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October 24, 2000

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals/445 Twelfth Street, S.W.
Washington, D.C. 20054

RECEIVED VIA UPS OVERNIGHT

OCT 25 2000

FCC MAIL ROOM

RE: Reply Comments to Comments and Counterproposal of Stephens Group, Inc.

Dear Ms. Salas:

There is transmitted herewith on behalf of Sierra Broadcasting Company, the licensee of Station KRNVTV, Reno, Nevada, an original and four copies of its *Reply Comments to Comments and Counterproposal of Stephens Group, Inc.* regarding the *Petition for Rule Making* to amend §73.622(b), the DTV Table of Allocations, by substituting Channel 9 as KRNVTV's paired DTV allocation for the transition period in lieu of Channel 34 as originally allocated.

An extra copy of this transmittal letter is enclosed, as well as a pre-addressed, stamped envelope. Please confirm your receipt of the filing of these *Reply Comments* by date stamping the extra copy of this transmittal letter and returning it to the undersigned counsel.

Should additional information be desired concerning these *Reply Comments* please contact the undersigned counsel.

Respectfully submitted,

SIERRA BROADCASTING COMPANY

By J. Dominic Monahan
J. Dominic Monahan, Its Counsel

JDM/nlk

Enclosures

cc: John Wells King (w/enclosure)
Ralph Toddre (w/enclosure)
James E. Rogers (w/enclosure)
Frank Haynes (w/enclosure)
Michele Leyden (w/enclosure)
Don Markley (w/enclosure)

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

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OCT 25 2000
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In the Matter of)
)
Amendment of Section 73.622(b)) MM Docket No. 00-137
Table of Allotments,) RM-9917
Digital Television Broadcast Stations)
(Reno, Nevada)

**REPLY COMMENTS TO COMMENTS AND
COUNTERPROPOSAL OF STEPHENS GROUP, INC.**

Sierra Broadcasting Company ("Sierra"), the licensee of television Station KRNV, NTSC Channel 4, Reno, Nevada, through its counsel, respectfully submits its Reply Comments to the Comments and Counterproposal submitted in the above-referenced proceeding by Stephens Group, Inc. ("Stephens") on October 10, 2000. In support, the following is shown.

Sierra is the licensee of Station KRNV, which presently operates on NTSC Channel 4 in Reno, Nevada. Pursuant to the *Second Memorandum Opinion & Order on Reconsideration of the Fifth and Sixth Report & Orders*, FCC 98-315, released December 18, 1998, Station KRNV was assigned DTV Channel 34. Pursuant to a *Petition for Rulemaking*, Sierra requested the Commission to substitute DTV Channel 9 for its assigned DTV Channel 34. On August 18, 2000 the FCC issued a *Notice of Proposed Rulemaking* in MM Docket No. 00-137 requesting comments on this proposal.

-1- Reply Comments to Comments and Counterproposal of Stephens Group, Inc.

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In response thereto, Stephens filed a counterproposal on behalf of Station KOLO-TV, Reno, Nevada, requesting that DTV Channel 9 be assigned not to KRNVT, but to KOLO in substitution for DTV Channel 23 previously assigned. Stephens also asked that Channel 9 be allocated to KOLO as a non-directional DTV allocation. At the same time, Stephens requested that DTV Channel 7 be assigned to KRNVT as a directionalized DTV allocation instead of its requested DTV Channel 9.

For reasons set forth below, Sierra respectfully requests that the Counterproposal of Stephens be rejected.

ARGUMENT

Essentially, Stephens argues that its use of Channel 9 would be superior to Sierra's on grounds that Stephens' proposal would promote technical integrity and achieve greater spectrum efficiency. This argument turns on Stephens' claim that it is in a unique position to better maintain the requisite frequency offset between operations on Channels 8 and 9 under §73.622(b)(1) of the Commission's rules. Stephens states that it would be more efficient because it could house both transmitters for Channels 8 and 9 in the same building, and thus operate from a common frequency reference point. Were KRNVT to utilize Channel 9, argues Stephens, Sierra would have to track any frequency variations in the KOLO TV transmitter or alternatively, convince Station KOLO to upgrade the frequency stability of its Channel 8 transmitter. According to

Stephens the upgrade would cost more than \$50,000, a burden they claim is extraordinary and unfair to them.

In an effort to meet Sierra's request for a VHF DTV channel, Stephens proposes that Channel 7 be substituted instead of Channel 9 as requested by Sierra. In support, Stephens provides a brief engineering showing that Station KRNV's use of Channel 7 would be technically acceptable under the Commission's rules and would be capable of using a non-directional antenna.

