

**ORIGINAL**

**BEFORE THE**

**Federal Communications Commission**

**WASHINGTON, D.C. 20554**

**RECEIVED**

**JUN 13 1997**

Federal Communications Commission  
Office of Secretary

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

MM Docket No. 87-268

To: The Commission

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**PETITION FOR CLARIFICATION  
OF SIXTH REPORT AND ORDER**

KCWB-TV, Inc. ("KCWB") is the permittee of station KCWB, NTSC Channel 32, Kansas City, Missouri. Although KCWB holds a construction permit for a new television station on Channel 32, KCWB in fact currently broadcasts on Channel 29 pursuant to a special temporary authorization. In addition, the Commission currently has pending a Notice of Proposed Rule Making to substitute NTSC Channel 29 for NTSC Channel 32 at Kansas City, Missouri, and to modify KCWB's current construction permit accordingly. See Kansas City, Missouri, 11 FCC Rcd 16254 (1996) ("NPRM").<sup>1</sup>

KCWB has conducted a preliminary analysis of the DTV Allotments/Assignments in Appendix B to the Sixth Report and Order, and it appears that the allocation of NTSC Channel 29 in substitution of NTSC Channel 32 as proposed in the NPRM is consistent with the DTV

<sup>1</sup> KCWB filed the petition for rule making underlying the NPRM on April 30, 1996, prior to the Commission's freeze on petitions to amend the NTSC Table of Allotments. See Sixth Further Notice of Proposed Rule Making, 11 FCC Rcd 10968, 10992-93 (1996).

Allotments/Assignments. KCWB urges the Commission to continue to protect NTSC Channel 29 at Kansas City in the event of any revision to the DTV Allotments/Assignments. KCWB currently broadcasts on Channel 29 pursuant to an STA because, as KCWB demonstrated in the Petition for Rule Making underlying the NPRM and in KCWB's request for STA, the construction of a tower for NTSC Channel 32 in Kansas City is precluded by local zoning and FAA restrictions. Unless NTSC Channel 29 is preserved for use in Kansas City in lieu of NTSC Channel 32, Station KCWB will be forced off the air.

In this regard, KCWB notes that DTV Channel 31 is paired with NTSC Channel 32 in Kansas City in Appendix B to the Sixth Report and Order.<sup>2</sup> The Commission presumably allotted DTV Channel 31 for use at the coordinates specified in KCWB's existing construction permit for Channel 32. But as KCWB has demonstrated in other filings with the Commission, it is not possible to build a tower at the site specified in KCWB's construction permit (or in the surrounding area) because of local zoning and FAA restrictions. KCWB thus broadcasts on Channel 29 pursuant to an STA from a tower at a different location, which is over 5 kilometers from the location specified in the Channel 32 construction permit. The coordinates for the location actually used by KCWB are 39°05'01" N.L. 94°30'57" W.L.

In view of the unavailability of OET Bulletin No. 69, KCWB has been unable to complete an assessment of whether DTV Channel 31 is suitable for operation at KCWB's actual

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<sup>2</sup> Upon adoption by the Commission of the amendment to the NTSC Table of Allotments proposed in the NPRM, Channel 32 will become available for use in Kansas City.

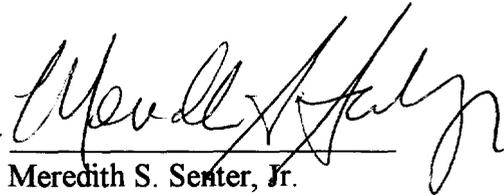
NTSC antenna site and whether it would replicate the service area of KCWB's NTSC Channel

29. KCWB therefore requests that the Commission assess the viability of DTV Channel 31 from KCWB's actual antenna site (at the coordinates identified above) rather than from the site specified in KCWB's construction permit for Channel 32, which is in fact unsuitable for use as a tower site.

Respectfully submitted,

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