the Opposition, with literally not a word about why intermodulation interference to land mobile operations would be expected to result from the Station's Channel 14 operations. The Licensee of course recognizes its obligation under Commission rules, after Channel 14 operations commence, to correct intermodulation problems which are within its control and to co-operate in resolving any such problems not within its control.²⁰

Moreover, the Licensee's affiliates and operated stations have considerable and longstanding experience with the use of mask filters and other solutions in suppressing out-of-band emissions from Channel 14 stations. Attached hereto as Exhibit B is a declaration from the Vice President of Engineering of the Licensee's parent company. As evidenced by that Declaration, he is unaware of *any instances* of Channel 14 interference to local land mobile facilities caused by those stations.

²⁰ 47 C.F.R. § 73.687(e)(4)(ii). See also *Engineering Statement Regarding LMCC Opposition* at 3 (describing filters and other methods to resolve intermodulation products).

III. The Remedy Requested by LMCC Would Violate the Rulemaking Procedures Required Under the Administrative Procedure Act

Section 73.687(e)(3)-(4) of the Commission's rules was adopted through a notice and comment rulemaking process provided for under Section 553 of the Administrative Procedure Act, as amended.²¹ A rule which is adopted through notice and comment rulemaking may not be amended or modified without the Commission having undertaken a notice and comment rulemaking proceeding to do so.²² In requesting that the Commission in effect amend Section 73.687(e)(4)(ii) so as to require television station operators to immediately shut down broadcast operations upon any notification of purported land mobile interference, LMCC effectively seeks a modification to the rule which would impose substantial new obligations on licensees of Channel 14 stations. Those obligations are not provided for, or even implied, in the existing rule.

The U.S. Court of Appeals for the District of Columbia Circuit has stated that the test of whether an agency action constitutes a rulemaking subject to the Administrative Procedure Act's notice requirements is whether the action imposes requirements which will have a future impact on agency actions or on parties before the agency.²³ There is no doubt that LMCC's proposed approach will have a future impact on agency action. LMCC does not even attempt to distinguish the facts of the Station's proposal to move to Channel 14 from any other television

²¹ 5 U.S.C. § 553 (2020); Section 73.687(e)(3)-(4) was promulgated in the *Land Mobile Interference Order*.

²² See 5 U.S.C. § 551(5) defining "rulemaking" as the "process for formulating, *amending* or repealing a rule" (emphasis added), and 5 U.S.C. § 553 establishing notice and comment as the default procedure for rulemaking. See also *Motor Vehicle Mfrs Ass'n v. State Farm*, 463 U.S. 29 (1983) (the same process is required to rescind or modify a rule as was used to promulgate that rule).

²³ *Sprint Corp. v. FCC*, 315 F.3d 369,373 (D.C. Cir. 2003) ("In contrast to an informal adjudication or a mere policy statement, which lacks the firmness of a prescribed standard, an agency's imposition of requirements that affect subsequent agency acts and have a future effect on a party before the agency triggers the APA notice requirement," quoting *Sugar Cane Growers v. Veneman*, 289 F.3d 89, 95-96 (D.C. Cir. 2002)).

proposal to move to Channel 14. Therefore, any requirement that the Station terminate broadcasting operations based on a complaint from a land mobile station would have to be imposed on any other station requesting a move to Channel 14, lest the Commission's action be arbitrary and capricious.²⁴ Nor can there be doubt that the LMCC approach is irreconcilable with existing Section 73.687(e)(4)(ii), which by its plain language contemplates a process in which, once a prospective Channel 14 station has submitted evidence that it will take actions to assure that no interference will be caused to land mobile operations, it may commence operations subject to its obligation to work with land mobile facilities to resolve any reported interference that may arise.²⁵

Thus, even if the Commission were to agree that such a drastic remedy as that proposed by LMCC were required, a position with which the Licensee strongly disagrees, the Commission is not empowered to undertake such a modification of its rules without commencing a notice and comment rulemaking process and giving adequate public notice of the proposed amendment to the rule.²⁶ The notice provided in the NPRM, which involved only the proposed amendment to the DTV Table of Allotments, did not provide potentially interested parties with notice of such a substantial modification of a rule and therefore would not constitute adequate notice of a substantive rule change for purposes of Section 553 of the Administrative Procedure Act.

²⁴ The Commission does have the discretion to modify, cancel or suspend equipment test authority but such action must be taken in order to resolve specific interference complaints or otherwise to serve the public interest, convenience and necessity, and not on an arbitrary basis. *See* 47 C.F.R. § 73.1610(b).

