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KEARNS DAVIS
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230 NORTH ELM STREET
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ORIGINAL

December 17, 1998

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., TWA325
Washington, D.C. 20554

Re: Petition for Rule Making
Station KSBW-DT, Salinas, California

Dear Ms. Salas:

Transmitted herewith, on behalf of Heart-Argyle Stations, Inc., licensee of Television Station KSBW(TV), Salinas, California, and permittee of Digital Television Station KSBW-DT, are an original and four copies of a Petition for Rule Making requesting amendment of the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Very truly yours,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.

Mark J. Prak
Counsel to
Hearst-Argyle Stations, Inc.

No. of Copies rec'd 0+4
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MJP/atd
Enclosures
c/word/hearst/ksbw/ms121798

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

In the Matter of	)	
	)	
Amendment of Section 73.622(b)	)	MM Docket No._____
DTV Table of Allotments	)	RM - _____
Television Broadcast Stations	)	

To: Chief, Allocations Branch
Policy & Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Hearst-Argyle Stations, Inc. ("Petitioner"), licensee of Television Station KSBW(TV), Salinas, California, by its attorneys, hereby petitions the Commission, pursuant to Section 1.401 of the Commission's Rules, to amend the Commission's DTV Table of Television Allotments (Section 73.622(b) of the Commission's Rules) by amending Petitioner's DTV channel allotment from Channel 43 to Channel 10. In support hereof, Petitioner states as follows:

1. Petitioner has been authorized to construct DTV television station KSBW-DT, Salinas, California. Petitioner's DTV facilities are currently authorized to operate on channel 43.

2. Pursuant to Section 73.622(a) of the Commission's Rules, Petitioner hereby respectfully requests the Commission to amend the DTV Table of Allotments by changing KSBW-DT's channel allotment from channel 43 to channel 10.

3. Requests to amend the DTV table of allotments by changing the channel of an allotment in the DTV table are evaluated for technical acceptability using the engineering criteria set forth in Section 73.623(c) of the Commission's rules. Attached hereto and incorporated by reference is an Engineering Statement, prepared by Bernard R. Segal, P.E., which demonstrates

compliance with Section 73.623(c), as follows:

a. Petitioner proposes to operate from the same location as for the existing construction permit of KSBW(TV), File No. BPCT-980828KE.

b. The Petition complies with the principal community coverage requirements of Section 73.625(a). (*See* Section 73.623(c)(1)).

c. The Petition will not result in more than an additional 2 percent of the population served by another station being subject to interference. In addition, no new interference will be caused to any station that already experiences interference to 10 percent or more of its population or that would result in a station receiving interference in excess of 10 percent of its population. (*See* Section 73.623(c)(2)).

4. The public interest would be served by co-locating the KSBW(TV) NTSC transmitter site with the KSBW-DT transmitter site. In the recent decision in *J.S. Kelly, L.L.C.*, DA 98-2531, released December 11, 1998, at ¶ 11, the Chief of the Mass Media Bureau noted that "(c)ollacation of these [NTSC and DTV] facilities will serve the public interest."

Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Commission grant the instant Petition and amend the DTV Table of Allotments (Section 73.622(b) of the Commission's Rules) to authorize KSBW-DT to operate on channel 10, and to amend Petitioner's DTV construction permit to reflect the amended allotment.

Dated: December 17, 1998

Respectfully submitted,

HEARST-ARGYLE STATIONS, INC.

By: _____

Mark J. Prak
Marcus W. Trathen
Brooks, Pierce, McLendon,
Humphrey & Leonard, L.L.P.
Post Office Box 1800
Raleigh, North Carolina 27602
(919) 839-0300

Its Attorneys

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

ENGINEERING STATEMENT
PREPARED ON BEHALF OF
HEARST-ARGYLE STATIONS, INC.
STATION KSBW
SALINAS, CALIFORNIA

The instant Engineering Statement has been prepared on behalf of Hearst-Argyle Stations, Inc., (hereafter, Hearst-Argyle), licensee of television station KSBW, Salinas, California. Engineering support is provided for a petition to amend the DTV Table of Allotments, Section 73.622(b) of the Rules. The FCC allotted Ch. 43 for transitional DTV use for KSBW. The instant Engineering Statement provides support to amend the allotment to Ch. 10.

