

ORIGINAL

97

*Wiley, Rein & Fielding*

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May 1, 2000

VIA COURIER

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

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RECEIVED  
MAY 01 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Ms. Salas:

On behalf of Civic License Holding Co., Inc. ("Civic"), licensee of Television Station KLTV(TV), Tyler, Texas, there are transmitted herewith an original and five copies of its *Petition for Rule Making* proposing the substitution of channel 10 for channel 38 as the station's paired DTV allocation.

A construction permit application reflecting the proposed substitution is being filed concurrently. A copy is attached to this Petition. It is requested that the Commission refrain from acting upon the application until such time as it has completed action upon the Petition.

If any additional information is needed in connection with this matter, please contact me.

Respectfully submitted,



E. Joseph Knoll III

Enclosure

cc: Frank Melton

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

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MAY 01 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Amendment of Section 73.622(b) ) MM Docket No. \_\_\_\_\_  
Table of Allotments, ) RM- \_\_\_\_\_  
Digital Television Broadcast Stations )  
(Tyler, Texas) )  
)

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

**PETITION FOR RULE MAKING  
TO AMEND THE DTV TABLE OF ALLOTMENTS**

Civic License Holding Co., Inc. ("Civic"), licensee of Television Station KLTV(TV), Tyler, Texas, by its attorneys and pursuant to Sections 1.401 and 73.622(a) of the Commission's Rules (47 C.F.R. §§1.401 and 73.622(a)), hereby respectfully petitions the Commission to institute a rulemaking to amend Section 73.622(b), the DTV Table of Allotments, by substituting channel 10 as the station's paired DTV allocation for the transition period in lieu of channel 38, as originally allotted. Specifically, the DTV Table of Allotments would be amended as follows:

	<b><u>Present</u></b>	<b><u>Proposed</u></b>
Tyler, Texas	<b><u>38</u></b>	<b><u>10</u></b>

Issuance of a Notice of Proposed Rule Making would be consistent with the Commission's rules and policies that are designed to assist smaller market stations in recognition of the special burden that the implementation of digital television places on them – the most

prominent being the staggered DTV construction schedule.<sup>1</sup> Recognizing the intricacies of DTV operations and the need for stations to maximize service efficiently, the Commission also has promised to provide broadcasters with flexibility in developing alternate allotment proposals.<sup>2</sup>

KLTV(TV) serves the Tyler-Longview, Texas DMA, ranked 108th in the United States.<sup>3</sup> As set forth in greater detail in the Attachment, the proposed channel substitution would permit Civic to reduce the impact of DTV build-out and operating costs by operating more efficiently. Importantly, operation on the VHF channel would improve signal coverage for viewers in the Tyler-Longview, Texas DMA, ensuring effective service replication. Moreover, the channel change also would permit the sharing of certain analog and digital equipment, thereby reducing potential tower structure loading problems. Thus, the public interest would be served through enhanced service and more efficient use of the broadcast spectrum.

As demonstrated in the Engineering Statement, KLTV-DT's proposed service area encompasses the community of license as required,<sup>4</sup> and the proposed allotment parameters conform with the Commission's *de minimis* interference standard.<sup>5</sup>

Accordingly, for the reasons set forth above, Licensee respectfully requests that the Commission initiate a rule making proceeding to amend Section 73.622(b) of its Rules to substitute channel 10 for channel 38 for use by KLTV-DT in Tyler, Texas. The amendment

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<sup>1</sup> Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Fifth Report and Order*, MM Docket 87-268, 12 FCC Rcd 12809, ¶178 (1997).

<sup>2</sup> Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Sixth Report and Order*, MM Docket 87-268, 12 FCC Rcd 14588, ¶172 (1997).

<sup>3</sup> Broadcasting & Cable Yearbook 2000, B-234 (2000).

<sup>4</sup> 47 C.F.R. §73.623(c)(1).

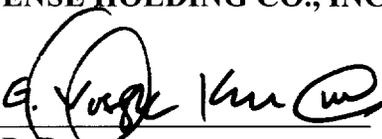
<sup>5</sup> 47 C.F.R. §73.623(c)(2).

would serve the public interest because the proposed change would enable Civic to provide better coverage and would result in a more efficient use of the broadcast spectrum.

Respectfully submitted,

**CIVIC LICENSE HOLDING CO., INC.**

By:

  
\_\_\_\_\_  
Carl R. Ramsey  
E. Joseph Knoll III

of

WILEY, REIN & FIELDING  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 719-7000

Its Attorneys

May 1, 2000

**ATTACHMENT**

**Engineering Statement**

TECHNICAL EXHIBIT  
PREPARED IN SUPPORT OF  
PETITION FOR RULE MAKING TO  
MODIFY THE DTV ALLOTMENT TABLE  
STATION KLTU-DT  
TYLER, TEXAS

Technical Statement

This Technical Statement and associated Figures have been prepared on behalf of KLTU-DT in support of a *Petition for Rule Making* to modify the DTV allotment of KLTU-DT from channel 38 to channel 10.

DTV channel 10 can be substituted and allotted to Tyler, Texas in compliance with the principal community coverage requirements of Section 73.625(a) at reference coordinates:

32° 32' 23" West Latitude  
95° 13' 12" North Longitude

The proposed DTV reference coordinates are also the geographic coordinates of the licensed KLTU-TV NTSC facility.

In addition, operation on DTV channel 10 appears possible with an effective radiated power (ERP) of 7.5 kW utilizing a non-directional antenna radiation envelope and an antenna height above average terrain (HAAT) of 302 meters and a radiation center of 423 meters above mean sea level. The proposed channel change is acceptable under the 2 percent criterion for *de minimis* impact applicable to DTV allotment modifications under Section 73.623(c)(2). Therefore, it is proposed to modify KLTU-DT's authorization

to specify operation on the alternate DTV channel with the following specifications:

State & City	DTV Channel	DTV ERP (kW)	Antenna Radiation Center	Antenna HAAT (m)
TX, Tyler	10	7.5 kW	423 m AMSL	302 m
Note: Non-Directional Antenna				
Reference Coordinates: 32° 32' 23 N. Latitude/95° 13' 13" W. Longitude				

It is also proposed to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as follows:

<u>City</u>	<u>Present</u>	<u>Channel No.</u>	<u>Proposed</u>
Tyler, TX	38		10

### Background

Station KLTU-DT is currently allotted channel 38 for its DTV operation with an effective radiated power of 1000 kW and an HAAT of 302 meters.

