

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

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OFFICE OF THE 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

REPLY TO OPPOSITION OF GRANITE BROADCASTING CORPORATION
TO SUPPLEMENT TO PETITION FOR RECONSIDERATION
SUBMITTED BY AK MEDIA GROUP, INC.

AK MEDIA GROUP, INC.

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October 8, 1997

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To: The Commission

**REPLY TO OPPOSITION OF GRANITE BROADCASTING CORPORATION TO
SUPPLEMENT TO PETITION FOR
RECONSIDERATION SUBMITTED BY AK MEDIA GROUP, INC.**

INTRODUCTION

AK Media Group, Inc. ("AK Media"), licensee of television broadcast station KFTY, Channel 50, Santa Rosa, California, by its attorneys and pursuant to the Public Notice released by the Commission on July 3, 1997,¹ hereby submits its Reply to the Opposition of Granite Broadcasting Group ("Granite") to the Supplement to Petition for Reconsideration in the above-captioned proceeding.

DISCUSSION

In its Supplement to its Petition for Reconsideration, AK Media proposed that the Commission change the DTV assignment for KFTY(TV) from channel 54 to channel 11.² In its

¹ *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Action by Chief, Office of Engineering and Technology, Public Notice, DA No. 97-1377, released July 3, 1997.

² DTV channel 54 is outside of the core spectrum under either of the Commission's proposed definitions of the post-transition core. One of the two definitions, which would include channels 2-47, would also exclude KFTY's current NTSC channel, channel 50, thus precluding KFTY's ability to move its DTV operations back to its current NTSC channel following the

(continued...)

Opposition, Granite, the licensee of KNTV(TV), Channel 12, San Jose, California, opposed AK Media's proposal because it claimed that AK Media's proposed DTV channel change could cause additional predicted interference to the NTSC operation of KNTV.³

As is more fully set forth in the attached Engineering Statement of Cohen Dippell and Everist, P.C., Granite's Opposition does not provide the Commission with a basis for denying AK Media's request that the Commission change the DTV assignment for KFTY(TV) from channel 54 to channel 11. Even accepting the predicted interference figures presented in KNTV's Opposition, the additional predicted interference that operation of KFTY on DTV Channel 11 could possibly cause to reception of KNTV's NTSC signal on channel 12 is well within the range of interference predicted in similar DTV allotments made by the Commission throughout the country. Engineering Statement at 1. Specifically, the predicted interference that DTV operation of KFTY on channel 11

²(...continued)

transition from analog to digital television. Since the Commission will require all initial DTV licensees to operate from channels within the core in the post-transition DTV era, the assignment to DTV channel 54 imposes unacceptable levels of uncertainty on KFTY.

Unless the Commission switches KFTY's DTV allotment to a channel located within the core, KFTY will be forced to make a costly move to a channel outside the core in order to establish KFTY's DTV service, only to be forced to make a second costly move to an unspecified location inside the core at some unspecified date between now and 2006. The fact that the core has not yet been clearly defined leaves KFTY with no rational means of planning. Meanwhile, in the San Francisco-Oakland-San Jose DMA, which includes some of the largest stations in the nation, KFTY's competitors already have the ability to choose their ultimate DTV destination. This places KFTY, an independent station serving a small community on the fringe of the DMA, at a substantial competitive disadvantage. This problem can be resolved through the requested DTV reassignment.

³ As both AK Media and Granite have pointed out previously in this proceeding, KNTV's DTV allotment is impermissibly short-spaced to another AK Media station, KCBA(TV), Salinas, California. *Petition of Granite Broadcasting Corporation for Reconsideration of the Fifth Report and Order and the Sixth Report and Order*, MM Docket No. 87-268, filed June 13, 1997, at 3; *Response of AK Media Group, Inc., to Petitions for Reconsideration filed by Granite Broadcasting Corporation, The Association of Local Television Stations, Inc., and Viacom, Inc.*, MM Docket No. 87-268, filed on July 18, 1997, at 2.

could cause the NTSC operation of KNTV on channel 10 is similar to the level of predicted interference that the Commission's DTV allotments would allow to be caused to KFTY's channel 50 NTSC broadcast by the DTV operation of KTEH(TV), San Jose, California, on DTV channel 50. Engineering Statement at 3.

