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November 4, 1997

BY HAND DELIVERY

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

Re: Response to the Reply to the Opposition to the Supplement
to the Petition for Reconsideration
Granite Broadcasting Corporation
MM Docket No. 87-268

Dear Mr. Caton:

Enclosed for filing on behalf of Granite Broadcasting Corporation are an original and four (4) copies of a Response to the Reply to the Opposition to the Supplement to the Petition for Reconsideration of the Sixth Report and Order filed by AK Media Group, Inc. in the above-referenced rulemaking proceeding. Please direct any questions concerning this matter to the undersigned.

Very truly yours,



Margaret L. Tobey

Enclosures

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

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the) MM Docket No. 87-268
Existing Television Broadcast)
Service)

To: The Commission

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

I. INTRODUCTION

Granite Broadcasting Corporation and its wholly owned broadcasting subsidiaries ("Granite"),¹ by their attorneys, hereby submit this Response to the Reply to the Opposition of Granite Broadcasting Corporation to the Supplement to the Petition for Reconsideration ("Reply") submitted by AK Media Group, Inc. ("AK Media") on October 8, 1997, in the above-captioned proceeding.

The normal cycle for filing responses to AK Media's initial Supplement to the Petition for Reconsideration ("Supplement") concluded with the October 8, 1997, filing of AK

¹ Since its founding in 1988, Granite Broadcasting Corporation has become the largest minority-controlled television group owner in the U.S. Directly and through subsidiaries, it owns and operates the following ten television stations: KNTV(TV), San Jose, California; WTVH-TV, Syracuse, New York; KSEE(TV), Fresno, California; WPTA(TV), Fort Wayne, Indiana; WEEK-TV, Peoria, Illinois; KBJR-TV, Duluth, Minnesota; KEYE, Austin, Texas; WWMT, Kalamazoo, Michigan; WKBW, Buffalo, New York, and WDWB(TV), Detroit, Michigan.

Media's Reply. However, AK Media's filing contained several significant, misleading statements, as well as several fundamental factual errors which cannot be permitted to stand unchallenged in the record. Accordingly, Granite hereby requests leave to file this Response to AK Media's pleading to ensure that the record is complete with respect to AK Media's flawed proposal.

II. DISCUSSION

AK Media is the licensee of Station KFTY(TV), Santa Rosa, California, which currently operates on NTSC channel 50 and was assigned DTV channel 54. Since Station KFTY(TV)'s DTV channel allotment is outside the Commission's proposed "core spectrum," AK Media proposed in its Supplement that the Commission change the DTV assignment for KFTY(TV) from channel 54 to channel 11. Granite is the licensee of Station KNTV, San Jose, California, which operates on NTSC channel 11. In its opposition to the Supplement ("Opposition"), Granite objected to AK Media's proposal because Station KFTY(TV)'s proposed operation on DTV channel 11 would cause impermissible interference to Station KNTV(TV)'s channel 11 NTSC operations.

In its Reply to Granite's Opposition, AK Media made a significant misstatement of fact as well as several inaccurate conclusions which Granite feels compelled to correct for the record. First, AK Media repeatedly misstates the NTSC channel upon which Station KNTV operates. KNTV is assigned to NTSC channel 11. However, AK Media at one point refers to the Station's operations on NTSC channel 10 and later refers to KNTV's NTSC operations on channel 12. See Reply at pages 2 and 3. The issue of greatest concern to Granite is whether KFTY(TV)'s proposed DTV operation will cause interference to KNTV's NTSC channel. Thus, Granite would have more confidence in AK Media's assertions regarding the

expected levels of interference if AK Media could consistently state the NTSC channel upon which it has based its interference predictions.

Second, substituting DTV channel 11 for Station KFTY's current channel 54 DTV assignment would create a short-spacing to Station KNTV and result in significant interference to KNTV's signal. In an attempt to rationalize this short-spacing, AK Media asserts that the DTV to NTSC spacings in Section 73.623(d)(1) of the Commission's new rules do not apply to Sixth Report & Order allotments, but only to new allotments created after the initial DTV allotments. See Reply at 3. However, AK Media later contradicts this interpretation of the rule by acknowledging the applicability of the short-spacing rules to the initial allotment table in a similar situation. In footnote 3 of its Reply, AK Media acknowledges the applicability of the Commission's DTV spacing rules by stating that "[a]s 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." AK Media acknowledges the applicability of the short-spacing rules when it works to the benefit of one of its other stations, yet it has failed to offer a convincing explanation of why this same rule is inapplicable in the instant case.