KLTU-DT is requesting to substitute its DTV channel to a VHF channel to permit more favorable propagation characteristics. Also, the tower loading will be reduced on the existing tower by permitting a common antenna to be employed.

### Proposal

Figure 1 is a coverage map showing the proposed noise-limited coverage contour. Also shown are the city limits of Tyler, Texas based on 1990 Census data. As indicated, all of Tyler is located within the noise-limited coverage contour. Therefore, the proposed channel 9 DTV

allotment will comply with the city coverage requirements contained in Section 73.625(a).

Figure 2 provides a summary of interference and service for the proposed channel 10 allotment. Determination of interference and service was based on the procedures outlined in OET Bulletin No. 69 and criteria contained in Sections 73.622 and 73.623 of the FCC's rules.<sup>1</sup> It is believed that the proposed channel 10 operation is in full compliance with the FCC's 2%/10% interference criteria.

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<sup>1</sup> The du Treil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order; subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 2 km was employed. An Alpha based processor computer system was employed. The results have been found to be in very close agreement with the results of the FCC implementation of OET Bulletin No. 69.

Conclusion

Channel 10 can be substituted for the current DTV channel 38 allotment of KLTV-DT in compliance with the FCC's rules concerning DTV allotment changes.

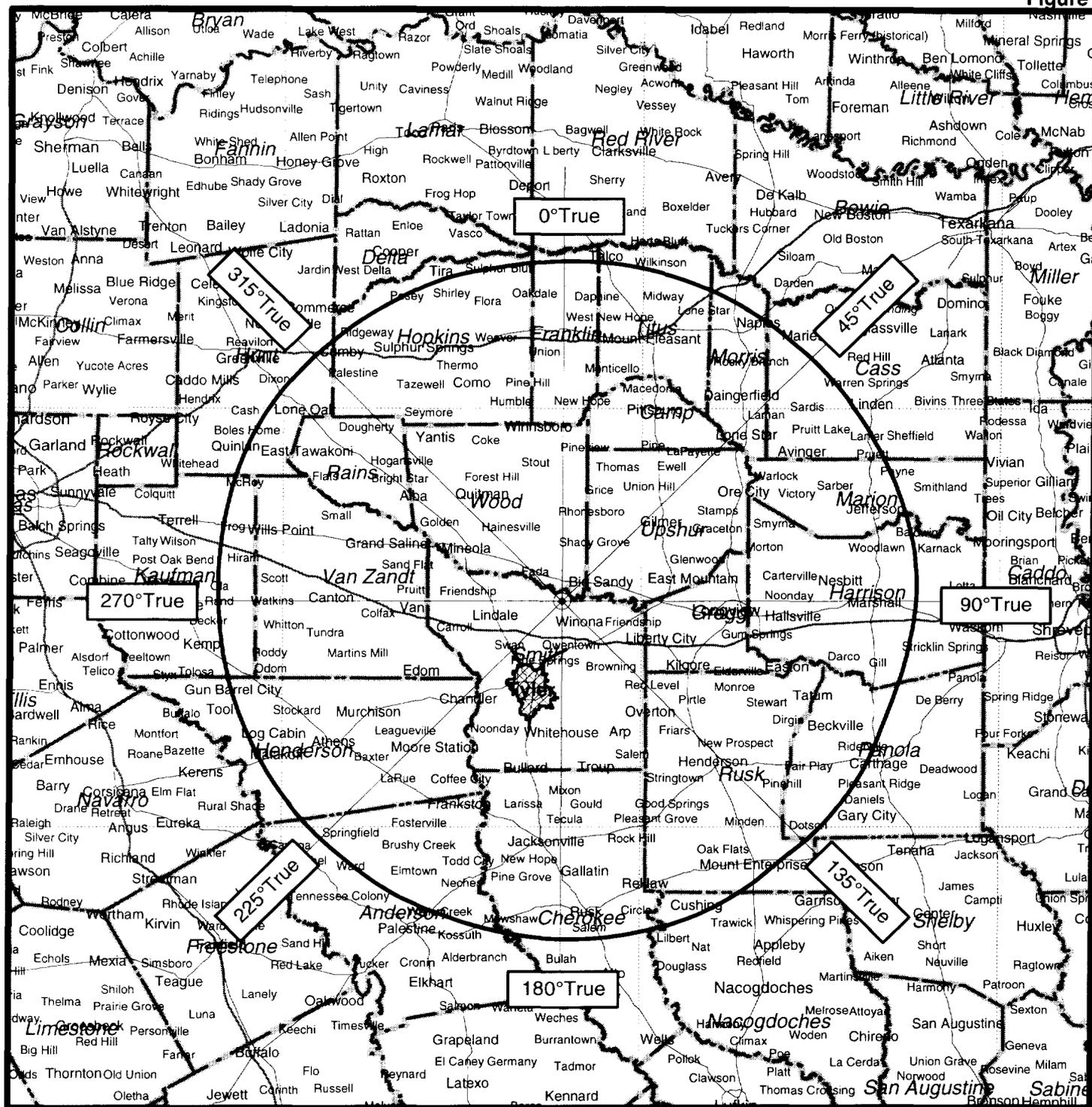
A handwritten signature in black ink, appearing to read 'Charles Cooper', with a long horizontal line extending to the right.

