

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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Advanced Television Systems (ATV)  
and Impact on TV Broadcast Service

MM DOCKET NO. 87-268

To: The Honorable, the Chairman and  
Members of Said Commission

INNOVATIVE'S REPLY TO OPPOSITION

INNOVATIVE TECHNOLOGIES, INC., K17CT, Las Vegas, NV, by counsel files this Reply to the Opposition to Innovative's Petition for Reconsideration filed by Journal Broadcast Group, Inc., licensee of Channel 13 KNTV-TV, Las Vegas, NV. The opposition does not gainsay the merits or reasons for Innovative's requested reconsideration, which should proceed to relief, for the following reasons:

1. The Sixth Report and Order would assign DTV Channel 17 to Las Vegas, Nevada, for KTNV-TV currently licensed on Channel 13. Innovative showed in its petition that the assignment of Channel 17 DTV to Las Vegas would destroy a carefully constructed Channel 17 situation in southwestern Nevada-northwestern Arizona-southeastern California in which LPTV stations have been operating and providing service to their communities and viewers in Las Vegas and Pahrump, Nevada, Mohave Valley AZ - Needles, CA, Lake Havasu AZ and Daggett, CA. KTNV-TV opposes Innovative's request that a different (from Channel 17) DTV channel be assigned, although it reports that it has itself sought reconsideration, in a petition filed June 13, 1997, seeking the allotment of DTV Channel 9 in lieu of DTV Channel 17 for KTNV in Las Vegas. We would, of course, support such request. As KTNV

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relates in its instant opposition, the proposed UHF DTV channel would both impose serious hardship to it because of significantly higher operating costs and create major potential RF radiation and environmental problems associated with full-power UHF operation on Black Mountain, KTNV's transmitter site." [T]he problems raised by both [KTNV] and Innovative" can be solved by allotting DTV Channel 9 to KTNV, rather than DTV Channel 17, that pleader points out (Opposition p. 3). To that extent, then, the Innovative request for reconsideration of the DTV Channel 17 allotment to Las Vegas is supported by its proposed "beneficiary" - - and Innovative's request and its demonstration of impact on the Channel 17 situation in the broad assignment area described in the Innovative petition supports KTNV's request for DTV Channel 9 in lieu of DTV Channel 17.

2. The opposition mis-characterizes Innovative's petition for reconsideration as proceeding only from a desire to protect Innovative's K17CT (Opposition p. 1). The petition emphasized the deleterious effect on the present Channel 17 picture in the described area. DTV Channel 17 on Black Mountain, up to now a protecting barrier with respect to Channel 17 LPTV services, would deleteriously impact

K17BN, Mohave County AZ Board of Supervisors, with site at Needles, CA

K17DA, Lake Havasu, AZ

K17CL, Pahrump, NV, Town of Pahrump licensee

KTSK-LP, Channel 17, Daggett, CA

Innovative's K17CT at Las Vegas, NV and K17BR, Colorado City, AZ

With that array and the Commission's recognized public interest benefits from LPTV service <sup>1/</sup>, Innovative's request for the assignment of a DTV channel other than Channel 17 to Las Vegas is clearly more than "protect K17CT" proposition.

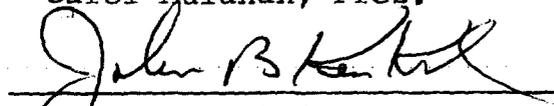
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1/ See, e.g. Sixth Report and Order at ¶114.

3. In its opening petition Innovative requested reconsideration of the pertinent DTV Channel 17 assignment, requesting any other DTV channel for Las Vegas and KNTV there. That TV station has shown both in its own petition for reconsideration and in its opposition to Innovative's request that another DTV channel, specifically Channel 9 should be assigned in lieu of Channel 17. With what we and KNTV have shown, the Innovative reconsideration ought to be granted, and we so pray.

Respectfully submitted,

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July 31, 1997

Certificate of Service

I hereby certify that I have this 31st day of July 1997, caused a copy of the foregoing Innovative Reply to be delivered (as shown\*) or sent by first-class mail, postage prepaid, to the following:

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