²⁵ *Sprint Corp.* at 374 (“If a second rule repudiates or is irreconcilable with a prior legislative rule, the second rule must be an amendment of the first; and of course an amendment to a legislative rule must itself be legislative,” quoting *Nat’l Family Planning and Reproductive Health Ass’n v. Sullivan*, 979 F2d 227, 235 (DC Cir 1992)).

²⁶ While the instant proceeding is rulemaking, the Administrative Procedure Act requires that in a rulemaking, notice must be given of “either the terms or substance of the proposed rule or a description of the subjects and issues involved.” 5 U.S.C. § 553(b)(3).

Conclusion

LMCC has no basis for its request that the Commission modify its rules without adequate public notice to impose an overreaching remedy to interference issues which are unlikely to arise. Section 73.687(e)(4)(ii) clearly established the manner in which Channel 14 land mobile interference issues are to be addressed, and its provisions bear no resemblance to the process proposed by LMCC. The Licensee has provided ample evidence that land mobile interference caused by the Station's operations on Channel 14 is highly unlikely. Therefore, the relief requested by LMCC is unnecessary, and in any event is inconsistent with Commission rules and precedent and beyond the scope of what the Commission may consider in this proceeding.

Based upon the foregoing, the Licensee urges the Commission to adopt a Report and Order amending the Post-Transition DTV Table of Allotments, Section 73.622(i) of the Commission's rules, as set forth in paragraph 5 of the NPRM.

Respectfully submitted,

KTUL LICENSEE, LLC

By: /s/ Paul A. Cicelski
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April 26, 2021

Counsel to KTUL Licensee, LLC

EXHIBIT A

Engineering Statement Regarding LMCC Opposition



**STATEMENT OF JOHN E. HIDLE, P.E.
IN SUPPORT OF A REPLY TO THE OPPOSITION OF
THE LAND MOBILE COMMUNICATIONS COUNCIL
TO THE CHANNEL 14 SUBSTITUTION
PROPOSED IN MM DOCKET NO. 21-9 FOR
KTUL - TULSA, OKLAHOMA
DTV - CH. 14 - 1000 kW - 578 m HAAT**

Prepared for: KTUL LICENSEE, LLC

I am a Consulting Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission. I am a licensed Professional Engineer in the Commonwealth of Virginia, No. 7418, and in New York state, No. 63418.

GENERAL

This office has been authorized by KTUL LICENSEE, LLC, licensee of KTUL, channel 10, facility ID #35685, licensed to Tulsa, Oklahoma, to prepare this statement in support of a reply to the "Opposition" submitted by The Land Mobile Communications Council as comments in the Notice of Proposed Rulemaking, RM-11872. The LMCC introduces itself in **Section I** of its comments by identifying itself as a non-profit association of organizations representing virtually all users of land mobile radio systems, providers of land mobile services, and manufacturers of land mobile radio equipment. The LMCC claims that the substitution of channel 14 in Tulsa, Oklahoma poses an unacceptably high risk of harmful interference to protected land mobile operations. It is intended herein to demonstrate that the proposed substitution can be successfully made

while avoiding harmful interference to land mobile operations in the Tulsa, Oklahoma DTV Designated Market Area (DMA).

DISCUSSION

The LMCC recommends in its opening paragraph the FCC should investigate whether alternative UHF channels are viable substitutes for channel 10 in the Tulsa market. This office on behalf of the KTUL licensee has already diligently searched the UHF spectrum for any other viable channel and found none.

LMCC's statement in the title of **Section II** of the Opposition that KTUL's transmitter will adversely affect land mobile operations does not consider the installation and use of proper filters. Yet, LMCC admits that filtering may be successful in addressing the type of interference that might result from insufficient filtering of the channel 14 lower sideband, which KTUL will adequately suppress. LMCC goes on to state, however, that such filtering "will have no impact on the receiver desensitization that is expected...". What LMCC does not say, however, is that this type of potential interference results from inadequate out-of-band filtering in the land mobile receiver's RF input. LMCC states it "...is unaware of any technical "fix" KTUL could employ to address that type of interference."

One common well-known solution to receiver "front end overload" and subsequent desensitization is the installation of a "band-stop" filter between the land mobile antenna and the receiver's RF input. Widely available band-stop filters, which are generally constructed using tunable RF cavities, are utilized at the receiver's RF input to typically provide 40 to 50 dB attenuation across the selected undesired channel stop-band, in this instance, channel 14. Such band-stop filtering would be a viable means to avoid the front-

end overload and desensitization described by LMCC.

