

LAW OFFICES
KOTEEN & NAFTALIN, L.L.P.
1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036-4104

BERNARD KOTEEN*
ALAN Y. NAFTALIN
ARTHUR B. GOODKIND
GEORGE Y. WHEELER
MARGOT SMILEY HUMPHREY
PETER M. CONNOLLY
CHARLES R. NAFTALIN
GREGORY C. STAPLE
R. EDWARD PRICE
JULIE A. BARRIE
* SENIOR COUNSEL

TELEPHONE
(202) 467-5700
TELECOPY
(202) 467-5915

February 2, 1999

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re: BC Docket No. 80-157; RM-3363

Dear Ms. Salas:

Transmitted herewith, on behalf of McGraw-Hill Broadcasting Company, Inc., licensee of television station KGTV, San Diego, California are an original and nine copies of its "Motion to Terminate Proceeding" filed in connection with the above-referenced docket.

In the event there are any questions concerning this matter, please contact the undersigned.

Very truly yours,



Arthur B. Goodkind

Enclosure

cc (w/enc.): John E. Fiorini, Esq.

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.606(b),) BC Docket No. 80-157
Table of Assignments, Television) RM-3363
Broadcast Stations.)
(Santa Barbara, California)
)
For Action by the Chief,)
Mass Media Bureau)

MOTION TO TERMINATE PROCEEDING

McGraw-Hill Broadcasting Company, Inc. (McGraw-Hill), licensee of television station KGTV, San Diego, California, hereby moves to terminate the above-captioned proceeding and to dismiss the petition for rule making that gave rise to the proceeding.

This rule making was initiated in 1980 in response to a petition filed by KCPB, Inc. The rule making proposes to allot Channel 10 to Santa Barbara, California, for NTSC noncommercial use. Both before the Commission's Notice of Proposed Rule Making (NPRM) was issued and in comments and supplemental comments filed in response to the NPRM, McGraw-Hill submitted extensive data

demonstrating that any Channel 10 television station in Santa Barbara would both cause and receive serious co-channel interference to and from McGraw-Hill's Channel 10 station in San Diego, KGTV. Such interference would result owing to specific atmospheric conditions that frequently exist along the southern California coast.

No further action has been taken by the Commission with respect to its NPRM since the filing of supplemental comments and reply comments in 1985. Owing to recent actions by the Commission in its digital television allotment proceeding, it is now no longer necessary for the Commission to decide the merits of the controversy concerning interference to and from the proposed Channel 10 allotment and KGTV.

In the Sixth Report and Order in the digital television proceeding in MM Docket 87-268, the Commission allotted Channel 10 as the digital transition channel to be used by Station KERO-TV, Bakersfield, California.¹ The reference points for KERO-TV

¹ 12 FCC Rcd 14588 (1997). The Channel 10 Bakersfield allotment was not changed in the Commission's subsequent actions on reconsideration (11 P & F CR 634 (1998)) and on further reconsideration (FCC 98-315, released December 18, 1998).

and the permissible Santa Barbara Channel 10 transmitter site are only 161.6 kilometers apart. See the attached Engineering Statement of Jules Cohen. That is 112 kilometers less than the minimum Zone II co-channel DTV to analog TV (or DTV to DTV) spacing of 273.6 km required by Section 73.623(d)(1) of the Commission's Rules for new VHF allotments. Moreover, Mr. Cohen's statement establishes that substantial interference to a Channel 10 Bakersfield DTV operation would occur even if a Santa Barbara station operated with greatly reduced power and notwithstanding intervening mountainous terrain between Santa Barbara and Bakersfield. A Santa Barbara Channel 10 allotment would therefore be inconsistent with the Commission's rules.

CONCLUSION

For the reason set forth above, this proceeding may no longer be maintained. The proceeding should accordingly be terminated and KCPB, Inc.'s original petition for rule making should be dismissed.²

Respectfully submitted,

MCGRAW HILL BROADCASTING
COMPANY, INC.

By: 
Arthur B. Goodkind

Koteen & Naftalin, L.L.P.
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036
(202) 467-5700

February 2, 1999

²In the event the rule making is not terminated, this filing should be treated as a further supplement to McGraw-Hill's previous comments in this proceeding.

**ENGINEERING STATEMENT IN SUPPORT OF
MOTION TO TERMINATE PROCEEDING
BC DOCKET NO. 80-157
RM-3363**

This engineering statement has been prepared on behalf of McGraw-Hill Broadcasting Company, Inc. (McGraw-Hill) in support of a Motion to Terminate Proceeding. The proceeding of concern is the rule making proposing to allot Channel 10 to Santa Barbara, California, for NTSC noncommercial use.

To provide the required Zone II spacing to the Channel 10 operation of KGTV in San Diego, the transmitter site for the Santa Barbara facility would be required to be no less than 15 miles (24 kilometers) northwest of Santa Barbara. Geographic coordinates specified for the Santa Barbara Channel 10 site are: 34° 31' 32" North Latitude, 119° 57' 28" West Longitude.

The Commission has assigned Channel 10 to KERO, Bakersfield, California, for its companion digital operation.¹ The assignment specifies effective radiated power of 4.6 kilowatts, height above average terrain of 1128 meters, at a site identified by the geographic

¹ Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order; MM Docket No. 87-268; FCC 98-24; Adopted February 12, 1998, Released February 23, 1998.

Jules Cohen, P.E.
Consulting Engineer

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coordinates 35° 27' 14" North Latitude, 118° 35' 37" West Longitude. The calculated distance between the specified Santa Barbara Channel 10 site and the assigned Bakersfield Channel 10 digital television site is 161.6 kilometers. That distance is far short of the 273.6-kilometer distance specified for new high VHF NTSC stations to cochannel digital station sites in Zone II.

After the foregoing determination, consideration was given to the possibility of a terrain barrier between the Bakersfield and Santa Barbara locations that would permit simultaneous operation of the two facilities without interference. Ranges of the San Rafael Mountains are found on the path from Bakersfield to Santa Barbara, so a Longley-Rice Irregular Terrain Model (v.1.2.2) study was undertaken. That study showed that the extent of the Bakersfield noise-limited 36 dB μ coverage area is not limited by terrain in the direction of Santa Barbara when compared to the extent of coverage predicted by the procedure set forth in Commission rules. Furthermore, even if the Santa Barbara operation employed far less than the usual 316 kilowatts peak visual radiated power in the direction of the Bakersfield digital coverage area, interference within that area could not be avoided. The signal reaching the protected coverage area through breaks in the barrier and diffraction across the terrain barrier is of a magnitude that substantial interference would be caused.

Jules Cohen, P.E.
Consulting Engineer

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The conclusion of the study is that the allotment of Channel 10 to Santa Barbara for NTSC operation is not consistent with the assignment of Channel 10 to Bakersfield for digital television use.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 1, 1999.

A handwritten signature in cursive script that reads "Jules Cohen".

Jules Cohen, P.E.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February 1999, I caused copies of the foregoing Motion to Terminate Proceeding to be mailed via first-class postage prepaid mail to the following:

John E. Fiorini, III, Esq.
Gardner Carton & Douglas
1301 K Street, NW - East Tower
Suite 900
Washington, DC 20005-3317


Phillis Merriett