Nonetheless, even if the spacing requirements are not applicable to the proposed modification as AK Media suggests, then the "no new interference test" must apply.

Paragraph 222 details this standard by stating that:

[w]ith regard to modifications of allotments, we will use the same engineering technical criteria that we have used in developing the DTV Table. We will require that a party requesting modification of the DTV Table show that such modification would not result in any new predicted interference to other DTV allotments or existing NTSC stations. Under this approach, any request for modification must include an engineering showing indicating that no new interference would be caused.

Station KFTY's operation on DTV channel 54 would cause no interference to Station KNTV's operations on NTSC channel 11. Its operations on DTV channel 11, however, would create interference to almost 500,000 viewers. See attached Engineering Exhibit of Hammett & Edison, Inc. ("Exhibit A") at 2. Accordingly, AK Media's proposed modification would violate both the Commission's stated spacing and interference standards.

Third, AK Media asserts that the use of a directional DTV antenna, especially when coupled with the existence of rugged terrain between KNTV and KFTY, should reduce the occurrence of interference between the two stations. Granite has grave doubts about the feasibility of this statement. Specifically, AK Media's Reply asserts that its use of a directional antenna would help reduce the level of radiation directed towards San Jose and therefore would reduce the occurrence of interference between Stations KFTY and KNTV. However, as shown in Exhibit A, it is doubtful whether a DTV antenna with the characteristics espoused by AK Media could be built or whether such an antenna would be permissible under Section 73.685(e) of the Commission's rules. Furthermore, according to the calculations of Granite's engineers, substantial new interference to the KNTV NTSC channel 11 signal likely would result even with the estimated 3 dB reduction in KFTY's radiation in the direction of San Jose. See Exhibit A at 3.

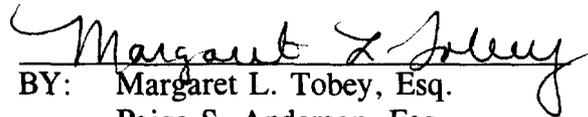
In addition, it is important to note that Station KFTY's expected interference to Station KNTV would be significant even if the directional antenna and the terrain obstructions have exactly the effect that AK Media has suggested. Since there are large and heavily populated areas within the KNTV Grade B contours that have unobstructed lines of sight to the KFTY Mt. St. Helena transmitter location, the terrain obstruction will not be as significant a mitigating factor as is claimed by AK Media.

II. CONCLUSION

For the foregoing reasons, Granite respectfully requests that the Commission consider these additional factors and deny AK Media's request to change its DTV channel assignment from 54 to 11.

Respectfully submitted,

GRANITE BROADCASTING CORPORATION


BY: Margaret L. Tobey, Esq.
Paige S. Anderson, Esq.
Its Attorneys

AKIN, GUMP, STRAUSS, HAUER &
FELD, L.L.P.
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Washington, D.C. 20036
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Date: November 4, 1997

EXHIBIT A

**TV Station KNTV
NTSC Channel 11
San Jose, California**

**Engineering Exhibit
in Support of Response
to Reply to Opposition
to Supplemental Petition for
Reconsideration**

October 17, 1997

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HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

TV Station KNTV • NTSC Channel 11 • San Jose, California

Statement of Dane E. Ericksen, P.E., Consulting Engineer

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by KNTV, Inc., licensee of TV Station KNTV, NTSC Channel 11, San Jose, California, to prepare an engineering exhibit in support of a Response to the Reply comments of AK Media Group, Inc. ("AK Media") to the Opposition of KNTV to the AK Media request that its DTV allocation be changed from DTV Channel 54 to DTV Channel 11.