The proposed Ch. 10 DTV allotment is for operation from the same location as for the outstanding construction permit operation for KSBW pursuant to BPCT-980828KE. The site coordinates are: 36° 45' 23" North Latitude, 120° 30' 05" West Longitude. A directional antenna will be employed with maximum effective radiated power of 24.2 kW. The antenna radiation center height above average terrain will be 692 meters. The power/height combination is the maximum permitted for a high-band VHF DTV

station in Zone II. The permissible power was determined from the equation in Section 73.622(f)(7)(iii).

The particulars for the directional antenna which is to be employed are provided in Figures 1 through 4. Figure 1 is the azimuth pattern for the antenna. Figure 2 is a tabulation of relative field and effective radiated power data for the antenna. Figure 3 is the elevation pattern for the antenna, and Figure 4 is a tabulation of data for the elevation pattern of Figure 3.

In compliance with the requirements of Section 73.623(c), studies are provided which demonstrate that the proposed change in the allotment table will permit a facility that satisfies the coverage and allocation criteria of the recited rule.

Figure 5 is a map demonstrating the extent of coverage of the 36 dBμ, F(50,90) contour for the proposed allotment. Figure 6 is a tabulation of terrain elevation data and distances to the 36 dBμ, F(50,90) contour for the proposed allotment facilities. Figure 5 demonstrates that the entire community of Salinas

will be encompassed and the proposed allotment, therefore, complies with the principal community coverage requirement of Section 73.625(a).

As to allocation concerns, the study provided herein as Figure 7 demonstrates that no NTSC station and no DTV station or allotment would receive interference from the proposed KSBW-DT Ch. 10 facility affecting population in excess of the "de minimis" 2% allowable level. The cumulative interference, where the proposed KSBW-DT facility would cause interference to any NTSC or DTV station, will not exceed the maximum allowable of 10%.

The study of Figure 7 was performed using an FCC matched computer analysis taking into account both NTSC and DTV allocation factors. A computer using an Alpha processor was employed in conjunction with the FCC's FLR software. For each station studied, the reference information from Appendix B of the *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order in MM Docket No. 87-268* is listed in Figure 7 for comparison with the results obtained independently using the Alpha processor with the FCC's FLR software. The independently determined calculation results are in good agreement with the FCC's Appendix B results.

Two studies were performed. The first study took into account the current Appendix B allotment facilities that provided a reference for comparison with the results of the second study which included the effect of the proposed new Ch. 10 DTV allotment for paired used with KSBW. In no instance would the FCC allowable the 2% de minimis interference level be exceeded toward any NTSC station or DTV allotment, and in no instance where the proposed KSBW-DT facility would cause interference, would the maximum cumulative 10% allowable interference limit be exceeded to any NTSC station or DTV allotment. The proposed allotment satisfies all FCC criteria.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 2, 1998.

Bernard R. Segal, P.E.

Bernard R. Segal, P.E.

