

DOCKET FILE COPY ORIGINAL

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

In re:

AMENDMENT OF SECTION 73.622 (b))
TABLE OF ALLOTMENTS)
DTV BROADCAST STATIONS)
MOUNTAIN VIEW, ARKANSAS)

MM Docket No.

RECEIVED
MAY 08 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: Chief, Allocations Branch
Policy and Rules Division

PETITION FOR RULEMAKING

Arkansas Educational Television Commission ("AETC"), licensee of noncommercial educational station KEMV(TV) ("KEMV"), Channel *6, Mountain View, Arkansas, by its attorneys and pursuant to the Commission's Rules, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.622(b) of its Rules to substitute DTV Channel *13 in lieu of DTV Channel *35 as KEMV's paired digital channel in Mountain View, Arkansas. This substitution of paired digital channels would serve the public interest. In addition, as the attached technical documentation demonstrates, KEMV's proposed operation on Channel *13 will not cause impermissible interference to any other stations.

AETC proposes the following amendment to Section 73.622(b) of the Commission's

Rules:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Mountain View, Arkansas	*35	*13

No. of Copies rec'd atf
List ABCDE
MMB

In support of this petition, AETC submits the following:

A. Background.

AETC, a statewide public broadcaster and a government entity in the State of Arkansas, is the licensee of noncommercial educational television stations KEMV, Mountain View, KETS, Little Rock, KAFT, Fayetteville, KETG, Arkadelphia and KTEJ, Jonesboro. These stations are linked via broadcast auxiliary microwave stations to form the Arkansas Educational Television Network (AETN), which brings educational, cultural and informational programming, including children's programming, to all reaches of the State of Arkansas. AETN is Arkansas' only statewide television network, broadcasting to 90 percent of the state.

AETC has operated noncommercial educational station KEMV on analog Channel *6 at Mountain View since 1980, providing the Mountain View area with noncommercial television service designed to inform, educate, motivate, entertain, enlighten and inspire.

B. The Proposed Change to the Table of Allotments Will Serve the Public Interest.

The proposed change to the DTV Table of Allotments will serve the public interest by enhancing KEMV's and AETC's ability to provide high quality noncommercial educational programming.

The proposed substitution will allow AETC to preserve its and the Arkansas taxpayers' resources. By necessity, as a government entity operating a statewide public television network, AETC must be a careful steward of its resources, even while it seeks to offer the highest quality of public broadcasting service. AETC has looked forward to the activation of DTV facilities. The allocation of Channel *35 as its paired DTV channel, however, has created obstacles to the achievement of its goals. Substantial hardship will be inflicted upon AETC if it is required to activate its DTV channel on UHF Channel *35. Operation of that DTV station with power levels

of 1000 kw as contemplated by the Commission will result in additional massive electrical power costs. This is in itself a devastating problem for this government entity operating with limited resources. This expense is especially significant in light of the fact that AETC has four additional DTV stations to construct, operate and maintain, all within a short span of time.

C. The Proposed Change to the Table of Allotments Will Not Result in Impermissible Interference with Surrounding Stations.

Under Section § 73.622(f)(5) of the Commission Rules, an existing licensee with DTV allotment may seek a change in the station's channel if the licensee demonstrates that the change "complies with the technical criteria in §73.623(c), and thereby will not result in new interference exceeding the *de minimis* standard set forth in that section . . ." In accordance with these rules, AETC requests that the Commission substitute DTV Channel *13, at a power/height combination of no more than 20kw/424m, for DTV Channel *35. As the engineering statement accompanying this petition demonstrates, the proposed operation of KEMV-DT on Channel *13 with ERP of 20 kw (utilizing a directional antenna) and HAAT of 424 m would in fact result in no impermissible interference to any other station. It would also comply with the community coverage requirements.

CONCLUSION

For all of these reasons, AETC requests that the Commission institute a rulemaking proceeding to amend Section 73.622 of its Rules to substitute DTV Channel *13 for DTV Channel *35 as the paired channel for KEMV in Mountain View, Arkansas. If the Commission grants this petition and modifies the DTV Table of Allotments accordingly, AETC is committed to applying for and constructing its DTV station on Channel *13.

Respectfully Submitted,

ARKANSAS EDUCATIONAL
TELEVISION COMMISSION

By: Todd D. Gray
Todd D. Gray

Attorney for Petitioner

DOW, LOHNES & ALBERTSON, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036
(202) 776-2000

May 8, 2000

ENGINEERING STATEMENT

Of
Dennis W. Wallace
Wallace & Associates

In support of
Petition for Rule Making
Non-Commercial Digital Television Allotment
Mountain View, Arkansas
For Petitioner

Arkansas Educational Television Commission

KEMV-TV

Mountain View, Arkansas

Background

Arkansas Educational Television Commission, (AETC) is licensee of KEMV-TV, which serves the Mountain View, Arkansas market with NTSC service on Channel 6. In its Sixth Report and Order, the Federal Communications Commission (Commission) allotted Channel 35 to Mountain View to be paired with KEMV for its DTV service. For reasons explained elsewhere in this petition, AETC is requesting the Commission to allot DTV channel 13 to Mountain View to be paired with KEMV-TV, channel 6, in place of channel 35.