Charles Cooper

du Treil, Lundin & Rackley, Inc.  
201 Fletcher Avenue  
Sarasota, Florida 324237  
941.329.6000

April 24, 2000

Figure 1



## DTV NOISE-LIMITED COVERAGE CONTOUR

TELEVISION STATION KLTV-DT  
 TYLER, TEXAS  
 CH 10 7.5 KW 302 M

du Treil, Lundin & Rackley, Inc., Sarasota, Florida

TECHNICAL EXHIBIT  
 PREPARED IN SUPPORT OF  
 PETITION FOR RULE MAKING TO  
 MODIFY THE DTV ALLOTMENT TABLE  
 STATION KLTV-DT  
 TYLER, TEXAS

Summary of Allocation Analysis

Facility	Channel	NTSC or DTV?	Baseline Service Population (1990)	Permissible IX(%)	Net New IX Caused by Proposed (1990)	Percent of Baseline (%)
KTRE(TV) Lufkin, TX	9	NTSC	224,473	2.0	0	0.00
WFAA-DT Dallas, TX <i>Allotment</i>	9	DTV	4,202,000	2.0	0	0.00
WFAA-DT Dallas, TX <i>License</i>	9	DTV	4,202,000	2.0	0	0.00
KTEN(TV) Ada, OK	10	NTSC	453,188	2.0	2,500	0.55
KWTX-TV Waco, TX	10	NTSC	896,230	2.0	1,200	0.13
KTVE(TV) El Dorado, AR	10	NTSC	668,136	2.0	12,750	1.91
KLFY-TV Lafayette, LA	10	NTSC	877,081	2.0	0	0.00
KTVT(TV) Fort Worth, TX	11	NTSC	4,246,700	2.0	0	0.00
KTRE-DT Lufkin, TX <i>Proposed Allotment</i>	11	DTV	---	---	0	0.00

**ATTACHMENT**

**Construction Permit Application  
Concurrently Filed**

# Wiley, Rein & Fielding

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May 1, 2000

## **VIA COURIER**

Federal Communications Commission  
Mass Media Services  
P.O. Box 358165  
Pittsburgh, Pennsylvania 15251-5165

Attention: Stop Code 1800E1  
Television Branch

Re: **FACILITY ID No. 68540**  
Television Station KLTU-DT, Tyler, Texas  
Application to Modify Digital Television Facilities

Dear Sir or Madam:

On behalf of Civic License Holding Co., Inc. ("Civic"), licensee of Television Station KLTU(TV), Tyler, Texas, we submit herewith, in triplicate, an application for authority to modify its authorized digital television facilities (FCC File No. BPCDT-19991027ACP). The application reflects proposed operation on DTV Channel 10, the channel proposed in a Petition for Rule Making concurrently submitted today. This application is filed pursuant to the Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I, *codified at* 47 U.S.C. § 336(f). As set forth in the Petition for Rule Making, a substitute channel is sought to improve signal coverage for viewers in the Tyler-Longview, Texas DMA, ensuring effective service replication. The channel change also would permit the sharing of certain analog and digital equipment, thereby reducing potential tower structure loading problems.

Civic is filing the application for authority to construct on DTV Channel 10 despite the fact that the Commission has not yet had the opportunity to act on the Petition for Rule Making. Accordingly, a request for waiver of 47 C.F.R § 73.3572 is enclosed as Exhibit No. 1. Civic requests that the Commission defer processing the application until such time as it has acted upon the Petition for Rule Making.

Federal Communications Commission

May 1, 2000

PAGE 2

A check in the amount of \$725.00, accompanied by FCC Form 159, is enclosed to cover the filing fee.

Kindly let me know if you have any questions about this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Joseph Knoll III", is written over a circular stamp or mark.

E. Joseph Knoll III

Enclosure

**WILEY, REIN & FIELDING**  
**1776 K Street, N.W.**  
**Washington, DC 20006**  
**Operating Account**

**No. 125976**

Date	Amount
05/01/2000	*****725.00

**Pay** Seven Hundred Twenty Five and No/100 Dollars ONLY

**To the Order of** FCC

*Barry J. Strauss*  
 (Two Signatures Required For Amounts Over \$1,000.00)

Bank of America, N.A.  
 Washington, DC 20008  
 15-120/540

⑈ 125976 ⑈ ⑆054001204⑆ ⑈000003702987⑈

Attached is our check in full settlement of items shown hereon. If not correct, please return with explanation or call us at (202)710-7512.

**No. 125976**

FCC		Check Date 05/01/2000				
Description	Date	Invoice No.	Amount of Invoice	Discount	Net	
TV3, INC. KLTV	05/01/2000		725.00	.00	725.00	
				<b>Total</b>	<b>725.00</b>	

Remittance Advice  
 Detach before depositing

**WILEY, REIN & FIELDING**  
**Operating Account**

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3060-0589

# REMITTANCE ADVICE

SPECIAL USE

FCC USE ONLY

(1) LOCKBOX # 358165

PAGE NO. 1 OF 1

## SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Wiley, Rein & Fielding

(3) TOTAL AMOUNT PAID (dollars and cents)

\$ 725.00

(4) STREET ADDRESS LINE NO. 1

1776 K Street NW

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Washington

(7) STATE

DC

(8) ZIP CODE

20006

(9) DAYTIME TELEPHONE NUMBER (Include area code)

(202) 719-7351

(10) COUNTRY CODE (if not in U.S.A.)

**IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B  
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)**

## SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

Civic License Holding Co., Inc.

(12) STREET ADDRESS LINE NO. 1

P.O. Box 1712

(13) STREET ADDRESS LINE NO. 2

(14) CITY

Jackson

(15) STATE

MS

(16) ZIP CODE

39215

(17) DAYTIME TELEPHONE NUMBER (Include area code)

(601) 948-3333

(18) COUNTRY CODE (if not in U.S.A.)

**COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)**

## SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID

KLTV (TV)

(20A) PAYMENT TYPE CODE (PTC)

M P T

(21A) QUANTITY

1

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

\$ 725.00

FCC USE ONLY

(23A) FCC CODE 1

(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

\$

FCC USE ONLY

(23B) FCC CODE 1

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

\$

FCC USE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

\$

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

## SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25)

PAYER TIN

0 5 2 1 2 8 9 9 8 8

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2

APPLICANT TIN

0 6 4 0 6 3 4 3 7 1

## SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT

I, \_\_\_\_\_, Certify under penalty of perjury that the foregoing and supporting information

(PRINT NAME)

are true and correct to the best of my knowledge, information and belief. SIGNATURE \_\_\_\_\_

## SECTION F - CREDIT CARD PAYMENT INFORMATION

(28)

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION DATE:

MASTERCARD

\_\_\_\_\_

\_\_\_\_/\_\_\_\_

MONTH YEAR

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD  
for the service(s)/authorization(s) herein described

AUTHORIZED SIGNATURE

DATE

FOR  
FCC  
USE  
ONLY

# FCC 301

## APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY  
FILE NO.

### Section I - General Information

1. Legal Name of the Applicant Civic License Holding Co., Inc.		
Mailing Address P.O. Box 1712		
City Jackson	State or Country (if foreign address) MS	ZIP Code 39215
Telephone Number (include area code) (601) 948-3333	E-Mail Address (if available)	
	Call Sign KLTV (TV)	Facility ID Number 68540

2. Contact Representative (if other than applicant) E. Joseph Knoll III	Firm or Company Name Wiley, Rein & Fielding
Telephone Number (include area code) (202) 719-7351	E-Mail Address (if available) dknoll@wrf.com

3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):

Governmental Entity       Other \_\_\_\_\_

4. **Application Purpose.**

- |  |   |
|--|---|
| <input type="checkbox"/> New station                       | <input type="checkbox"/> Major Modification of construction permit            |
| <input type="checkbox"/> Major Change in licensed facility | <input checked="" type="checkbox"/> Minor Modification of construction permit |
| <input type="checkbox"/> Minor Change in licensed facility | <input type="checkbox"/> Major Amendment to pending application               |
|  | <input type="checkbox"/> Minor Amendment to pending application               |

a. File number of original construction permit: BPCDT-19991027ACP       N/A

b. Service Type:       AM       FM       TV       DTV

c. Community of License:

City Tyler	State TX
---------------	-------------

d. Facility Type:       Main       Auxiliary

If an amendment, **submit as an Exhibit** a listing by Section and Question Number of the portions of the pending application that are being revised.

Exhibit No.
-------------

**NOTE:** In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

**Section II - Legal**

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.  Yes  No

2. **Parties to the Application.**

a. List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.

- |   |  |
|---|--|
| (1) Name and address of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners. | (2) Citizenship.   |
|   | (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, etc. |
|   | (4) Percentage of votes.   |
|   | (5) Percentage of equity.  |

(1)	(2)	(3)	(4)	(5)

b. Applicant certifies that equity interests not set forth above are non-attributable.

Yes  No

See Explanation in Exhibit No.

N/A

3. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest.

Exhibit No.

N/A

4. **Multiple Ownership.**

a. Applicant certifies that the proposed facility:

Yes  No

See Explanation in Exhibit No.

1. complies with the Commission's multiple and cross-ownership rules;
2. does not present an issue under the Commission's cross-interest policy;
3. does not present an issue under the Commission's policies relating to media interests of immediate family members;
4. complies with the Commission's policies relating to future ownership interests; and
5. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.

Section II - Legal

- b. Radio Applicants Only. If the grant of the application would result in certain principal community service contour overlaps, see Local Radio Ownership Worksheet, Question 1, applicant certifies that all relevant information has been placed in public inspection file(s) and submitted to the Commission.  Yes  No  N/A See Explanation in Exhibit No.
5. Character Issues. Applicant certifies that neither applicant nor any party to the application has or has had any interest in, or connection with:  Yes  No See Explanation in Exhibit No.
- a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
- b. any pending broadcast application in which character issues have been raised.
6. Adverse Findings. Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.  Yes  No See Explanation in Exhibit No.
7. Alien Ownership and Control. Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.  Yes  No See Explanation in Exhibit No.
8. Program Service Certification. Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.  Yes  No
9. Local Public Notice. Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.  Yes  No
10. Auction Authorization. If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.  Yes  No  N/A
- An exhibit is required unless this question is inapplicable. Exhibit No.
11. Anti-Drug Abuse Act Certification: Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.  Yes  No

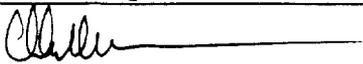
I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing FRANK E. MELTON	Typed or Printed Title of Person Signing PRESIDENT & CEO
Signature 	Date APRIL 27, 2000

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT  
 (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT  
 (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

**SECTION III PREPARER'S CERTIFICATION**

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name Charles A. Cooper		Relationship to Applicant (e.g., Consulting Engineer) Technical Consultant	
Signature 		Date April 25, 2000	
Mailing Address du Treil, Lundin & Rackley, Inc., 201 Fletcher Avenue			
City Sarasota		State or Country (if foreign address) Florida	ZIP Code 34237
Telephone Number (include area code) 941.329.6000		E-Mail Address (if available) CHARLES@DLR.COM	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT  
(U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT  
(U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

**Complete Questions 1-5 of the Certification Checklist and provide all data and information for the proposed facility, as requested in Technical Specifications, Items 1-13.**

**Certification Checklist:** A correct answer of "Yes" to all of the questions below will ensure an expeditious grant of a construction permit. However, if the proposed facility is located within the Canadian or Mexican borders, coordination of the proposal under the appropriate treaties may be required prior to grant of the application. An answer of "No" will require additional evaluation of the applicable information in this form before a construction permit can be granted.