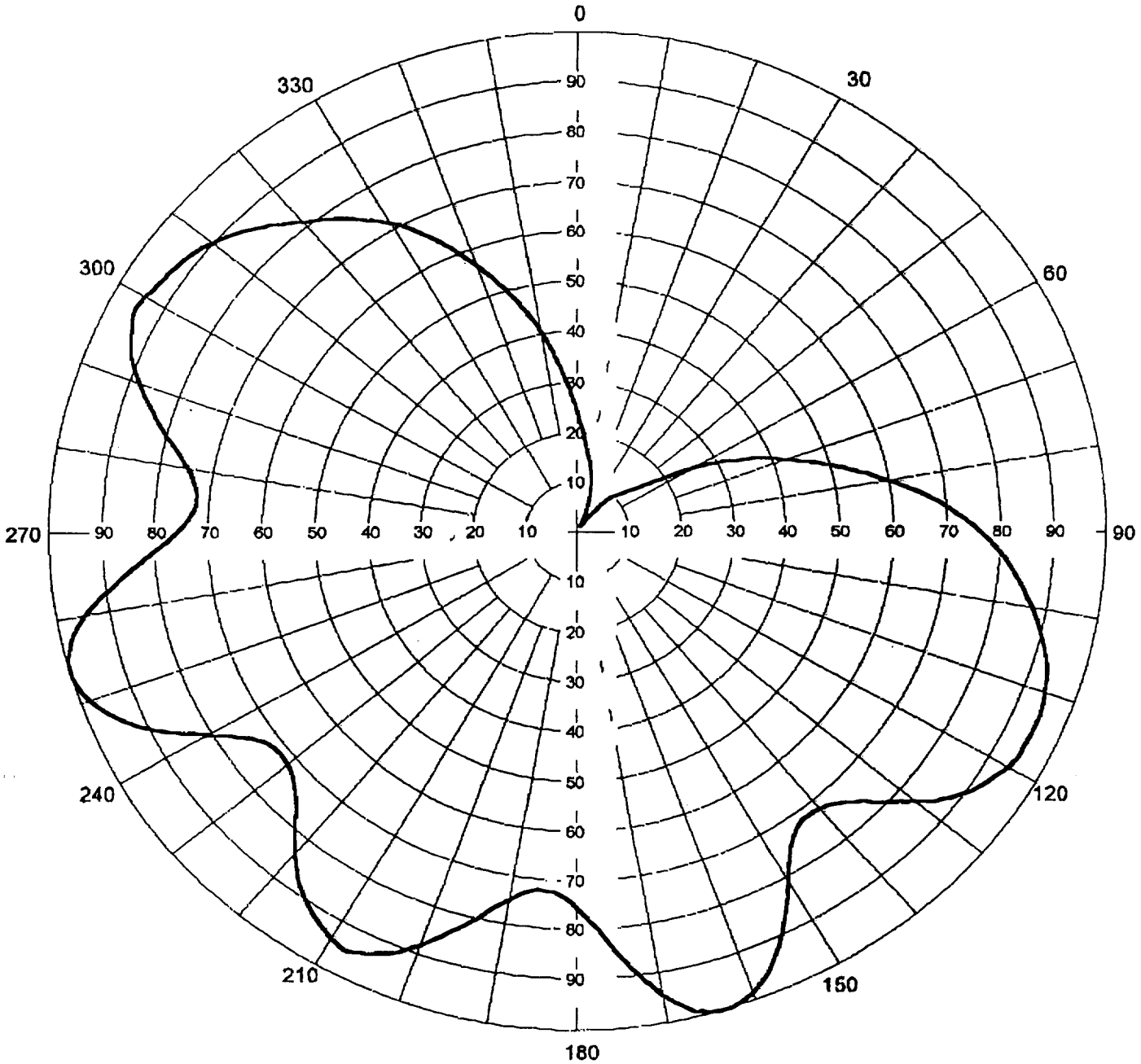
Dielectric

A Unit of General Signal

Date	23 Nov 1998		
Call Letters	KSBW-DT	Channel	10
Location	Salinas, CA		
Customer			
Antenna Type	THP-C2-3-1		

AZIMUTH PATTERN

RMS Gain at Main Lobe	1.80 (2.55 dB)	Frequency	195 MHz
Calculated / Measured	Calculated	Drawing #	THP-C2



ENGINEERING STATEMENT
PREPARED ON BEHALF OF
HEARST-ARGYLE STATIONS, INC.
STATION KSBW
SALINAS, CALIFORNIA

Antenna Azimuth Radiation Pattern Data

Azimuth (deg. T)	Relative Field	Effective Radiated Power (dBk)	Azimuth (deg. T)	Relative Field	Effective Radiated Power (dBk)
0	0.244	1.59	180	0.754	11.4
10	0.140	-3.24	190	0.748	11.3
20	0.063	-10.2	200	0.881	12.7
27*	0.014	-23.2	210	0.940	13.3
28**	0.017	-21.6	220	0.837	12.3
29*	0.015	-22.6	230	0.720	11.0
30	0.015	-22.6	240	0.807	12.0
40	0.070	-9.26	250	0.983	13.7
50	0.131	-3.82	254**	0.999	13.8
60	0.258	2.07	260	0.947	13.4
70	0.426	6.43	270	0.759	11.4
80	0.601	9.42	280	0.747	11.3
90	0.763	11.5	290	0.881	12.7
100	0.871	12.6	300	0.944	13.3
110	0.940	13.3	310	0.903	13.0
120	0.940	13.3	320	0.816	12.1
130	0.837	12.3	330	0.716	10.9
140	0.720	11.0	340	0.566	8.89
150	0.807	12.0	350	0.409	6.07
160	0.984	13.7	340	0.238	24.5
164**	1.00	13.8	350	0.169	21.6
170	0.945	13.7			