Granite's claim that the Sixth Report & Order⁴ somehow mandates that AK Media's proposal must not cause any new interference is simply mistaken. Granite Opposition at 3-4. The language cited by Granite in support of this contention applies to proposals to modify the DTV Table of Allotments once the table has been adopted, and does not apply to the modification proposed in AK Media's Supplement to its Petition for Reconsideration of the Sixth Report and Order, which asks the Commission to reconsider the table of allotments announced in the Sixth Report & Order, and which, as was previously stated, is consistent with numerous DTV allotments already proposed by the Commission throughout the country.

Finally, it is important to emphasize to the Commission that the predicted interference levels cited by both AK Media and by Granite are based on theoretical mathematical models. AK Media believes that the very rugged terrain between KFTY and KNTV will, when coupled with the use of a directional DTV antenna, result in operation of KFTY on DTV channel 11 in a manner that is compatible with the operation of KNTV on NTSC channel 11. In addition, contrary to Granite's statements regarding KFTY's use of a directional antenna, the attached Engineering Statement shows that a 3dB further suppression in the DTV directional pattern of KFTY would reduce the interference to half of that predicted in KNTV's Opposition. Engineering Statement at 3.

⁴ Advanced Television Systems and Their Impact Upon The Existing Television Broadcasting Service, Sixth Report & Order, MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) (the "Sixth Report & Order")

CONCLUSION

For the foregoing reasons, AK Media Group, Inc. respectfully requests that the Commission reassign KFTY(TV), Santa Rosa, California from DTV channel 54 to DTV channel 11.

Respectfully submitted,

AK MEDIA GROUP, INC.

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October 8, 1997

Its Attorneys

ENGINEERING STATEMENT
ON BEHALF OF
KFTY(TV), SANTA ROSA, CALIFORNIA
RE RESPONSE TO OPPOSITION TO
SUPPLEMENTAL PETITION FOR RECONSIDERATION
FILED IN MM DOCKET 87-268

OCTOBER 1997

COHEN, DIPPELL AND EVERIST, P.C.
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This engineering statement has been prepared on behalf of AK Media Group, Inc. (AK Media), licensee of television broadcast station KFTY, Channel 50, Santa Rosa, California, and is in response to an opposition filed by Granite Broadcasting Corporation. In August 1997, KFTY requested a change in its DTV allotment from Channel 54 to Channel 11 in order to ensure having a channel in the final core spectrum for digital television service. This request was made as an addendum to the digital proceeding as opposed to a new allotment in the Sixth Report and Order in MM Docket No. 87-268 (*In the Matter of Advanced Television Systems and Their Impact Upon Existing Television Broadcast Service*). The supplemental statement suggested that the Commission consider replicating the present KFTY, Channel 50 NTSC operation utilizing DTV Channel 11 specifying a power and directional pattern which meets the Commission's acceptable threshold for NTSC interference.

As indicated in the engineering statement requesting the aforementioned change of its DTV allotment, KFTY clearly recognizes that the proposed use of DTV Channel 11 would result in a slight increase in the predicted interference to the NTSC operation of station KNTV. However, the predicted interference was not considered excessive when compared with similar DTV allotments throughout the country. In Sixth Report and Order, paragraph 85, the Commission has stated as follows:

“...We noted that any plan that provides all eligible broadcasters with a new DTV allotment will unavoidably result in some degree of interference to both NTSC and DTV stations...”

As such, the Commission has itself recognized that during the transition phase, some degree of predicted interference would result between DTV and NTSC TV stations.