1. The proposed DTV facility complies with 47 C.F.R. Section 73.622 in the following respects:
  - (a) It will operate on the DTV channel for this station as established in 47 C.F.R. Section 73.622.  Yes  No
  - (b) It will operate from a transmitting antenna located within 5.0 km (3.1 miles) of the DTV reference site for this station as established in 47 C.F.R. Section 73.622.  Yes  No
  - (c) It will operate with an effective radiated power (ERP) and antenna height above average terrain (HAAT) that do not exceed the DTV reference ERP and HAAT for this station as established in 47 C.F.R. Section 73.622.  Yes  No
2. The proposed facility will not have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding the applicable health and safety guidelines, and therefore will not come within 47 C.F.R. Section 1.1307.  Yes  No  
 Applicant must **submit the Exhibit** called for in Item 13.
3. Pursuant to 47 C.F.R. Section 73.625, the DTV coverage contour of the proposed facility will encompass the allotted principal community.  Yes  No
4. The requirements of 47 C.F.R. Section 73.1030 regarding notification to radio astronomy installations, radio receiving installations and FCC monitoring stations have either been satisfied or are not applicable.  Yes  No
5. The antenna structure to be used by this facility has been registered by the Commission and will not require reregistration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely effect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7.  Yes  No

SECTION III-D - DTV Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel Number: DTV 10 Analog TV, if any 7

2. Zone:  I  II  III

3. Antenna Location Coordinates: (NAD 27)  
32 ° 32 ' 23 "  N  S Latitude  
95 ° 13 ' 12 "  E  W Longitude

4. Antenna Structure Registration Number: 1052125  
 Not applicable  FAA Notification Filed with FAA

5. Antenna Location Site Elevation Above Mean Sea Level: 105 meters

6. Overall Tower Height Above Ground Level: 329 meters

7. Height of Radiation Center Above Ground Level: 318 meters

8. Height of Radiation Center Above Average Terrain: 302 meters

9. Maximum Effective Radiated Power (average power): 15 kW

10. Antenna Specifications:

Manufacturer	Model
Harris	TAB-12H-M

a. Electrical Beam Tilt: 0.75 degrees  Not Applicable

c. Mechanical Beam Tilt: \_\_\_\_\_ degrees toward azimuth \_\_\_\_\_ degrees True  Not Applicable

Attach as an Exhibit all data specified in 47 C.F.R. Section 73.625(c). 

Exhibit No. Tech
---------------------

d. Polarization:  Horizontal  Circular  Elliptical

e. Directional Antenna Relative Field Values:  Not applicable (Nondirectional)

Rotation \_\_\_\_\_ °  No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

If a directional antenna is proposed, the requirements of 47 C.F.R. Section 73.625(c) must be satisfied. **Exhibit required.**

Exhibit No.

11. Does the proposed facility satisfy the interference protection provisions of 47 C.F.R. Section 73.623(a)? (Applicable only if **Certification Checklist** Items 1(a), (b), or (c) are answered "No.")

Yes  No

If "No," attach as an Exhibit justification therefor, including a summary of any related previously granted waivers.

Exhibit No.   
Tech

12. If the proposed facility will not satisfy the coverage requirement of 47 C.F.R. Section 73.625, attach as an Exhibit justification therefor. (Applicable only if **Certification Checklist** Item 3 is answered "No.")

Exhibit No.

13. **Environmental Protection Act. Submit in an Exhibit** the following:

Exhibit No.   
Tech

a. If **Certification Checklist** Item 3 is answered "Yes," a brief explanation of why an Environmental Assessment is not required. Also describe in the Exhibit the steps that will be taken to limit RF radiation exposure to the public and to persons authorized access to the tower site.

By checking "Yes" to **Certification Checklist** Item 3, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

If **Certification Checklist** Item 3 is answered "No," an Environmental Assessment as required by 47 C.F.R. Section 1.1311.

**PREPARER'S CERTIFICATION IN SECTION III MUST BE COMPLETED AND SIGNED.**

TECHNICAL EXHIBIT  
APPLICATION FOR DTV CONSTRUCTION PERMIT  
STATION KLTV-DT  
TYLER, TEXAS  
CH 10 15 KW 302 M

Technical Narrative

This Technical Exhibit supports an application for digital television (DTV) station KLTV-DT which is paired with NTSC (analog) channel 7 at Tyler, Texas. This application requests a construction permit (CP) for a digital television operation on channel 10 at Tyler. KLTV(TV) is concurrently filing a *Petition for Rule Making* to substitute its DTV Channel 38 allotment assigned in the Memorandum, Opinion and Order (MO&O) concerning reconsideration of the 6<sup>th</sup> Report and Order in MM Docket No. 87-268 to Channel 10. A proposed effective radiated power of 15 kilowatts at its existing NTSC radiation center and antenna height above average terrain is proposed.<sup>1</sup>

Proposed Facilities

Station KLTV-DT proposes to operate DTV channel 10 from its NTSC transmitter site. The proposed DTV transmission system will be combined with the NTSC transmitting antenna. It is proposed to operate with a Harris TAB-12H-M "batwing" type antenna with a maximum average effective radiated power of 15 kilowatts.

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<sup>1</sup> It is noted that KLTV-DT, in its *Petition for Rule Making*, is requesting 7.5 kilowatts. However, KLTV-DT is seeking an interference agreement with KTVE(TV) at El Dorado, AR to permit the proposed 15 kilowatt effective radiated power.

The proposed DTV transmitter site will be located at its NTSC transmitter site. Therefore, the proposed site location is:

32° 32' 23" North Latitude  
95° 13' 12" West Longitude

A sketch of antenna and pertinent elevations are included as Figure 1.

Figure 2 is the vertical plane radiation pattern for the proposed DTV antenna system.

Figure 3 is a map showing the DTV predicted coverage contour. The map provides the predicted F(50,90) noise limited contour. The extent of the contour has been calculated using the normal FCC prediction method. The Tyler city limits were derived from information contained in the 1990 U.S. Census of Population and Housing.