* Local minimum bearing
** Local maximum bearing

Dielectric
A Unit of General Signal

Date	23 Nov 1998		
Call Letters	KSBW-DT	Channel	10
Location	Salinas, CA		
Customer			
Antenna Type	THP-C2-3-1		

ELEVATION PATTERN

RMS Gain at Main Lobe	3.2 (5.05 dB)	Beam Tilt	0.00 Degrees
RMS Gain at Horizontal	3.2 (5.05 dB)	Frequency	195.00 MHz
Calculated / Measured	Calculated	Drawing #	03H03200-90

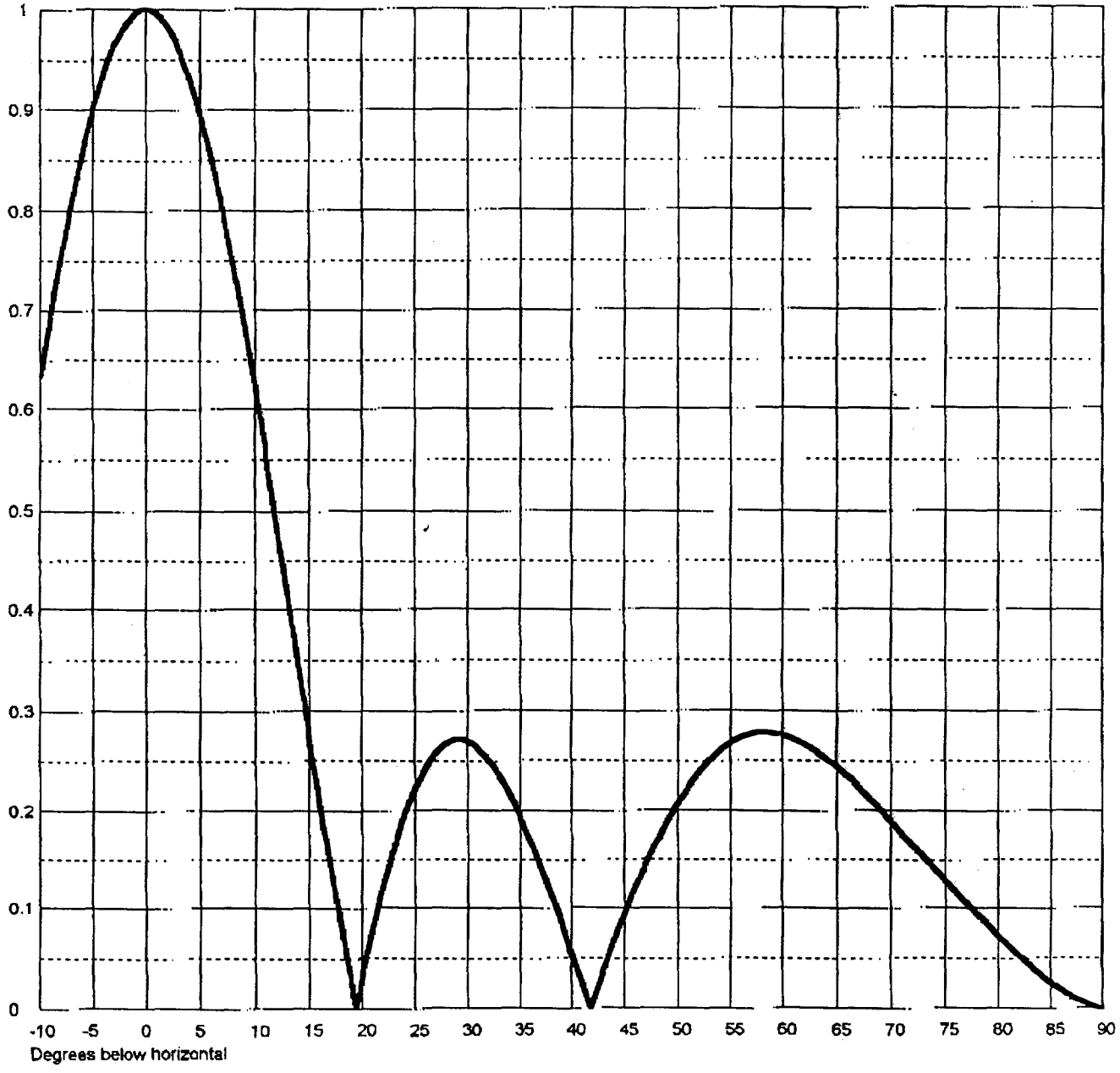


FIGURE 4

Tabulation of Elevation Pattern

Dielectric

A Unit of General Signal

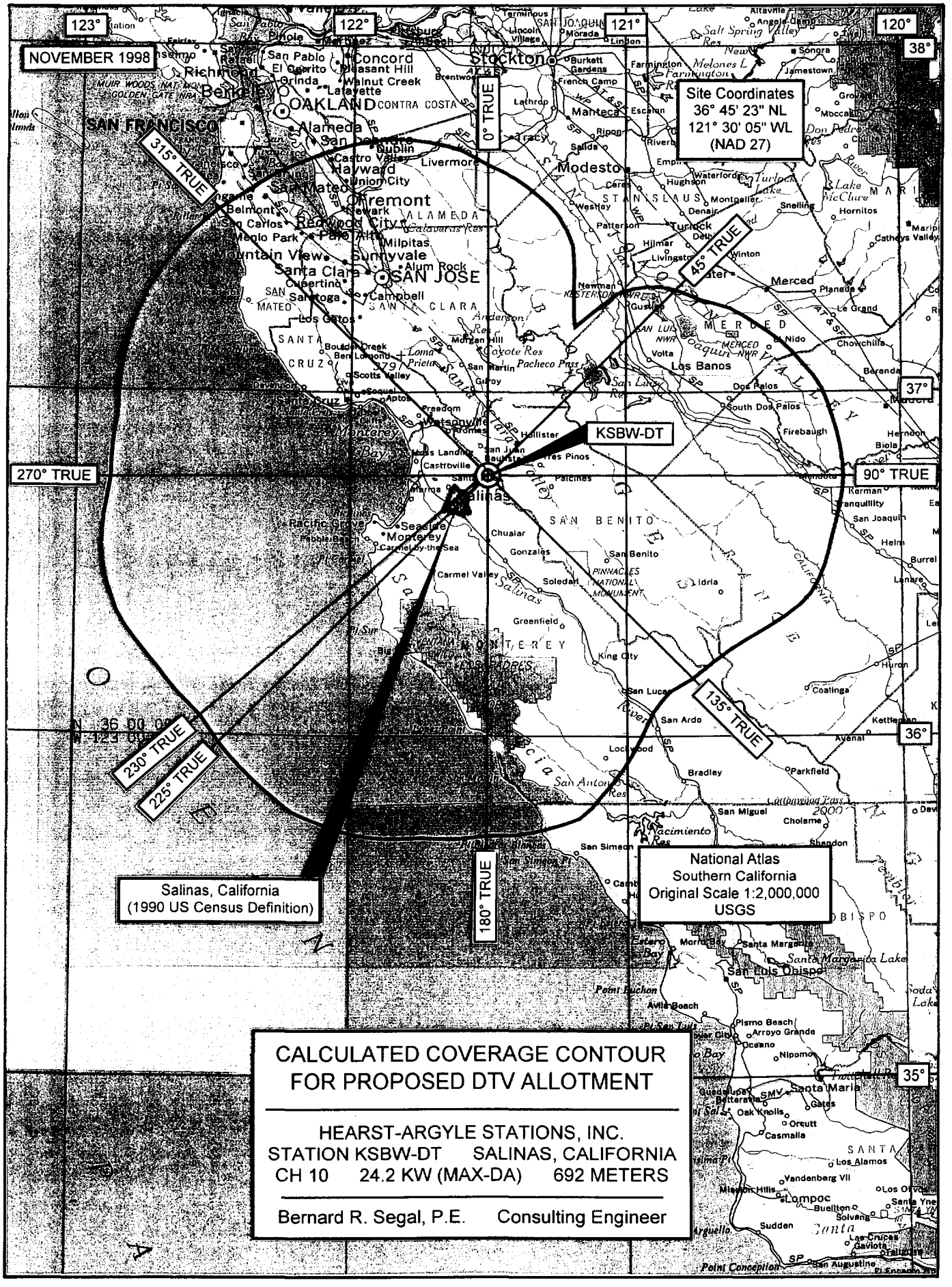
Date	23 Nov 1998		
Call Letters	KSBW-DT	Channel	10
Location	Salinas, CA		
Customer			
Antenna Type	THP-C2-3-1		