This Engineering Statement has been prepared in support of a petition to amend the DTV allotment table as set forth in Section 73.622(b) and, more specifically,

	<u>Channel Number</u>	
	Present	Proposed
Arkansas		
•		
•		
Mountain View	*35	*13
•		

Allotment Study

It is proposed to change the Channel *35 DTV allotment to Channel *13 while maintaining the other allotment parameters regarding transmitter and tower location and height above average terrain.

A study has been conducted using TechWare software utilizing the parameters and criteria from the Commission's OET Bulletin 69 to evaluate potential interference, which would be caused by operation on Channel 13 at Mountain View. It was determined that one station would be effected by the proposed operation on channel 13. However, the study appended hereto demonstrates that an Effective Radiated Power (ERP) of 20 KW with a directional antenna pattern (also attached) minimizes the interference to KAFT-TV to 1.93%, which meets the *de minimus* interference requirement.

The petitioner, Arkansas Educational Television Commission (AETC), is also licensee of the effected NTSC channel 13 station, KAFT-TV Fayetteville, Arkansas, and has agreed to accept any and all interference resulting from the proposed operation of Channel 13 in Mountain View, Arkansas. The proposed allotment would cause a 1.93 % service loss to KAFT-TV, which would be acceptable to the licensee. Interference to all other stations would meet the *de minimus* interference requirements.

It is understood that the table of separations for new DTV allotments set forth in Section 73.623(d) is not applicable as this is not a new allotment but, rather, a modification of an allotment included in the initial DTV Table of Allotments.

The fully constructed facility operating from the reference coordinates would also comply with the principal city coverage requirement of Section 73.623(c)1.

Conclusion

Channel 13 can be operated at Mountain View, Arkansas for DTV service while complying with the Commission's service and interference requirements with the following parameters:

Channel	13
Reference Coordinates	35-48-47 N , 92-17-24 W
Antenna Height	424 meters
Maximum ERP	20 kW
Antenna Pattern	Directional
Tower Registration Number	1038195

Certification

This statement with associated exhibits was prepared by me or under my direction. All assertions contained in this statement are true of my own personal knowledge except where

otherwise indicated and these latter assertions are based on information from sources know
reliable and are believed to be true.



Dennis W. Wallace

Technical Consultant

Wallace & Associates

April 27, 2000

Attachment: Interference Study KEMV-DT

Interference Study
Use of Channel 13 at Mountain View, Arkansas

It is proposed to use DTV Channel 13 at Mountain View, Arkansas as follows:

Reference Coordinates:	35° 48' 47" N Lat
	92° 17' 24" W Lon
Height	424 Meters
Maximum ERP	20 kW-DA
Antenna Pattern	Directional per Table 2

Channel Study

A detailed analysis was undertaken to determine ERP limits for a DTV facility operating on channel 13 using TechWare software, which utilizes the parameters and methods contained in OET Bulletin 69. The results of these studies with respect to interference, based on the use of the proposed directional antenna system and the parameters listed above are summarized in Table 1. Thus, the proposed facility meets the Commission's *de minimus* interference requirements with respect to other DTV and NTSC stations.

Table 1

Station	Channel	Location	Increase Percent
KAFT-TV	13	Fayetteville, AR	1.93

These interference values are based on the directional antenna and ERP values listed in Table 2.

Interference to KAFT-TV, Fayetteville, Arkansas from the proposed operation of DTV channel 13 from Mountain View is acceptable to the licensee of KAFT-TV, the Arkansas Educational Television Commission (AETC), who is also the petitioner.

From the above, it can be seen that implementation of channel 13 for DTV service at Mountain View as proposed would comply with the commission's interference requirements.

Certification

This statement with associated exhibits was prepared by me or under my direction. All assertions contained in the statement are true of my own personal knowledge except where otherwise indicated and these latter assertions are based on information from sources known to be reliable and are believed to be true.

A handwritten signature in black ink, appearing to read "Dennis Wallace", written over a horizontal line.

Dennis Wallace

Technical Consultant

Wallace & Associates

April 27, 2000

TABLE 2

Antenna Pattern for KEMV-DT Channel 13 Mountain View, AR

Antenna designed to provide required protection to KAFT
NTSC Channel 13 Fayetteville, AR

ERP 20 kW RCAMSL 569 m

Antenna Name: TWT KEMV_TSTOI

Azimuth	Relative Field	Azimuth	Relative Field
0	1.00	180.00	1.00
10.00	1.000	190.00	1.000
20.00	1.000	200.00	0.780
30.00	1.000	210.00	0.580
40.00	1.000	220.00	0.380
50.00	1.000	230.00	0.280
60.00	1.000	240.00	0.280
70.00	1.000	250.00	0.380
80.00	1.000	260.00	0.580
90.00	1.000	270.00	0.780
100.00	1.000	280.00	1.000
110.00	1.000	290.00	1.000
120.00	1.000	300.00	1.000
130.00	1.000	310.00	1.000
140.00	1.000	320.00	1.000
150.00	1.000	330.00	1.000
160.00	1.000	340.00	1.000
170.00	1.000	350.00	1.000

TechWare, Inc

Suite 206

14101 Parke Long Court

Chantilly, VA 20151 -1 645

703-222-5842