Background

AK Media is the licensee of TV Station KFTY, NTSC Channel 50, Santa Rosa, California. On August 22, 1997, AK Media filed supplemental comments to its earlier-filed Petition for Reconsideration to the Sixth Report & Order ("Sixth R&O") to MM Docket 87-268 ("DTV Table of Allotments"). In that supplement, AK Media requested substitution of DTV Channel 11, with an effective radiated power of 3.2 kW, for the DTV Channel 54 assigned to KFTY by the Sixth R&O.

On September 23, 1997, KNTV filed in opposition to the KFTY proposal, pointing out that use of DTV Channel 11 by KFTY at its Mt. St. Helena NTSC transmitter site would be short-spaced to the KNTV NTSC Channel 11 facilities at Mt. Loma Prieta by 87 kilometers and pointing out that, using the interference-calculation protocols mandated by the Sixth R&O and OET Bulletin No. 69, use of DTV Channel 11 at Mt. St. Helena would cause new interference to the KNTV NTSC Channel 11 signal, affecting 452,968 persons (9.2% of the population) and 1,661 square kilometers (5.0% of the area) within the KNTV Grade B contour

Applicability of DTV Spacing Rules and No New Interference Test

The AK Media Reply, at Footnote 3, Page 2, states:

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. [Citations omitted].

Yet, at the next page of its Reply, AK Media contends that the DTV-to-NTSC spacings in Section 73.623(d)(1) of the new FCC Rules do not apply to Sixth R&O DTV allotments, but only to new allotments, created after the initial Sixth R&O DTV allotments. These appear to be, of course, mutually exclusive arguments, only one of which could be correct.

If, in fact, the assignments in the Sixth R&O do have spacing requirements, as AK Media complains regarding KNTV D12 and KCBA D13, then its proposal to add D11 for KFTY would not be permitted. If, on the other hand, Sixth R&O assignments do not have spacing requirements

TV Station KNTV • NTSC Channel 11 • San Jose, California

(actually, even if they do), the “no new interference” test would then apply, as spelled out in Paragraph 222 of the Sixth R&O. That requirement seems clear:

With regard to modification of allotments, we will use the same engineering technical criteria that we have used in developing the DTV Table. We will require that a party requesting modification of the DTV Table show that such modification would not result in any new predicted interference to other DTV allotments or existing NTSC stations. Under this approach, any request for modification must include an engineering showing indicating that no new interference would be caused. The engineering evaluations should examine possible interference between DTV service and between DTV and NTSC service on Channels 2, 3, 4, 5, 7, 8, 14, and 15 channels removed from the channel under evaluation in accordance with the rules set forth in Appendix E.

In this case, of course, KFTY operating on D54 would cause zero interference to the KNTV NTSC Channel 11 signal, whereas KFTY operating on D11 would cause interference to almost half a million persons.

Thus, DTV Channel 11 cannot be substituted for DTV Channel 54 as the KFTY DTV channel under either interpretation of the new DTV Rules.

Claim of Terrain Obstruction Is Incorrect

The engineering exhibit in support of the AK Media Reply claimed that there is “very rugged terrain between KNTV and KFTY.” As shown by the attached shadowgraph map, Figure 1, there are large (and heavily populated) areas within the KNTV Grade B contour that have unobstructed line of sight to the KFTY Mt. St. Helena transmitter location. Therefore, the assertion by AK Media is simply not true for these significant portions of the KNTV viewing audience.

Further Suppression of Radiation Towards San Jose Doubtful

AK Media suggests that “use of a directional TV antenna which suppresses [the] KFTY signal further than the Commission’s suggested pattern, would result in a compatible operation of DTV Channel 11 at the KFTY site.” Specifically, AK Media claims that an additional 3 dB suppression of radiation towards KNTV could be achieved.

As shown by the attached Figure 2, which shows the KFTY NTSC Channel 54 directional antenna pattern as obtained from the Commission’s engineering database, and the FCC-assigned replication pattern for the KFTY DTV Channel 54,* the replication pattern suppresses radiation towards San Jose by 14.6 dB. This is within 0.4 dB of the 15 dB maximum-to-minimum limit for UHF NTSC directional antennas, and would violate by 4.6 dB the 10 dB maximum directionality allowed by Section 73.685(e) for VHF NTSC directional antennas. If the Commission decides that

* It was this replication pattern that was used in making the KNTV and KTEH interference studies.