As far as "short-spacing" between DTV Channel 11 at KFTY and analog Channel 11 at KNTV is concerned, in creating the DTV allotments, the Commission did not follow the minimum distances listed in Section 73.623 of its Rules which are applicable only to future DTV allotments after the transition period. The Commission has made numerous DTV allotments which do not comply with the minimum distances listed in Section 73.623 of its rules. For example, DTV Channel 50 has been allotted to San Jose, California, which results in (97 kilometers) "short-spacing" to KFTY if the minimum distance criteria of future DTV allotments is used. Therefore, use of DTV Channel 11 by KFTY can not be classified as a prohibited "short-spaced" allotment to analog Channel 11 at KNTV.

Furthermore, the criteria for amending the DTV Table of Allotments adopted in the Sixth Report and Order concerning minimum separation requirements and interference showing is only applicable to new allotments. The proposed DTV Channel 11 allotment is a slight modification of the Commission's initial DTV channel allotment plan and the spacing requirements are entirely inapplicable to the DTV Channel 11 allotment at KFTY.

In its opposition to AK Media proposal, KNTV indicates that additional interference to its present NTSC Channel 11 operation from the suggested DTV Channel 11 operation of KFTY would result in 9.2% of the station's Grade B population and 5.6% of the area. KNTV further

states this level of interference is in contravention to the DTV Rules and should be unacceptable to the Commission. KNTV also implies that new or additional interference would be caused to its NTSC operation. We believe the new or additional interference criteria only applies when requesting higher power for the DTV station. In this particular case, KFTY is requesting a change in its DTV allotment rather than asking for higher power.

With regard to level of interference, the FCC acceptability of similar level of interference is best demonstrated by KFTY's current situation. Station KTEH, San Jose, California, operates on NTSC Channel 54, 147.7 km from the KFTY NTSC Channel 50 transmitter site. KTEH(TV) has been assigned DTV Channel 50 in the Sixth Report and Order. The use of DTV Channel 50 by KTEH(TV) from its present site would cause interference to approximately 8% of the population and 5% of the area within the KFTY Grade B contour. Compared to computed interference to KFTY, pursuant to the Commission's own computations, the predicted interference to KNTV can not be considered excessive.

In addition, as a review of the map provided with the KNTV opposition indicates, the interference from DTV Channel 11 at KFTY is predicted as close as 20 kilometers from the KNTV site. We believe its interference analysis does not represent a realistic possibility of actual interference to KNTV from the DTV Channel 11 operation at KFTY.

We also believe due to very rugged terrain between KNTV and KFTY and use of a directional TV antenna which suppresses KFTY signal further than the Commission's suggested pattern, would result in a compatible operation of DTV Channel 11 at the KFTY site. For

example, a 3 dB further suppression in the KFTY DTV directional pattern, in the direction of KNTV, can reduce the interference by half of that predicted by KNTV.

Conclusion

Granite Broadcasting Corporation's opposition to the supplement to the petition for reconsideration of the Sixth Report and Order filed by AK Media Group, Inc. is based on assumptions which we believe are not applicable to the allotment plan to implement digital television (DTV). Both the minimum separation requirement between transmitter sites and zero interference threshold are criteria that are applicable solely to allotment changes proposed after the transition period, and therefore, immaterial. Certainly, the Commission did not rely on either of these minimum threshold to assign a second television channel. Furthermore, the requirement of no additional interference to other stations, resulting from the use of other suitable DTV channels at this point in the digital conversion proceedings, is not relevant.

CERTIFICATE OF SERVICE

I, Kathy Nickens, an employee of Rubin, Winston, Diercks, Harris & Cooke, L.L.P., certify that a copy of the foregoing **Reply to Opposition of Granite Broadcasting Corporation to Supplement to Petition For Reconsideration Submitted by AK Media Group, Inc.** in MM Docket No. 87-268 was sent via First Class U.S. mail, postage prepaid, on this 8th day of October, 1997 to the following parties:

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