TABULATION OF ELEVATION PATTERN

Elevation Pattern Drawing # 03H03200-90

Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field
-10.0	0.626	2.4	0.976	10.6	0.587	30.5	0.266	51.0	0.223	71.5	0.173
-9.5	0.659	2.6	0.972	10.8	0.573	31.0	0.262	51.5	0.230	72.0	0.166
-9.0	0.690	2.8	0.967	11.0	0.560	31.5	0.257	52.0	0.237	72.5	0.160
-8.5	0.721	3.0	0.962	11.5	0.526	32.0	0.251	52.5	0.244	73.0	0.154
-8.0	0.750	3.2	0.957	12.0	0.491	32.5	0.244	53.0	0.249	73.5	0.148
-7.5	0.778	3.4	0.952	12.5	0.456	33.0	0.236	53.5	0.254	74.0	0.142
-7.0	0.805	3.6	0.946	13.0	0.421	33.5	0.227	54.0	0.259	74.5	0.136
-6.5	0.830	3.8	0.940	13.5	0.386	34.0	0.217	54.5	0.263	75.0	0.130
-6.0	0.854	4.0	0.934	14.0	0.351	34.5	0.207	55.0	0.267	75.5	0.124
-5.5	0.877	4.2	0.927	14.5	0.316	35.0	0.195	55.5	0.270	76.0	0.118
-5.0	0.897	4.4	0.920	15.0	0.281	35.5	0.183	56.0	0.272	76.5	0.112
-4.5	0.916	4.6	0.913	15.5	0.247	36.0	0.171	56.5	0.274	77.0	0.106
-4.0	0.934	4.8	0.905	16.0	0.213	36.5	0.157	57.0	0.276	77.5	0.100
-3.5	0.949	5.0	0.897	16.5	0.180	37.0	0.144	57.5	0.277	78.0	0.094
-3.0	0.962	5.2	0.889	17.0	0.148	37.5	0.130	58.0	0.277	78.5	0.089
-2.8	0.967	5.4	0.881	17.5	0.116	38.0	0.115	58.5	0.277	79.0	0.083
-2.6	0.972	5.6	0.872	18.0	0.085	38.5	0.101	59.0	0.277	79.5	0.078
-2.4	0.976	5.8	0.863	18.5	0.055	39.0	0.086	59.5	0.276	80.0	0.072
-2.2	0.980	6.0	0.854	19.0	0.026	39.5	0.071	60.0	0.275	80.5	0.067
-2.0	0.983	6.2	0.845	19.5	0.002	40.0	0.055	60.5	0.273	81.0	0.062
-1.8	0.986	6.4	0.835	20.0	0.028	40.5	0.040	61.0	0.271	81.5	0.057
-1.6	0.989	6.6	0.825	20.5	0.054	41.0	0.025	61.5	0.269	82.0	0.052
-1.4	0.992	6.8	0.815	21.0	0.078	41.5	0.009	62.0	0.266	82.5	0.047
-1.2	0.994	7.0	0.805	21.5	0.101	42.0	0.006	62.5	0.263	83.0	0.043
-1.0	0.996	7.2	0.794	22.0	0.122	42.5	0.021	63.0	0.260	83.5	0.038
-0.8	0.997	7.4	0.783	22.5	0.142	43.0	0.036	63.5	0.256	84.0	0.034
-0.6	0.998	7.6	0.772	23.0	0.161	43.5	0.050	64.0	0.252	84.5	0.030
-0.4	0.999	7.8	0.761	23.5	0.178	44.0	0.065	64.5	0.248	85.0	0.026
-0.2	1.000	8.0	0.750	24.0	0.194	44.5	0.079	65.0	0.244	85.5	0.022
0.0	1.000	8.2	0.738	24.5	0.208	45.0	0.093	65.5	0.239	86.0	0.018
0.2	1.000	8.4	0.726	25.0	0.221	45.5	0.106	66.0	0.235	86.5	0.015
0.4	0.999	8.6	0.715	25.5	0.232	46.0	0.119	66.5	0.230	87.0	0.012
0.6	0.998	8.8	0.702	26.0	0.242	46.5	0.132	67.0	0.224	87.5	0.009
0.8	0.997	9.0	0.690	26.5	0.250	47.0	0.144	67.5	0.219	88.0	0.007
1.0	0.996	9.2	0.678	27.0	0.257	47.5	0.156	68.0	0.214	88.5	0.004
1.2	0.994	9.4	0.665	27.5	0.262	48.0	0.167	68.5	0.208	89.0	0.002
1.4	0.992	9.6	0.652	28.0	0.266	48.5	0.177	69.0	0.202	89.5	0.001
1.6	0.989	9.8	0.639	28.5	0.269	49.0	0.188	69.5	0.196	90.0	0.000
1.8	0.986	10.0	0.626	29.0	0.270	49.5	0.197	70.0	0.191		
2.0	0.983	10.2	0.613	29.5	0.270	50.0	0.206	70.5	0.185		
2.2	0.980	10.4	0.600	30.0	0.269	50.5	0.215	71.0	0.179		