TV Station KNTV • NTSC Channel 11 • San Jose, California

this directional antenna limit similarly applies to the transmitting antennas of VHF DTV stations, then AK Media would need a rule waiver to even build an antenna meeting the replication pattern limits, to say nothing of an antenna that would increase the directionality by an additional 3 dB.[†] Even if the Commission rules that the directional antenna limits in Section 73.685(e) do not apply to DTV antennas, it is my belief that a satisfactory VHF directional antenna that suppresses radiation over the arc towards the tangency to the KNTV Grade B contour to the east (120°T from KFTY) and to the ocean coastline to the west (177°T from KFTY) by 17.6 dB or better, or even 14.6 dB, could not actually be constructed. Not surprisingly, AK Media did not provide data on the improved directional antenna pattern it now suggests KFTY would use if granted its request for DTV Channel 11, which means that it was not possible to re-calculate the interference that such an antenna might create. However, it is entirely possible that even a 3 dB reduction in radiation towards San Jose would still result in substantial new interference to the KNTV NTSC Channel 11 signal.

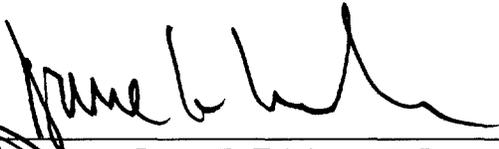
List of Figures

In carrying out these engineering studies, the following attached figures were prepared under my direct supervision:

1. Map showing areas of the KNTV Grade B contour with line of sight to Mt. St. Helena
2. KFTY NTSC and DTV replication directional antenna patterns.

October 17, 1997




Dane E. Ericksen, P.E.

[†] The question of whether the directional antenna limits of Section 73.685(e) of the FCC rules apply to DTV directional antennas was raised in the June 16, 1997, Hammett & Edison Reconsideration Petition, at Page 9, Paragraph 25.

Affidavit

State of California |
County of Sonoma | ss:

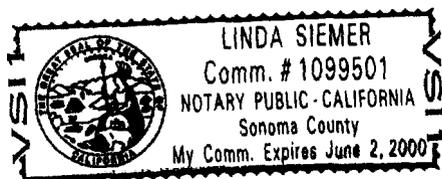
Dane E. Ericksen, being first duly sworn upon oath, deposes and says:

1. That he is a qualified Registered Professional Engineer, holds California Registration No. E-11654, which expires on September 30, 2000, and is employed by the firm of Hammett & Edison, Inc., Consulting Engineers, with offices located near the city of San Francisco, California,
2. That he graduated from California State University, Chico, in 1970, with a Bachelor of Science Degree in Electrical Engineering, was an employee of the Field Operations Bureau of the Federal Communications Commission from 1970 to 1982, with specialization in the areas of FM and television broadcast stations and cable television systems, and has been associated with the firm of Hammett & Edison, Inc., since October 1982,
3. That the firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by KNTV, Inc., licensee of TV Station KNTV, NTSC Channel 11, San Jose, California, to prepare an engineering exhibit in support of a Response to the Reply comments of AK Media Group, Inc. ("AK Media") to the Opposition of KNTV to the AK Media request that its DTV allocation be changed from DTV Channel 54 to DTV Channel 11,
4. That such engineering work has been carried out by him or under his direction and that the results thereof are attached hereto and form a part of this affidavit, and
5. That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge except such statements made therein on information and belief and, as to such statements, he believes them to be true.