#### Allocation Considerations

The proposed KLTV-DT Channel 10 facility meets the requirements of Section 73.623 of the FCC Rules concerning predicted interference to other existing NTSC facilities and DTV allotments and assignments except to KTVE(TV) at El Dorado, Arkansas as discussed below. Longley-Rice interference analyses were conducted pursuant to the requirements of the FCC Rules; OET Bulletin No. 69; and published FCC guidelines for preparation of such interference analyses. The Longley-Rice interference analyses were conducted using the software developed by du Treil, Lundin &

Rackley, Inc. based on the FCC published software routines.<sup>2</sup> Stations selected for analysis were determined pursuant to the distance requirements outlined in the FCC DTV Processing Guidelines Public Notice. The results of the interference analyses for the proposed KLTU-DT facility are summarized herein at Figure 4. As indicated therein, the proposed facility will meet the 2%/10% criterion outlined in the FCC Rules and published guidelines with respect to all considered stations except to KTVE(TV).<sup>3</sup>

It is noted that the predicted interference to KTVE(TV) at El Dorado exceeds the Commission's *de minimis* interference standards. However, an interference agreement between KLTU-DT and the licensee of KTVE(TV) is being sought which would permit the proposed effective radiated power.

#### Radiofrequency Electromagnetic Field Exposure

The proposed KLTU-DT facilities were evaluated in terms of potential radiofrequency electromagnetic field exposure at ground level to workers and the general public. The radiation center for the proposed KLTU-DT antenna is located 318 meters above ground level. The maximum effective radiated power is 15 kilowatts. A "worst-case" relative field value of 1.0 is assumed for the antenna's downward radiation. The calculated power density at a

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2 The duTreil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order; subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 2 km was employed.

3 Interference analysis results reflect the net change in interference to a given station considering the interference predicted to occur from all other stations (i.e. "masking"). This properly reflects the net interference change for determining compliance with the FCC DTV2%/10% *de minimis* standard.

point 2 meters above ground level is 0.005 mW/cm<sup>2</sup>. This is less than 5 percent of the Commission's recommended limit of 0.2 mW/cm<sup>2</sup> for channel 10 for an "uncontrolled" environment.

Access to the transmitting site will be restricted and appropriately marked with warning signs. As this is a multi-user site, an agreement will control access to the site. In the event that workers or other authorized personnel enter restricted areas or climb the tower, appropriate measures will be taken to assure worker safety with respect to radio frequency radiation exposure. Such measures include reducing the average exposure by spreading out the work over a longer period of time, wearing "accepted" RFR protective clothing and/or RFR exposure monitors or scheduling work when the stations are at reduced power or shut down. The proposed KLTN-DT operation appears to be otherwise categorically excluded from environmental processing.

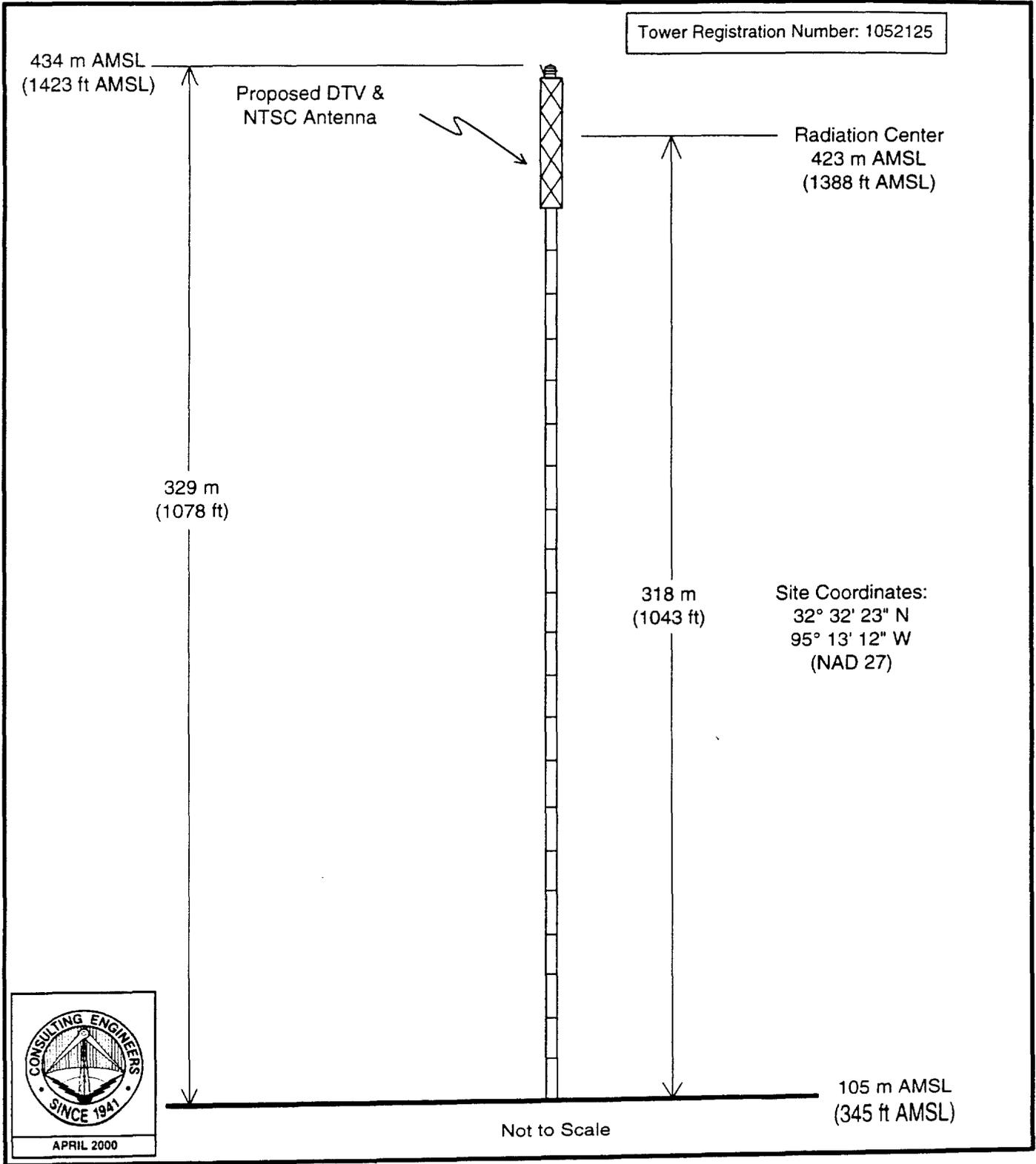


Charles Cooper

du Treil, Lundin & Rackley, Inc.  
201 Fletcher Avenue  
Sarasota, Florida 324237  
941.329.6000

