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May 5, 2000

VIA COURIER

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

RECEIVED
MAY 05 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Re: KRIS-TV , Corpus Christi, Texas
Facility ID No. 25559
Amendment to Petition to Amend the DTV Table of Allotments

Dear Ms. Salas:

On behalf of KVOA Communications, Inc., licensee of KRIS-TV , Corpus Christi, Texas, we hereby amend its *Petition for Rule Making* proposing a substitution of channel 13 for channel 50 as the station's paired DTV allocation. The amendment is a "stamp-and-return" copy of a construction permit application for proposed digital facilities filed May 1, 2000, 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)*.

The initial petition was submitted on November 1, 1999 and has not yet appeared on public notice. The Commission has taken no formal action on the petition.

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

Respectfully submitted,


Scott S. Patrick

Enclosure

No. of Copies rec'd 015
List ABCDE

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May 1, 2000

VIA BERRY BEST COURIER

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

STAMP & RETURN

Attention: Stop Code 1800E1
Television Branch

RECEIVED
MAY 01 2000

Re: **FACILITY ID No. 25559**
Television Station KRIS-TV, Corpus Christi, Texas
Application to Construct Digital Television Facilities

Dear Sir or Madam:

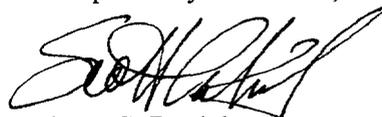
On behalf of KVOA Communications, Inc. ("KVOA"), licensee of Television Station KRIS-TV, Corpus Christi, Texas, we submit herewith, in triplicate, an application for authority to construct digital television facilities. The application reflects proposed operation on DTV Channel 13, the channel proposed in a Petition for Rule Making submitted November 1, 1999. 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 Corpus Christi, Texas DMA, thereby ensuring effective service replication. A notice of intent to maximize facilities for the station was timely filed.

KVOA is filing the application for authority to construct on DTV Channel 13 despite 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. KVOA requests that the Commission defer processing the application until such time as it has acted upon the Petition for Rule Making.

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,



Scott S. Patrick

Enclosure

Dow, Lohnes & Albertson, PLLC

1200 New Hampshire Avenue, N.W., SUITE 800
Washington, D.C. 20036
(202) 776-2000

FIRST UNION NATIONAL BANK
WASHINGTON, D.C. 20036

15-122
00480

97100

Date: April 30, 2000

Pay: Seven hundred twenty-five and 00/100***** \$ ***725.00***

VOID AFTER 6 MONTHS

A. Erdman

PAY TO THE ORDER OF: Federal Communications Commission

TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$5,000.00

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈097100⑈ ⑆054001220⑆ 2066700434109⑈

Payee: Federal Communications Commission
Vendor ID: 2094

Check #: 97100
Check Date: Apr 30/00

Inv #	Inv Date	G/L Acct	Client	Matter	Narrative	Amount	Inv Total
CRTRI051000	May 01/00		03108	0010	VENDOR: Federal Communications; INVOICE#: CRTRI051000; DATE: 05/01/2000 - Filing of DTV application for KRIS-TV, Corpus Christi, TX	725.00	725.00
Invoice Totals:						\$725.00	\$725.00

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

APPROVED BY OMB 3060-0589

FEDERAL COMMUNICATIONS COMMISSION

REMITTANCE ADVICE

(1) LOCKBOX # 358165

PAGE NO. 1 OF 1

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

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

Dow, Lohnes & Albertson, PLLC

(3) TOTAL AMOUNT PAID (dollars and cents)

\$ 725.00

(4) STREET ADDRESS LINE NO. 1

c/o Scott S. Patrick, Esq.

(5) STREET ADDRESS LINE NO. 2

1200 New Hampshire Ave, N.W.

(6) CITY

Washington

(7) STATE

DC

(8) ZIP CODE

20036

(9) DAYTIME TELEPHONE NUMBER (Include area code)

(202) 776-2885

(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)

KVOA Communications, Inc.