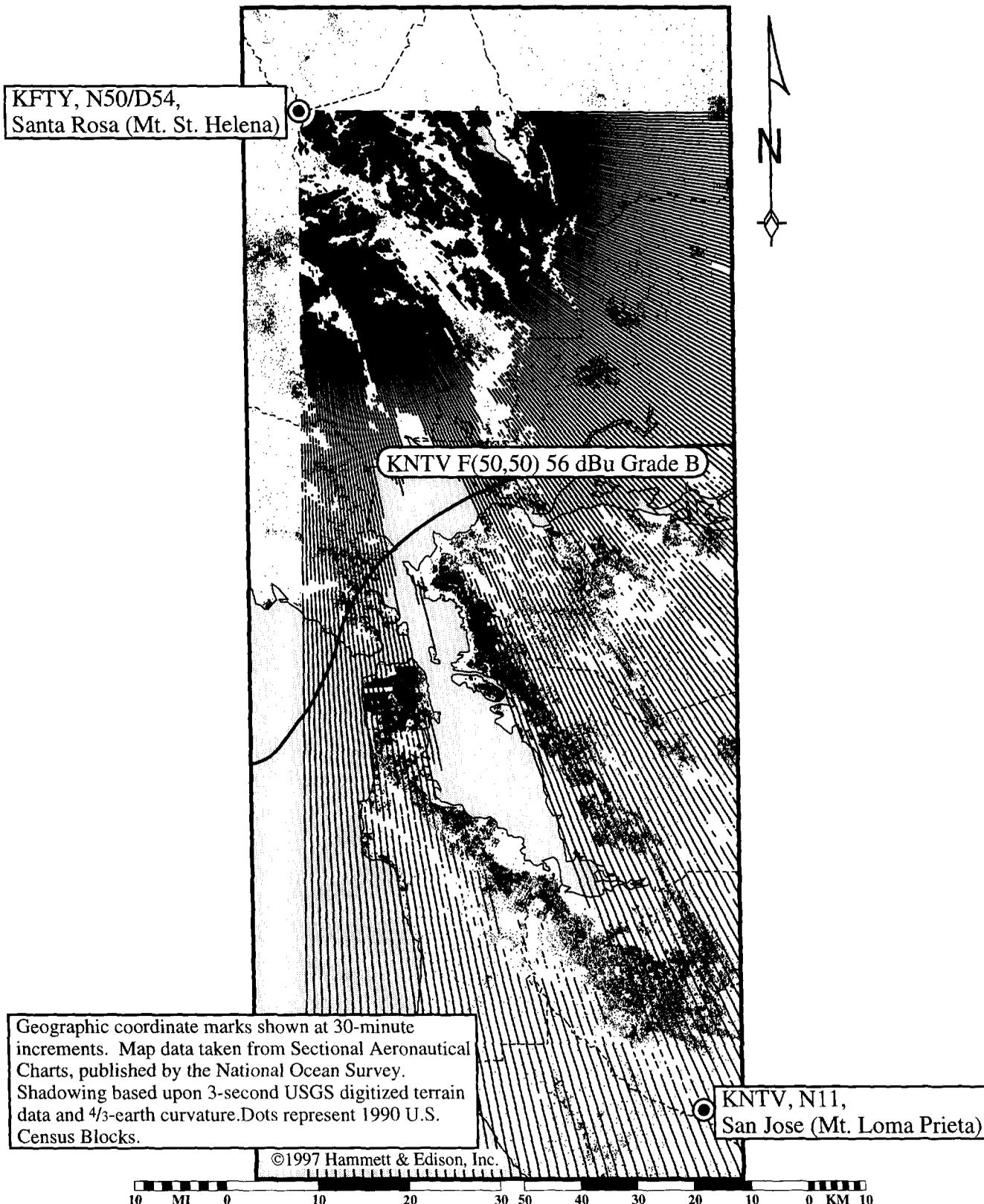
Dane E. Ericksen, P.E.