April 24, 2000

Figure 1

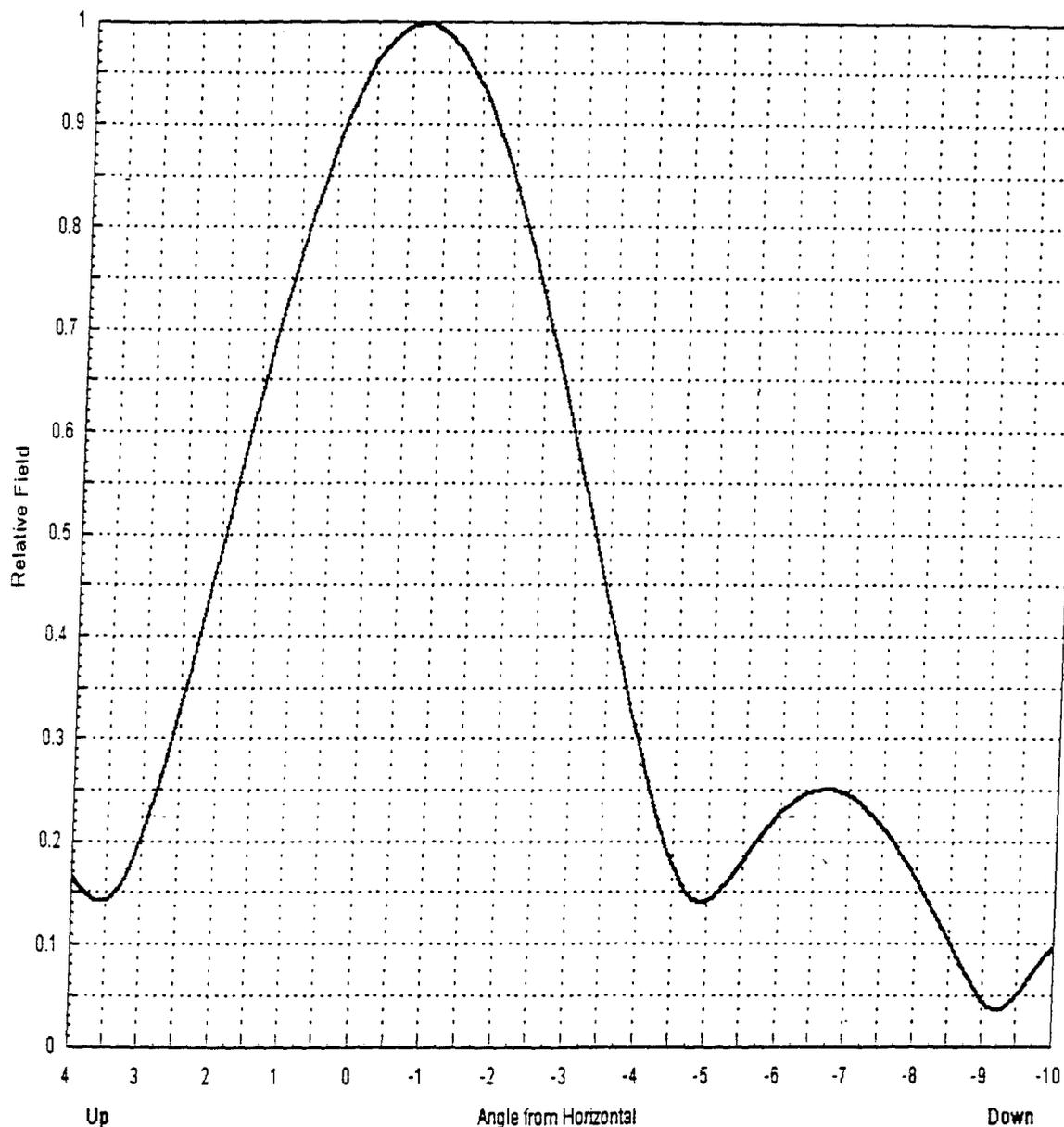


## PROPOSED ANTENNA AND SUPPORTING STRUCTURE

TELEVISION STATION WINK-DT  
FORT MYERS, FLORIDA  
CH 10 15 KW 302 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

### Calculated Elevation Pattern



Harris Pattern No.: 9264E01K  
Model: TAB-12HM

## VERTICAL PLANE RELATIVE FIELD PATTERN

TELEVISION STATION KLTV-DT  
TYLER, TEXAS  
CH 10 15 KW 302 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

TABULATED ELEVATION PATTERN

DATE: 09/21/1999  
TIME: 4:13 PM

Pattern No.: 9264E02K

PLOT FILENAME = C:\ANTENNA\DATA\9264E02K.PLT

ELEVATION	REL. FIELD	Rel. dB	ELEVATION	REL. FIELD	Rel. dB
-90.0	0.019	-34.346	0.0	0.945	-0.489
-80.0	0.029	-30.758	3.3	0.150	-16.467
-77.2	0.032	-29.930	5.0	0.255	-11.877
-71.7	0.019	-34.619	7.5	0.036	-28.918
-70.0	0.030	-30.459	9.5	0.154	-16.227
-61.0	0.194	-14.260	10.0	0.143	-16.906
-60.0	0.189	-14.456	11.7	0.006	-43.812
-53.6	0.040	-27.866	14.1	0.144	-16.851
-51.0	0.059	-24.554	17.0	0.037	-28.738
-50.0	0.054	-25.408	18.4	0.054	-25.399
-47.2	0.015	-36.202	20.0	0.020	-33.996
-44.8	0.032	-29.831	20.4	0.009	-40.728
-42.1	0.014	-37.157	22.6	0.056	-25.096
-40.0	0.027	-31.380	24.8	0.007	-43.386
-39.6	0.027	-31.220	27.2	0.065	-23.791
-39.1	0.027	-31.277	29.4	0.015	-36.198
-34.6	0.100	-20.036	30.0	0.031	-30.289
-31.2	0.015	-36.245	32.7	0.103	-19.745
-30.0	0.048	-26.362	36.9	0.029	-30.858
-28.9	0.062	-24.155	37.6	0.029	-30.614
-26.5	0.007	-43.428	40.0	0.015	-36.591
-24.3	0.053	-25.512	42.6	0.036	-28.938
-22.1	0.010	-40.342	45.0	0.017	-35.476
-20.1	0.051	-25.804	48.6	0.066	-23.643
-20.0	0.051	-25.822	50.0	0.055	-25.251
-18.8	0.038	-28.397	51.1	0.044	-27.083
-15.7	0.146	-16.740	57.8	0.220	-13.136
-13.3	0.005	-45.771	60.0	0.193	-14.274
-11.0	0.154	-16.242	67.3	0.022	-32.967
-10.0	0.112	-19.049	70.0	0.036	-28.836
-9.1	0.035	-29.021	71.7	0.040	-28.067
-6.6	0.253	-11.923	80.0	0.010	-39.658
-4.9	0.149	-16.522	84.0	0.002	-53.043
-0.8	1.000	0.000	89.8	0.005	-45.321
			90.0	0.005	-45.333

**VERTICAL PLANE RELATIVE FIELD TABULATION**

TELEVISION STATION KLTV-DT  
TYLER, TEXAS

CH 10 15 KW 302 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida



TECHNICAL EXHIBIT  
 APPLICATION FOR DTV CONSTRUCTION PERMIT  
 STATION KLTV-DT  
 TYLER, TEXAS  
 CH 10 15 KW 302 M

Summary of Allocation Analysis

Facility	Channel	NTSC or DTV?	Baseline Service Population (1990)	Permissible IX(%)	Net New IX Caused by Proposed (1990)	Percent of Baseline (%)
KTRE(TV) Lufkin, TX	9	NTSC	224,473	2.0	0	0.00
WFAA-DT Dallas, TX Allotment	9	DTV	4,202,000	2.0	0	0.00
WFAA-DT Dallas, TX License	9	DTV	4,202,000	2.0	0	0.00
KTEN(TV) Ada, OK	10	NTSC	453,188	2.0	9,000	1.99
KWTX-TV Waco, TX	10	NTSC	896,230	2.0	2,000	0.22
KTVE(TV) El Dorado, AR	10	NTSC	668,136	Interference agreement being sought		
KLFY-TV Lafayette, LA	10	NTSC	877,081	2.0	0	0.00
KTVT(TV) Fort Worth, TX	11	NTSC	4,246,700	2.0	0	0.00
KTRE-DT Lufkin, TX Proposed Allotment (10 kW)	11	DTV	---	---	0	0.00
KTRE-DT Lufkin, TX Application (20 kW)	11	DTV	---	---	0	0.00