Figure 5


NOVEMBER 1998
Site Coordinates
36° 45' 23" NL
121° 30' 05" WL
(NAD 27)
KSBW-DT
0° TRUE
45° TRUE
90° TRUE
135° TRUE
180° TRUE
225° TRUE
230° TRUE
270° TRUE
315° TRUE
Salinas, California
(1990 US Census Definition)
National Atlas
Southern California
Original Scale 1:2,000,000
USGS
CALCULATED COVERAGE CONTOUR
FOR PROPOSED DTV ALLOTMENT
HEARST-ARGYLE STATIONS, INC.
STATION KSBW-DT SALINAS, CALIFORNIA
CH 10 24.2 KW (MAX-DA) 692 METERS
Bernard R. Segal, P.E. Consulting Engineer
MILES
KILOMETRES

ENGINEERING STATEMENT
PREPARED ON BEHALF OF
HEARST-ARGYLE STATIONS, INC.
STATION KSBW
SALINAS, CALIFORNIA

Tabulation of Average Elevations and
Distances to the DTV Coverage Contour

Site Coordinates: 36° 45' 23" North Latitude
121° 30' 05" West Longitude

Radiation Center: 990 m AMSL

Azimuth (deg. T)	3.2-16.1 km Terrain Avg. (mAMSL)	Radiation Center Above Terrain Avg. (m)	ERP (kW)	Distance to 36 dBμ, F(50,90) DTV Coverage Contour (km)
0	189	801	1.44	101.1
5	181	809	0.893	97.3
10	167	823	0.475	92.6
15	174	816	0.252	87.6
20	181	809	0.961	79.9
25	185	805	0.190	65.3
30	191	799	0.0054	56.1
35	203	787	0.0448	72.4
40	222	768	0.119	80.5
45	241	749	0.247	85.8
50	253	737	0.416	89.6
55	267	723	0.921	95.5
60	277	713	1.61	100.0
65	290	700	2.83	104.6
70	291	699	4.39	108.4
75	278	712	6.40	112.0
80	325	665	8.74	113.4
85	351	639	11.3	114.8
90	382	608	14.1	115.6
95	421	569	16.2	114.8
100	461	529	18.4	113.7
105	480	510	19.9	113.4
110	515	475	21.4	112.1

Tabulation of Average Elevations and
Distances to the DTV Coverage Contour
Hearst-Argyle Stations, Inc.
Station KSBW, Salinas, California

Azimuth (deg. T)	3.2-16.1 km Terrain Avg. (mAMSL)	Radiation Center Above Terrain Avg. (m)	ERP (kW)	Distance to 36 dBμ, F(50,90) DTV Coverage Contour (km)
115	567	423	21.4	107.8
120	635	355	21.4	102.5
125	678	312	19.1	98.2
130	710	280	17.0	95.4
135	715	275	14.7	94.1
140	727	263	12.6	92.5
145	698	292	14.1	94.5
150	632	358	15.8	100.2
155	577	413	19.4	106.1
160	533	457	23.4	111.5
165	449	541	23.8	116.5
170	415	575	21.6	117.8
175	370	620	17.5	118.3
180	317	673	13.8	118.1
185	273	717	13.7	119.5
190	239	751	13.5	120.4
195	208	782	16.1	123.0
200	182	808	18.8	125.2
205	167	823	20.1	126.1
210	157	833	21.4	127.0
215	158	832	19.1	125.7
220	153	837	17.0	124.5
225	137	853	14.7	123.2
230	132	858	12.6	121.6
235	130	860	14.1	122.9
240	129	861	15.8	124.1
245	137	853	19.4	126.2
250	140	850	23.4	128.2
255	140	850	23.7	128.3
260	147	843	21.7	127.3
265	166	824	17.6	124.7
270	162	828	13.9	122.3
275	163	827	13.7	122.1
280	164	826	13.5	121.9
285	165	825	16.0	123.7