While on the subject of RF filters, they also serve as a potential solution in the event that intermodulation interference should occur. The mechanism that can create this type of interference depends on two or more powerful signals impinging on a metallic structure such as a broadcast support structure. If the structure might have any loose or rusty mounting attachment hardware then the powerful signals on different frequencies might combine in the electrical nonlinearity and create other much weaker signals on different frequencies. Repairs of any such conditions of deterioration should be immediately accomplished. Any new frequencies that might remain are related to the frequencies of the powerful signals and can be predicted by known mathematical relationships. Remaining intermodulation interference product frequencies can be suppressed by tuned RF cavity notch filters.

In **Section III** of the Opposition, its conclusion, LMCC reiterates that KTUL might be able to satisfactorily address the out-of-band lower sideband channel 14 issue, and restates that there is no technical “fix” that exists for successfully addressing receiver desensitization issues. As pointed out earlier, a satisfactory solution does exist and can be utilized should the situation arise.

In Attachment A LMCC includes a letter to the Wireless Telecommunications Bureau in reference to DTV Interference resolution. The letter discusses interferer verification, channel 14 adjacent channel interference, low power interference, co-channel interference, etc. Interestingly on page 2 in part the letter states “To the best of the Task Force’s knowledge, in every instance where a channel 14 TV station has added proper filters, the interference to PLMRS incumbents was resolved, albeit generally after

the fact.” In the spirit of cooperation KTUL is, and continues to be, proactive in avoiding causing any harmful interference to any land mobile operations within its sphere of influence.

The bulk of the LMCC objection document consists of a summary of TV interference into land mobile systems as of November 25, 2020. The majority of instances consist of interference to land mobile facilities operating on T-Band spectrum shared with DTV stations on channels 14 to 20 that are assigned to various urban markets around the country. These instances are irrelevant to KTUL’s proposed channel 14 operation in Tulsa since there are no T-Band stations on either channel 14 or 15 assigned to any urban area within any relevant distance of KTUL’s proposed channel 14 operation.

HISTORY OF CHANNEL 14 FACILITIES AND OPERATIONS

The parent corporation of the KTUL licensee has operated channel 14 television stations for some time. It is knowledgeable of the potential interference to PLMRS. A summary of prior and current television station operation follows:

Pre-Repack Channel 14 DTV Stations

WUTV - Channel 14, Buffalo, NY - BLCDDT-20060829BGK - 1000 kW @ 299.5 m HAAT operated on DTV channel 14 from 2006 until it was repacked to channel 32 and licensed in September 2020. During the fourteen year pendency of its channel 14 operation the licensee reported no instances of receiving complaints of interference from land mobile operations.

WMYA-TV - Ch. 14, Anderson, SC - BLCDDT-20080714AFN - 360 kW 286.6 m HAAT operated on DTV channel 14 from 2008 until it was repacked to channel 35 and licensed

in August of 2020. During the twelve years of its channel 14 operation the licensee reported no instances of receiving complaints of interference from land mobile operations.

Post-Repack Channel 14 DTV Stations

WDSI-TV - Channel 14, Chattanooga, TN - License granted on Sept. 6, 2018 - 120 kW @ 306 m HAAT.

WDBB - Channel 14, Bessemer, AL - License granted on January 23, 2020 - 675 kW @ 637 m HAAT.

WFGX - Channel 14, Fort Walton Beach, FL - License granted on July 17, 2020 -1000 kW @ 582.8 m HAAT.

WRDC - Channel 14, Durham, NC - License granted on Nov. 2, 2020 - 1000 kW @ 624 m HAAT.

These four DTV stations have been operating on channel 14 using the facilities as shown since licensed on the dates given. None report having received any complaints of interference to land mobile operations since commencing licensed channel 14 broadcast operations. These channel 14 stations did before and do after repack utilize special filters designed and implemented by Dielectric Communication that exceed the lower sideband suppression requirements of the FCC for channel 14 television stations.

KTUL - Channel 14, Tulsa, OK - NPRM January 12, 2021 - 1000 kW @ 578 m HAAT.

Based on the overall history of corporate experience operating channel 14 DTV stations, both pre-repack and post-repack, the licensee of KTUL asserts that it, in conjunction with its corporate parent, possesses the know-how and resources to construct and operate a channel 14 DTV facility in Tulsa, Oklahoma without causing harmful interference to any land mobile operations or facilities within the station's sphere of influence.