(12) STREET ADDRESS LINE NO. 1

134 Columbus Street

(13) STREET ADDRESS LINE NO. 2

(14) CITY

Charleston

(15) STATE

SC

(16) ZIP CODE

29403-4800

(17) DAYTIME TELEPHONE NUMBER (Include area code)

(843) 937-5630

(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

KRIS-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 3 0 1 8 6 7 7 4

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

APPLICANT TIN

0 8 6 0 7 4 5 5 5 9

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 KVOA Communications, Inc.		
Mailing Address P.O. Box 840		
City Corpus Christi	State or Country (if foreign address) TX	ZIP Code 78403
Telephone Number (include area code) (361) 886-6111	E-Mail Address (if available)	
	Call Sign KRIS-TV	Facility ID Number 25559

2. Contact Representative (if other than applicant) Scott S. Patrick	Firm or Company Name Dow, Lohnes & Albertson, PLLC
Telephone Number (include area code) (202) 776-2885	E-Mail Address (if available) spatrick@dlalaw.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 type="checkbox"/> Minor Modification of construction permit |
| <input checked="" 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: _____ N/A

b. Service Type: AM FM TV DTV

c. Community of License:

City Corpus Christi	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.

- | | | | | |
|--|-------------------------|---|---------------------------------|----------------------------------|
| <p>(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.</p> | <p>(2) Citizenship.</p> | <p>(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, etc.</p> | <p>(4) Percentage of votes.</p> | <p>(5) Percentage of equity.</p> |
|--|-------------------------|---|---------------------------------|----------------------------------|

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

b. Applicant certifies that equity interests not set forth above are non-attributable. Yes No N/A See Explanation in Exhibit No.

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:

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.

Yes No See Explanation in Exhibit No.

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

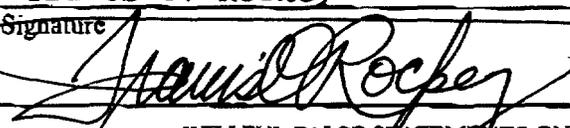
- 9. **Local Public Notice.** Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580. Yes No

- 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

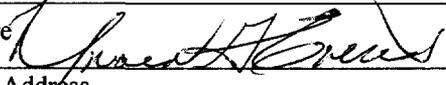
I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular 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 Travis O. Rockey	Typed or Printed Title of Person Signing Vice President
Signature 	Date 4/28/00

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 Donald G. Everist Cohen, Dippell and Everist, P.C.		Relationship to Applicant (e.g., Consulting Engineer) Consulting Engineer	
Signature 		Date April 27, 2000	
Mailing Address 1300 L Street, N.W., Suite 1100			
City Washington		State or Country (if foreign address) D.C.	ZIP Code 20005
Telephone Number (include area code) (202) 898-0111		E-Mail Address (if available) cdepc@worldnet.att.net	

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

KRIS-DT

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 13 Analog TV, if any 6 See Exhibit E

2. Zone: I II III

3. Antenna Location Coordinates: (NAD 27)

27 ° 44 ' 28 " N S Latitude
97 ° 36 ' 08 " E W Longitude

4. Antenna Structure Registration Number: 1045871

Not applicable FAA Notification Filed with FAA

5. Antenna Location Site Elevation Above Mean Sea Level: 18.7 meters

6. Overall Tower Height Above Ground Level: 301.0 meters

7. Height of Radiation Center Above Ground Level: 288.0 meters

8. Height of Radiation Center Above Average Terrain: 290.6 meters

9. Maximum Effective Radiated Power (average power): 160 kW

10. Antenna Specifications:

Manufacturer	Model
Andrew	ATW10V6-HTO-13

a. Not Applicable

b. Electrical Beam Tilt: 1.5 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.
Append A

d. Polarization: Horizontal Circular Elliptical

TECH BOX

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. _____

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. **E**

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 **Cettification 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.

ENGINEERING STATEMENT
RE DTV BROADCAST ENGINEERING DATA
ON BEHALF OF
KRIS-DT, CORPUS CHRISTI, TEXAS
CHANNEL 13 160 KW ERP 290.6 METERS

APRIL 2000

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

This engineering statement has been prepared on behalf of KVOA Communications, Inc. licensee of KRIS-TV, Corpus Christi, Texas. The purpose of this engineering statement is to accompany its request for digital television ("DTV") facilities, specifically that data required in FCC Form 301, Section III-D.

