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JUN 13 1997

Federal Communications Commission
Office of Secretary

June 13, 1997

VIA HAND DELIVERY

Mr. William Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

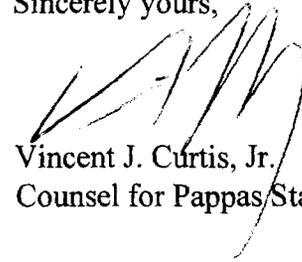
Re: Advanced Television Systems and Their Impact Upon the
Existing Television Broadcast Service (MM Docket No. 87-268)

Dear Sir:

On behalf of Pappas Stations Partnerships, there is transmitted herewith an original and eleven (11) copies of their Peition for Partial Reconsideration in the above-captioned proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Sincerely yours,



Vincent J. Curtis, Jr.
Counsel for Pappas Stations Partnership

VJC:mlp

Enclosures

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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
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Advanced Television Systems)
and Their Impact Upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

TO: The Commission

**PAPPAS STATIONS PARTNERSHIP'S AND
VALLEY PUBLIC TELEVISION, INC.'S
JOINT PETITION FOR PARTIAL RECONSIDERATION
OF THE SIXTH REPORT AND ORDER**

Pappas Stations Partnership, licensee of low power television station K40DQ, Tulare, California ("Pappas"), and Valley Public Television, Inc., licensee of Station KVPT-TV, Fresno, California ("Valley"), by their counsel and pursuant to Section 1.429 of the Commission's rules hereby respectfully jointly petition the Commission to reconsider its decision in the Sixth Report and Order ("the "R&O") to assign Channel 40 for use as Valley's paired DTV channel, and instead to specify Channel 32 for that purpose. In support hereof, the petitioners state as follows:

1. In Table 1 at page B-10 of the R&O, Valley, which operates on NTSC Channel 18, is assigned Channel 40 as its DTV paired channel. (See also new Section 73.622 of the rules.) Unfortunately, as noted above, Pappas currently operates a translator on Channel 40, which because of the proximity of the facilities, would be forced to cease operation if that

channel were to be activated at Fresno. (See the attached engineering exhibit prepared by Kevin Fisher, consultant to Pappas.)

2. In the R&O, the Commission acknowledged the “benefits that lower power stations provide to the public.” (R&O, at 52.) It “therefore indicated that we would attempt to minimize the impact of our DTV allotment and spectrum recovery proposals on low power TV operations.” (Id.) While allowing replacement of displaced LPTV channels was one option the Commission elected to continue in order to “preserve access to LPTV programming” (R&O, at 53), compelling resort to a replacement channel in the instant case would cause great inconvenience and expense for Pappas, whose translator has been operating on Channel 40 for more than 25 years.

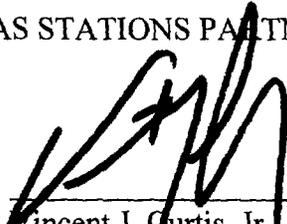
3. In light of this, Pappas has proposed to Valley that the latter utilize Channel 32 instead of Channel 40 as its DTV paired channel. In his attached exhibit, Mr. Fisher states that, based on his analysis¹, such an allotment would not be short-spaced under the Commission’s rules to any NTSC or DTV facility or allotment, nor would it require termination of any licensed LPTV service. Valley has consented to this proposal, which would serve the public interest by preserving Pappas’ LPTV service while causing no apparent adverse consequences to Valley’s or others’ proposed DTV facilities.

¹ Neither Pappas nor its consulting engineer currently has access to the computer software or the underlying assumptions that the Commission used to construct the Table of DTV Channel Allotments set forth in Table 1 to the R&O. Therefore, Mr. Fisher’s analysis is necessarily limited to the currently available data and standards concerning these matters.

4. Given this consensual "win-win" situation, the Commission should reconsider its allotment of Channel 40 to Valley and instead assign Channel 32 as the paired DTV channel for KVPT-TV.

Respectfully submitted,

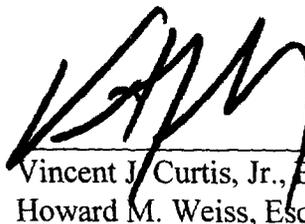
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Its Attorneys

Date: June 13, 1997

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of PAPPAS STATIONS PARTNERSHIP ("Pappas"), licensee of Low-Power Television Station K40DQ, Channel 40, Tulare, California, in support of its Petition for Reconsideration of the Commission's *Sixth Report and Order* in MM Docket No. 87-268 concerning the implementation of digital television (DTV) service.

In this proceeding the FCC assigned DTV channels to all eligible full-service television stations in the United States. However, in doing so, the Commission assigned DTV Channel 40 to KVPT, Fresno, California. This station is 40 miles from the K40DQ transmitter site. At such distance K40DQ will cause interference to and receive interference from DTV KVPT. As a result, KVPT's operating on DTV Channel 40 will force K40DQ to cease operation on Channel 40. Should no alternative LPTV channel be available in Tulare, K40DQ will have to shut down entirely.

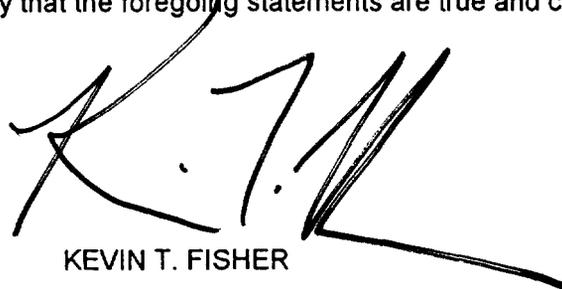
There do appear to be alternative DTV channels that could be assigned to KVPT. According to an MSTV/NAB computer study, "Alternative DTV Channel Assignments in the Continental United States," dated May 28, 1997, DTV Channel 32 could be assigned to this Fresno station without displacing any licensed or authorized LPTV or TV translator facility and without affecting the rest of the FCC's DTV Table of Allotments. Further, the MSTV/NAB study identified other alternative channels for KVPT.

It must be noted that we did not conduct a detailed study of this alternative DTV

channel with respect to replication of NTSC coverage, nor did we calculate interference areas between and among DTV and NTSC facilities, since the complex computer software that the FCC used to generate its proposed Table of Allotments is not accessible to the public. Therefore, further study of Pappas' proposed alternative allotment may be required, or another alternative channel may be found to be a better substitute allotment than Channel 32.

For now, based upon the information at hand, it is requested that the Commission assign DTV Channel 32 to KVPT, Fresno. This action is clearly in the public interest, since it protects the viewers of K40DQ from the loss of valued programming, and at the same time assists the FCC's implementation of the new DTV service in Fresno. The Commission has stated that a goal of this proceeding is to minimize the impact of DTV on the LPTV and television translator segment of the broadcasting industry. Adoption of this alternative channel for KVPT would do just that.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.



KEVIN T. FISHER

June 11, 1997