## EXHIBIT 1

### Request for Waiver of 47 C.F.R. § 73.3572

By this application, Civic License Holding Co., Inc. ("Civic") seeks authorization for the construction of digital facilities for KLTV (the "Station"). Civic concurrently is submitting a Petition for Rule Making seeking to substitute channel 10 as the Station's paired DTV allocation for the transition period in lieu of channel 38, as originally allotted. As explained below, Civic is submitting the instant application to ensure protection of the Station's maximized digital facilities on the proposed channel. Accordingly, waiver of Section 73.3572 of the Commission's rules (47 C.F.R. § 73.3572) is hereby requested to the extent necessary for the Commission to process the application. Civic requests that the Commission defer processing the application until such time as it has acted upon the Petition for Rule Making.

On November 29, 1999, the President signed into law the Community Broadcasters Protection Act of 1999 ("CBPA") creating a new Class A television service and according existing low power television ("LPTV") stations "primary" status *vis-à-vis* full power stations if they met certain minimum programming requirements.<sup>1</sup> However, the CBPA also provided that a full power station would be permitted to "maximize" its DTV facilities irrespective of interference with the new Class A stations so long as the station complied with certain procedures and filed a maximization application on or before May 1, 2000.<sup>2</sup> To resolve any "technical problems" that may obstruct maximization, the CBPA also allows such a station to change its DTV channel assignment without protecting Class A stations.<sup>3</sup>

The Commission has not yet had the opportunity to act on Civic's Petition for Rule Making to substitute a new DTV allotment for the Station. However, it is not clear that maximized facilities proposed in applications submitted after the statutory deadline of May 1, 2000 have certain protection against Class A stations. If the Station were to wait to submit the instant construction permit application until after the Commission had acted upon the Petition for Rule Making, it is possible that the Station's maximized service area would not be protected. In light of (1) Congress' intention to provide DTV broadcasters with a full opportunity to maximize; (2) Congress' intention to have the specifics of such maximization known by a date certain through the filing of an application on or before May 1, 2000; and (3) the fact that the CBPA does not explicitly account for the circumstances described herein, Civic accordingly is requesting waiver of Section 73.3572 to permit the submission of this construction permit application for the Station. Grant of the waiver request is in the public interest because it will allow the Commission to authorize maximized facilities for the Station upon grant of the requested channel substitution.

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<sup>1</sup> Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336(f).

<sup>2</sup> 47 U.S.C. § 336(f)(1)(D).

<sup>3</sup> *Id.*