KVOA Communications, Inc. operates Television Station KRIS-TV on NTSC Television Channel 6 with a maximum visual effective radiated power (ERP) of 100 kW and an antenna height above average terrain (HAAT) of 290.6 meters. KRIS-TV has been allocated DTV Channel 50 with facilities of 1000 kW and HAAT of 291 meters in the revised DTV Table of Allotments.¹ KVOA Communications, Inc has filed a Petition for Rulemaking to request DTV Channel 13 in lieu of Channel 50.

In this application, KVOA Communications, Inc. proposes DTV facilities on Channel 13 with an effective radiated power of 160 kilowatts and an HAAT of 290.6 meters. Since the proposed facilities will not operate on the channel authorized in the revised DTV Table of Allotments, interference studies have been performed in accordance with Section 73.623 of the FCC Rules.

The existing KRIS-TV tower will be utilized to support the KRIS- DT antenna. The overall height of the structure will remain unchanged. The tower registration number is 1045871.

¹"In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service", MM Docket No. 87-286, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order (FCC 98-24), 2/12/98, DTV Table of Allotments, p. B-52.

The geographic coordinates of this existing tower is as follows:

North Latitude: 27° 44' 28"

West Longitude: 97° 36' 08"

NAD-27

Equipment Data

Antenna: Andrew, Type ATW10V6-HTO-13 (or equivalent) master antenna with 0.85° electrical beam tilt. The vertical plane pattern and other exhibits required by Section 73.625(c) are herein included.

Elevation Data

Elevation of site above mean sea level	18.7 meters
Overall height above ground of the existing antenna structure (including beacon)	301.0 meters
Overall height above mean sea level of existing tower (including beacon)	319.7 meters
Center of radiation of Channel 13 antenna above ground	288.0 meters
Center of radiation of Channel 13 antenna above mean sea level	306.8 meters
Antenna height above average terrain	290.6 meters

NOTE: Slight height differences result due to conversion to metric.

Allocation

An allocation study from the proposed site has been performed since the proposed DTV facilities will operate on a different channel than the channel authorized in the Sixth Report.

Interference Analysis

A study of predicted interference caused by the proposed KRIS-DT service has been performed using a version of the Longley-Rice program as described in OET Bulletin No. 69 (July 2, 1997) and the Public Notice, "Additional Application Processing Guidelines for Digital Television (DTV)" (August 1998). The FCC's FORTRAN-77 code was modified only to the extent necessary (primarily input/output handling) for the program to run on a Windows98/Intel platform. Comparison of service/interference areas and populations indicates that this model closely matches the FCC's evaluation program. Best efforts have been made to use data and calculations identical to the FCC's program. Any slight differences are attributable to compiler, operating system and/or processor characteristics. The effect of any variance in calculated population values versus the FCC's program is minimized when differencing a given model's results, e.g., new interference equals total interference less baseline interference. The effect is further reduced for ratios of calculated population values, e.g., incremental population affected as a percent of total population served. The model employs the Longley-Rice propagation methodology and evaluates in grid cells of approximately 4 km² using 3-second terrain data sampled approximately every 0.1 km at one degree azimuth intervals with 1990 census centroids. All studies are based upon data in the update of the FCC's engineering data base dated December 30, 1999. Table I provides a summary of that analysis.

Other Licensed and Broadcast Facilities

There are no AM stations within 3.2 km of the proposed KRIS-TV tower site. There are six FM Stations operating within 100 meters of the proposed site.

No adverse technical effect is anticipated by the proposed DTV operation to any other FCC licensed facility. If required, the licensee of KRIS-DT will install filters or take other measures as necessary to resolve the problem.

Radio Frequency Radiation Level

The licensee proposes to mount the new DTV antenna for Station KRIS-DT on the existing KRIS-TV tower.