SUMMARY

KTUL's licensee has provided in its petition adequate documentation to demonstrate that no objectionable interference will be caused to existing land mobile radio facilities that are located in the 460 MHz to 470 MHz band directly adjacent to channel 14 (470 - 476 MHz), and to demonstrate that KTUL's proposed channel change to 14 will be compliant with the FCC's channel 14 special conditions. KTUL's licensee has clearly refuted LMCC's contention that interference is a high risk probability, if fact, it is a probability of very low risk. Based on the parent company's prior experience with operating channel 14 stations the licensee stands ready to resolve any issue that might arise.

It is worth noting that prior to the spectrum auction and resulting channel repack there were 26 DTV stations operating on channel 14. Upon completion of the repack there will be 45 stations operating on channel 14. KTUL will be the 46th. Of the initial 26, 10 were repacked to other channels; 2 were sold at auction and then 31 additional stations were re-assigned to channel 14. It is apparent that the Commission understands that with proper filtering, land mobile facilities and Channel 14 television stations can co-exist on a non-interfering basis.

This statement was prepared by me and is true to the best of my knowledge and belief.

DATED: April 26, 2021

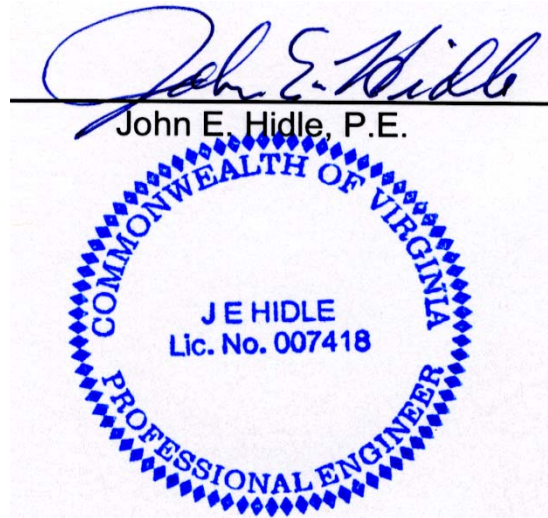


EXHIBIT B

DECLARATION OF HARVEY ARNOLD

DECLARATION OF HARVEY ARNOLD

My name is Harvey Arnold, and I am the Vice President of Engineering of the parent of the Licensee of in this matter and of the operated stations listed below.

As described in the attached Engineering Statement of John E. Hidle of Carl T. Jones Corporation, the Licensee's affiliates and operated stations have considerable experience with the use of mask filters and other solutions in suppressing out-of-band emissions from Channel 14 stations. As described therein, in no case has there been any known instances of interference to local land mobile facilities. In fact, the stations have a broad range of experience preventing interference to land mobile operations. In every case, the stations involved have installed the necessary filters to avoid potential interference and have always been willing to work with land mobile operators to ensure that no interference has occurred.

To the best of my knowledge and belief, and after recently speaking with both local and regional station engineers in charge of each of the Channel 14 operated stations mentioned, there have been zero known instances of Channel 14 operations having received complaints of interference from land mobile operations. This is not surprising given the great expense the stations have incurred over the years by installing filters and other protective measures and the great care the stations have undertaken to avoid any such interference concerns consistent with the FCC rules in this area.

The stations described below, and in the Engineering Statement, demonstrate the broad experience the Licensee and its owned and operated stations have had operating Channel 14 stations to ensure no out-of-band interference to land mobile operations:

- **WUTV** - Channel 14, Buffalo, NY - BLCDT-20060829BGK - 1000 kW @ 299.5 m HAAT

- **WFGX** - Ch.14, Fort Walton Beach, FL – 0000112284 - 1000 kW @ 582.8 m HAAT
- **WRDC** - Channel 14, Durham, NC - 0000124295 - 1000 kW @ 624 m HAAT
- **WDBB** - Channel 14, Bessemer, AL – 0000098219 - 675 kW @ 637 m HAAT
- **WMYA-TV** - Ch. 14, Anderson, SC - BLCDT-20080714AFN - 360 kW 286.6 m HAAT
- **WDSI-TV** - Channel 14, Chattanooga, TN - 0000059350- 120 kW @ 306 m HAAT

/s/ Harvey Arnold

Harvey Arnold

Vice President of Engineering

Dated: April 23, 2021

CERTIFICATE OF SERVICE

I, Paul A. Cicelski, hereby certify that on this 26th day of April 2021, I have caused to be mailed, first-class, postage prepaid, a copy of the foregoing Reply Comments to the following:

Klaus Bender, PE
President
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April 26, 2021

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