Subscribed and sworn to before me this 17th day of October, 1997



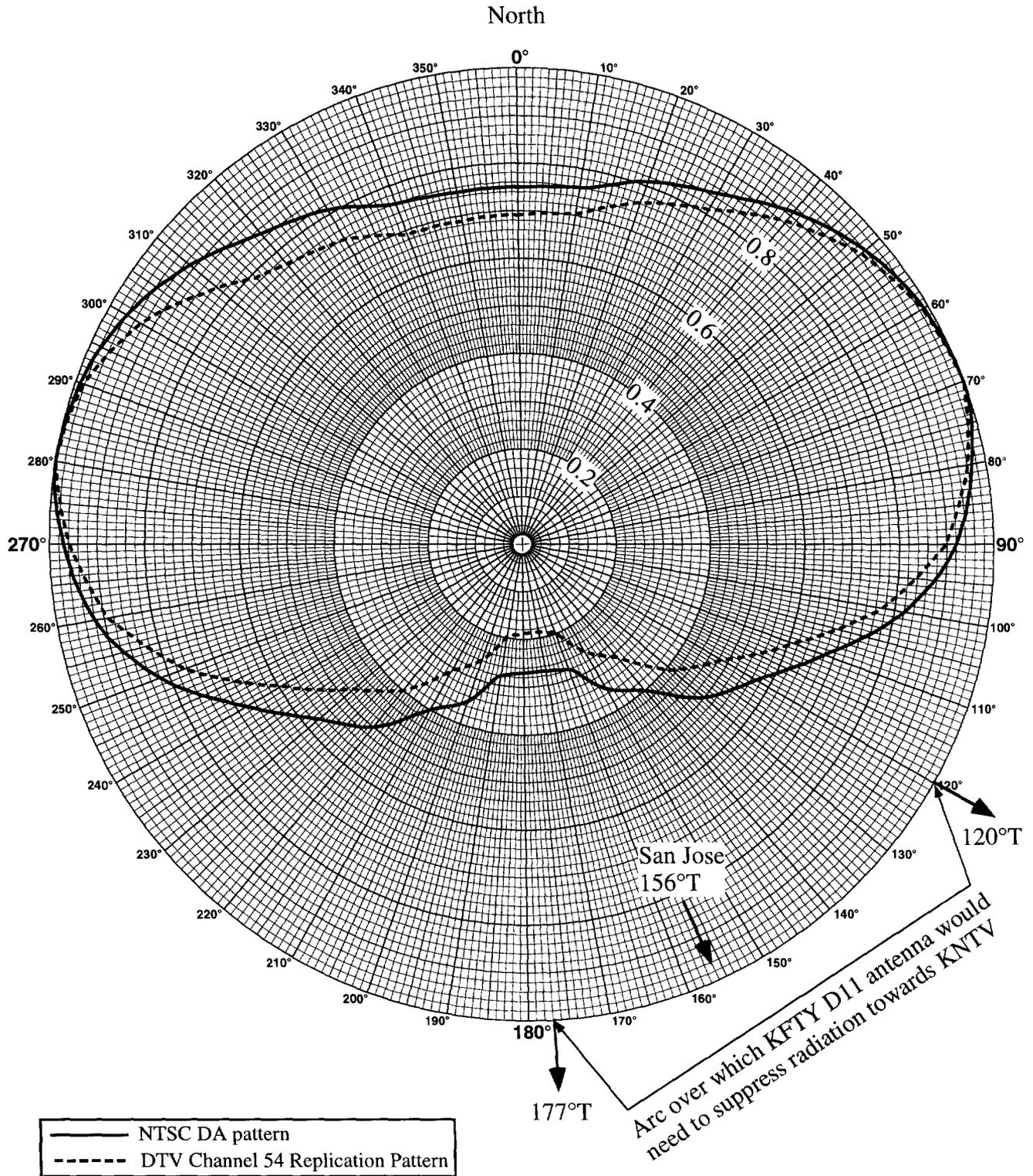


Areas within KNTV Grade B
Contour with Line of Sight to KFTY at Mt. St. Helena
C.O.R. = 1,358 m AMSL, RX Height = 9.1 m
 $\frac{4}{3}$ Earth Radius, 3-Second Terrain Data



TV Station KNTV • NTSC Channel 11 • San Jose, California

KFTY NTSC and DTV54 Replication Patterns



CERTIFICATE OF SERVICE

I, Patricia L. Nelson, an employee of Akin, Gump, Strauss, Hauer & Feld, L.L.P., certify that a copy of the foregoing Response of Granite Broadcasting Corporation to the Reply to the Opposition to the Supplement to the 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 4th day of November, 1997 to the following parties:

James L. Winston, Esq.
Steven J. Stone, Esq.
James P. Schultz, Esq.
Rubin, Winston, Diercks, Harris & Cooke, L.L.P
1333 New Hampshire Ave., N.W.
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Washington, D.C. 20036
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Patricia L. Nelson