According to the FCC data base, there are six FM stations authorized to operate from the KRIS-TV tower. The FM stations are as follows:

KFTX(FM)	Channel 248C1
KLUX(FM)	Channel 208C1
KLTG(FM)	Channel 243C1
KFGG(FM)	Channel 204C2
KSAB(FM)	Channel 260C1
K201CR	Channel 201

Assuming a relative field factor of 0.5 for these FM antennas, the total RFF contribution of all these stations, 2 meters above the ground at the base of the tower, will be approximately 126.0 $\mu\text{W}/\text{cm}^2$ or 63.0% of the 200 $\mu\text{W}/\text{cm}^2$ limit for the general public based upon OET Bulletin No. 65, Edition No 97-01.

For the proposed DTV operation, the antenna manufacturer representative indicates that the elevation pattern for this antenna shows a maximum relative field of less than 0.2 towards the ground

in the vicinity of the tower. Using this relative field factor and the procedures prescribed in OST Bulletin No. 65, the maximum RFF resulting from the present operation at two meters above the base of the tower will be approximately $2.6 \mu\text{W}/\text{cm}^2$. This is approximately 1.3% of the $200 \mu\text{W}/\text{cm}^2$ maximum uncontrolled exposure to RFF recommended by the current FCC guidelines for the general population.

For NTSC Station KRIS-TV a relative field factor of 0.2 will be assumed. Using this relative field factor and the procedures prescribed in OET Bulletin 65, the maximum RFF resulting from the proposed operation will be approximately $0.8 \mu\text{W}/\text{cm}^2$. This is 0.4 percent of the $200 \mu\text{W}/\text{cm}^2$ maximum human exposure to RFF recommended by the current FCC guidelines for the general population.

The total contribution of all stations, 2 meters above the ground at the base of the tower, will be approximately 64.7 percent of the current FCC guidelines for general population exposure.

Authorized personnel and rigging contractors will be alerted to the potential zone of high radiation on the tower, and if necessary, the station will operate with reduced power or terminate the operation of the transmitter as appropriate when it is necessary for authorized personnel or contractors to perform work on the tower. Workers and the general public, therefore, will not be subjected to RFF levels in excess of the current FCC guidelines.

An environmental assessment (EA) is categorically excluded under Section 1.1307 of the FCC Rules and Regulations since the licensee indicates:

- (a)(1) The existing tower is not located in an officially designated wilderness area.
- (a)(2) The existing tower is not located in an officially designated wildlife preserve.

- (a)(3) The proposed facilities will not affect any listed threatened or endangered species or habitats.
- (a)(3)(ii) The proposed facilities will not jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats.
- (a)(4) The proposed facilities will not affect any known districts, sites, buildings, structures, or objects significant in American history, architecture, archaeology, engineering, or culture.
- (a)(5) The existing tower is not located near any known Indian religious sites.
- (a)(6) The existing tower is not located in a flood plain.
- (a)(7) The installation of the DTV facilities on an existing guyed tower will not involve a significant change in surface features of the ground in the vicinity of the tower.
- (a)(8) It is not proposed to equip the tower with high intensity white lights unless required by the FAA.
- (b) Workers and the general public will not be subjected to RFF levels in excess of the current FCC guidelines contained in OET Bulletin 65, Edition 97-01 and Supplement A. Authorized personnel will be alerted to areas of the antennas where potential radiation levels are in excess of the FCC guidelines. A security fence with a locked gate precludes access to the tower site.

TABLE I
POTENTIAL INTERFEREES OF
KRIS-DT CORPUS CHRISTI, TEXAS,
CHANNEL 13, 160 KW, 290.6 METERS
APRIL 2000

<u>NTSC</u>	<u>Channel</u>	<u>City/State</u>	<u>Power kW</u>	<u>Bearing/Distance from WVTA-DT</u>	<u>New Interference</u>
KTRK-TV	13	Houston, TX	316	44.8°/289.4 km	0.4%
KVTV(TV)	13	Laredo, TX	85.1	263.1°/191.0 km	0.8%
<u>DTV</u>					
KRGV-DT	13	Weslaco, TX	40	186.8°/157.9 km	1.0%

COHEN, DIPPELL AND EVERIST, P. C.