Tabulation of Average Elevations and
Distances to the DTV Coverage Contour
Hearst-Argyle Stations, Inc.
Station KSBW, Salinas, California

Azimuth (deg. T)	3.2-16.1 km Terrain Avg. (mAMSL)	Radiation Center Above Terrain Avg. (m)	ERP (kW)	Distance to 36 dBμ, F(50,90) DTV Coverage Contour (km)
290	181	809	18.8	125.2
295	192	798	20.2	125.8
300	210	780	21.6	126.2
305	219	771	20.7	125.6
310	222	768	19.7	125.0
315	239	751	17.9	123.5
320	266	724	16.1	121.6
325	252	738	14.2	120.6
330	254	736	12.4	119.0
335	225	765	9.95	117.4
340	189	801	7.76	115.7
345	169	821	5.77	113.4
350	175	815	4.05	110.2
355	177	813	2.59	106.3

ENGINEERING STATEMENT
PREPARED ON BEHALF OF
HEARST-ARGYLE STATIONS, INC.
STATION KSBW
SALINAS, CALIFORNIA

NTSC and DTV Allocation Studies for Proposed KSBW-DT Allotment
Ch. 10, 24.2 kW (MAX-DA), 692 m

NAD 27 Site Coordinates: 36° 45' 23" North Latitude
121° 30' 05" West Longitude

Antenna Radiation Center: 990 mAMSL

A: NTSC Allocation Study

Ch. Relation-ship*	Potentially Affected NTSC Station	Appendix B Data: Current Service Pop. (Thous)	Appendix B Data: Allotted DTV Interf. (%)	Independent Calculations: Current Service Pop. (Thous)	Independent Calculations: Noise-Limited Pop. (Thous)	Independent Calculations: Allotted DTV Interf (Thous)	Independent Calculations: Allotted DTV Interf (%)	Independent Calculations: New Interference from Prop. KSBW-DT (Thous)	Independent Calculations: New Interference from Prop. KSBW-DT (%)	Independent Calculations: Cumulative DTV Interf (%)
n-0	KXTV, Sacramento, CA Ch. 10, 316 kW, 595 m	4,047	0.2	4,047	4,956	15	0.3	51	1.0	1.3
n+1	KNTV, San Jose, CA Ch. 11, 79 kW, 844 m	4,933	0.0	4,933	5,038	0	0.0	8	0.2	0.2
n-1	KQED, San Francisco, CA Ch. 9, 316 kW, 509 m	5,424	0.0	5,424	5,973	1	0.0	0	0.0	0.0

*n=DTV Ch. 10

Figure 7
Sheet 1 of 2

NTSC and DTV Allocation Studies for Proposed KSBW-DT Allotment
Hearst-Argyle Stations, Inc.
Station KSBW, Salinas, California

B: DTV Allocation Study

Ch. Relation-ship*	Potentially Affected DTV Station	Appendix B Data			Independent Calculations				
		DTV Service Pop. (Thous)	NTSC Service Pop. (Thous)	DTV/ NTSC Pop. Match (%)	DTV Service Pop. (Thous)	NTSC Service Pop. (Thous)	DTV/ NTSC Pop. Match (%)	New Interf. from Prop. KSBW-DT (Thous.)	DTV/ NTSC Pop. Match with Prop. KSBW-DT (%)
n-0	Prop. Allotment, Salinas, CA Ch. 10, 24.2 kW (MAX-DA), 692 m	—	—	—	1,908	3,044	62.7	—	—
n-0	Allotment, Bakersfield, CA Ch. 10, 4.6 kW, 1128 m	671	611	100	671	611	100	0	100
n+1	none sufficiently close for concern	—	—	—	—	—	—	—	—
n-1	Allotment, Fresno, CA Ch. 9, 8.7 kW, 622 m	1,140	1,130	100	1,140	1,129	100	0	100

*n=DTV Ch. 10

Figure 7
Sheet 2 of 2