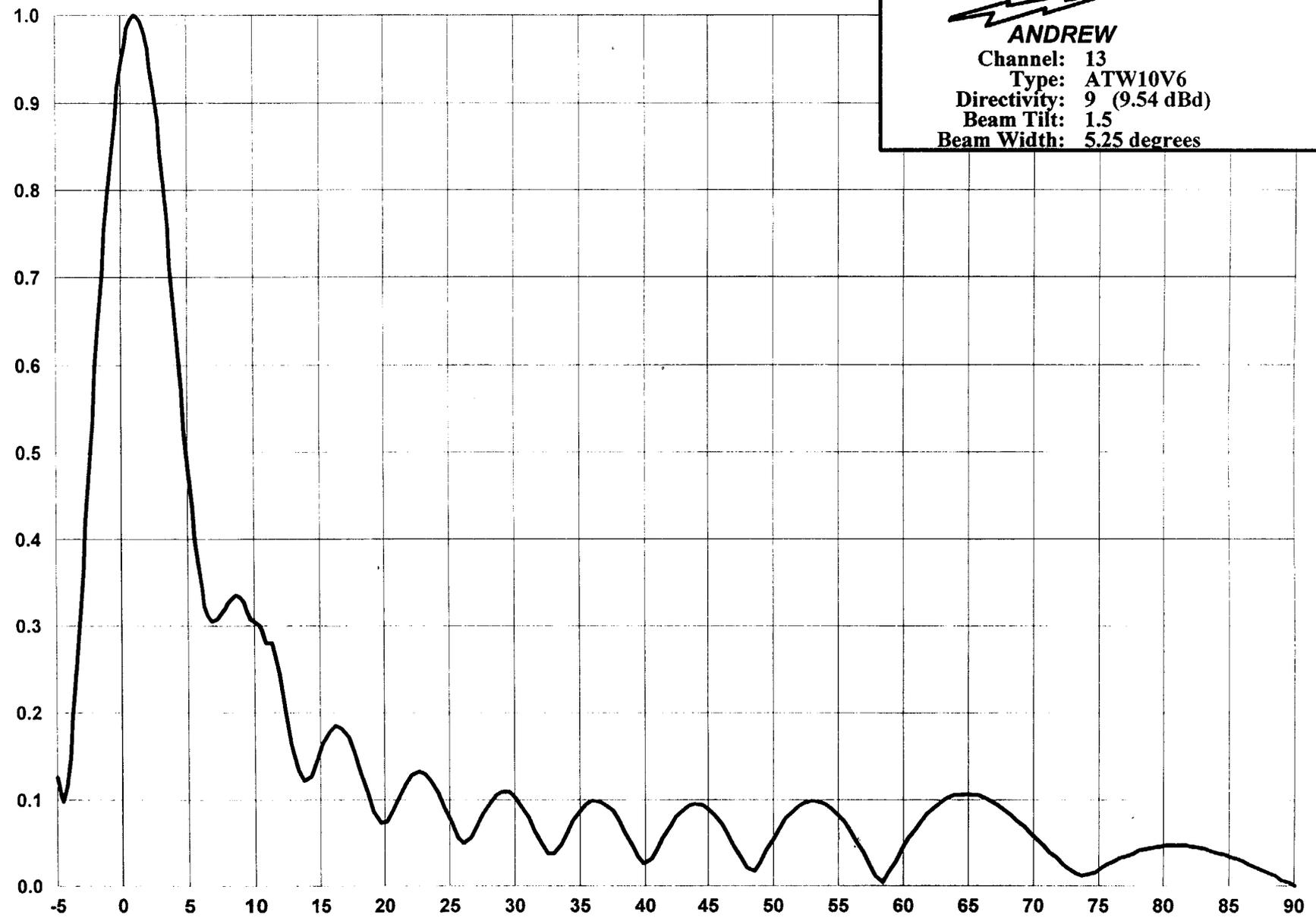
APPENDIX A

ANTENNA
MANUFACTURER
DATA



ANDREW

Channel: 13
Type: ATW10V6
Directivity: 9 (9.54 dBd)
Beam Tilt: 1.5
Beam Width: 5.25 degrees



ANDREW CORPORATION
10500 W. 153rd Street
Orland Park, Illinois U.S.A. 60462

Company: KRIS-DT
Site: Corpus Christi, TX
Proposal Number:

Author:

Date: 4/29/2000



Angle	Amp	dB									
-5.00	0.125	-18.06	9.00	0.333	-9.55	36.00	0.097	-20.23	63.50	0.103	-19.72
-4.75	0.103	-19.74	9.25	0.328	-9.68	36.50	0.094	-20.51	64.00	0.105	-19.59
-4.50	0.097	-20.26	9.50	0.320	-9.90	37.00	0.088	-21.08	64.50	0.106	-19.51
-4.25	0.114	-18.86	9.75	0.309	-10.20	37.50	0.079	-22.09	65.00	0.105	-19.56
-4.00	0.149	-16.54	10.00	0.305	-10.31	38.00	0.066	-23.66	65.50	0.104	-19.65
-3.75	0.195	-14.20	10.50	0.296	-10.57	38.50	0.052	-25.76	66.00	0.101	-19.87
-3.50	0.247	-12.15	11.00	0.262	-11.64	39.00	0.038	-28.36	66.50	0.098	-20.21
-3.25	0.303	-10.37	11.50	0.223	-13.02	39.50	0.029	-30.89	67.00	0.094	-20.58
-3.00	0.361	-8.85	12.00	0.183	-14.74	40.00	0.029	-30.63	67.50	0.088	-21.12
-2.75	0.419	-7.56	12.50	0.148	-16.59	40.50	0.039	-28.12	68.00	0.082	-21.74
-2.50	0.479	-6.39	13.00	0.127	-17.94	41.00	0.052	-25.68	68.50	0.076	-22.41
-2.25	0.537	-5.40	13.50	0.124	-18.12	41.50	0.065	-23.74	69.00	0.069	-23.23
-2.00	0.595	-4.51	14.00	0.136	-17.31	42.00	0.077	-22.31	69.50	0.062	-24.17
-1.75	0.651	-3.73	14.50	0.155	-16.20	42.50	0.086	-21.35	70.00	0.055	-25.21
-1.50	0.704	-3.05	15.00	0.171	-15.32	43.00	0.092	-20.77	70.50	0.047	-26.56
-1.25	0.755	-2.44	15.50	0.181	-14.84	43.50	0.094	-20.56	71.00	0.040	-27.99
-1.00	0.801	-1.93	16.00	0.183	-14.75	44.00	0.093	-20.60	71.50	0.033	-29.68
-0.75	0.844	-1.47	16.50	0.177	-15.06	44.50	0.089	-20.97	72.00	0.026	-31.77
-0.50	0.882	-1.09	17.00	0.162	-15.79	45.00	0.083	-21.62	72.50	0.020	-34.13
-0.25	0.916	-0.76	17.50	0.142	-16.95	45.50	0.074	-22.64	73.00	0.015	-36.75
0.00	0.944	-0.50	18.00	0.118	-18.54	46.00	0.062	-24.11	73.50	0.012	-38.27
0.25	0.967	-0.29	18.50	0.095	-20.45	46.50	0.050	-26.10	74.00	0.013	-37.79
0.50	0.984	-0.14	19.00	0.078	-22.18	47.00	0.036	-28.92	74.50	0.016	-36.08
0.75	0.995	-0.04	19.50	0.073	-22.72	47.50	0.023	-32.68	75.00	0.020	-34.15
1.00	1.000	0.00	20.00	0.081	-21.80	48.00	0.018	-34.99	75.50	0.024	-32.53
1.25	0.999	-0.01	20.50	0.097	-20.31	48.50	0.024	-32.26	76.00	0.028	-31.17
1.50	0.993	-0.06	21.00	0.112	-19.02	49.00	0.037	-28.55	76.50	0.032	-29.99
1.75	0.980	-0.18	21.50	0.124	-18.15	49.50	0.051	-25.90	77.00	0.035	-29.18
2.00	0.962	-0.34	22.00	0.130	-17.70	50.00	0.063	-24.02	77.50	0.038	-28.46
2.25	0.939	-0.55	22.50	0.130	-17.70	50.50	0.074	-22.59	78.00	0.041	-27.79
2.50	0.911	-0.81	23.00	0.124	-18.10	51.00	0.083	-21.62	78.50	0.043	-27.36
2.75	0.879	-1.12	23.50	0.113	-18.95	51.50	0.090	-20.89	79.00	0.044	-27.14
3.00	0.842	-1.49	24.00	0.097	-20.26	52.00	0.095	-20.44	79.50	0.045	-26.95
3.25	0.802	-1.92	24.50	0.079	-22.00	52.50	0.098	-20.22	80.00	0.046	-26.76
3.50	0.759	-2.40	25.00	0.063	-24.07	53.00	0.097	-20.24	80.50	0.046	-26.74
3.75	0.713	-2.94	25.50	0.052	-25.71	53.50	0.095	-20.47	81.00	0.046	-26.74
4.00	0.667	-3.52	26.00	0.053	-25.58	54.00	0.090	-20.90	81.50	0.046	-26.74
4.25	0.619	-4.17	26.50	0.063	-24.04	54.50	0.084	-21.56	82.00	0.045	-26.93
4.50	0.571	-4.87	27.00	0.077	-22.27	55.00	0.075	-22.50	82.50	0.044	-27.12
4.75	0.525	-5.60	27.50	0.091	-20.83	55.50	0.065	-23.72	83.00	0.042	-27.52
5.00	0.480	-6.38	28.00	0.101	-19.92	56.00	0.054	-25.42	83.50	0.040	-27.94
5.25	0.439	-7.15	28.50	0.107	-19.41	56.50	0.042	-27.63	84.00	0.038	-28.39
5.50	0.401	-7.94	29.00	0.108	-19.30	57.00	0.028	-31.08	84.50	0.036	-28.86
5.75	0.369	-8.66	29.50	0.104	-19.64	57.50	0.015	-36.67	85.00	0.033	-29.60
6.00	0.343	-9.29	30.00	0.096	-20.37	58.00	0.006	-45.01	85.50	0.031	-30.16
6.25	0.324	-9.79	30.50	0.084	-21.53	58.50	0.014	-37.32	86.00	0.028	-31.03
6.50	0.312	-10.12	31.00	0.069	-23.23	59.00	0.026	-31.55	86.50	0.025	-32.02
6.75	0.306	-10.29	31.50	0.054	-25.43	59.50	0.039	-28.07	87.00	0.021	-33.52
7.00	0.306	-10.29	32.00	0.041	-27.74	60.00	0.052	-25.73	87.50	0.018	-34.87
7.25	0.309	-10.20	32.50	0.037	-28.64	60.50	0.062	-24.13	88.00	0.014	-37.05
7.50	0.315	-10.03	33.00	0.044	-27.12	61.00	0.072	-22.83	88.50	0.011	-39.15
7.75	0.321	-9.87	33.50	0.056	-24.98	61.50	0.081	-21.79	89.00	0.007	-43.07
8.00	0.327	-9.71	34.00	0.070	-23.09	62.00	0.089	-21.04	89.50	0.004	-47.94
8.25	0.332	-9.58	34.50	0.082	-21.71	62.50	0.095	-20.45	90.00	0.000	-214.34
8.50	0.335	-9.50	35.00	0.091	-20.80	63.00	0.099	-20.06			
8.75	0.336	-9.47	35.50	0.097	-20.30	63.50	0.103	-19.72			

ANDREW CORPORATION
 10500 W. 153rd Street
 Orland Park, Illinois U.S.A. 60462

Company: KRIS-DT
 Site: Corpus Christi, TX
 Proposal Number:

Date: 4/29/2000
 Author:

EXHIBIT 1

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

By this application, KVOA Communications, Inc (“KVOA”) seeks authorization for the construction of digital facilities for KRIS (the “Station”). KVOA has submitted a Petition for Rule Making seeking to substitute channel 13 as the Station’s paired DTV allocation for the transition period in lieu of channel 50, as originally allotted. As explained below, KVOA 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. KVOA requests that the Commission defer processing the application until such time as it has acted upon the previously submitted 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.¹ 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, 2000.² 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.³

The Commission has not yet had the opportunity to act on KVOA’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, KVOA 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.

¹ 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).

² 47 U.S.C. § 336(f)(1)(D).

³ *Id.*