While Sierra is sympathetic to Stephens's proposal to substitute Channel 7 for Channel 9, it fails to take into account the associated costs which would be imposed upon Sierra if such a channel shift were implemented. Channel 9 was selected on the premise that Sierra would share a turnstile antenna. The turnstile antenna was selected because Sierra had entered into an agreement with Station KTVN, also licensed to Reno, and the U.S. Forest Service to develop a new electronics site on Slide Mountain ("Site Agreement"). An integral part to that agreement is that the parties would share a common antenna and tower for the transmission of their respective signals. Accordingly, the parties took into account the multiple use of the antenna as well as the severe winter weather conditions known to exist on Slide Mountain (*see* attached Statement of Sierra's Chief Engineer, Frank Haynes, Exhibit 1). The selection of the turnstile antenna was also based upon consultation with antenna manufacturers who confirm that the turnstile had the desired characteristics and band pass capability sufficient to allow shared use by

multiple users. Based on these considerations the parties entered into the Site Agreement with the U.S. Forest Service which specified a single tower and shared antennas would be used at this site.

Stephens argues that if it is not allowed to use Channel 9 as its DTV assignment, it will incur an unfair financial burden because of the need to install equipment to insure frequency stability between the operations of Channels 8 and 9. Sierra would point out that it recognized in its *Petition for Rulemaking* the need for precise frequency control equipment because of the adjacency of Channel 8 on Slide Mountain. Accordingly, Sierra agreed in its original petition that it would provide and install all such equipment necessary at KOLO-TV or provide such equipment and pay for its installation by others to be selected by Station KOLO-TV. Sierra remains bound to that commitment.

Sierra would note that Stephens has demonstrated that Channel 9 can be used at Slide Mountain utilizing non-directional antenna. A review of their showing confirms that the omni-directional use of the channel on Slide Mountain is permissible under the Commission's rules. Accordingly, Sierra requests that the Commission acknowledge in its review of this matter that the DTV allocation of Channel 9 is allocated without specifying a directional antenna pattern. Finally, should the Commission elect to assign Channel 7 as a DTV allocation to either KOLO or KRNV on Slide Mountain, Sierra requests that these channels be allocated without specifying directional allocation patterns.

CONCLUSION

In view of the above, Sierra respectfully submits that Stephens has failed to carry its burden of demonstrating a superior public interest basis for its claim to Channel 9 over the original showing submitted by Sierra. Accordingly, Sierra respectfully requests that the Counterproposal of Stephens be dismissed insofar as it requests the allocation of Channel 9 to KOLO. Sierra, however, has no objection to the allocation of Channel 7 as KOLO's DTV channel.

Respectfully submitted,

SIERRA BROADCASTING COMPANY

By *J. Dominic Monahan*
J. Dominic Monahan, Its Counsel



Comments Regarding Channel Assignment

CHANNEL 3, KVVU
BY COMMUNICATIONS COMPANY
CHANNEL SITE NAME
ADDRESS, PHONE NUMBER

KRNV-DT agrees that precise spacing between the lower adjacent channel (KOLO-TV) and the pilot frequency of KRNV-DT, Channel 9 is required but believes that the required control can be obtained at a reasonable cost. It is believed that the advantages gained by being able to use a shared antenna outweigh the cost of the desired frequency control equipment. Therefore, KRNV-DT will agree that if assigned channel 9 it will provide the necessary frequency control equipment to the Stevens Group, Inc. owners of KOLO-TV at no cost to them and to install the necessary equipment at it's own transmitter to meet and maintain the required spacing

CHANNEL 7, KTNV
BY COMMUNICATIONS COMPANY
CHANNEL SITE NAME
ADDRESS, PHONE NUMBER

KRNV-DT desires to be assigned Channel 9 as it is intended to use a shared turnstile antenna with KTVN-DT Channel 13. The channel 9/13 sharing is possible with a turnstile antenna but a channel 7/13 sharing would require selection of a different type of antenna to obtain this sharing operation.

CHANNEL 13, KTVN
BY COMMUNICATIONS COMPANY
CHANNEL SITE NAME
ADDRESS, PHONE NUMBER

Should KRNV-DT be required to use channel 7 as opposed to channel 9, consultation with antenna manufacturers indicates that a different type of antenna would be required and this brings serious concerns about the ability of the antenna to survive under the weather conditions experienced at this site. Winds of well over 100 miles per hour along with winter snow depths of 20-30 feet along with severe icing are commonplace.

CHANNEL 9, KRNV
BY COMMUNICATIONS COMPANY
CHANNEL SITE NAME
ADDRESS, PHONE NUMBER

The turnstile antenna was selected for it's robust mechanical construction and the ability to provide the required passband. Mechanical construction of the selected antenna is crucial due to the severe weather conditions normally experienced at this mountain top site. The altitude of the site 9,500 feet while providing a wide coverage area brings with this advantage the disadvantage of some of the most severe weather conditions encountered anywhere.

CHANNEL 8, KOLO
BY COMMUNICATIONS COMPANY
CHANNEL SITE NAME
ADDRESS, PHONE NUMBER

KOLO-TV, operating on channel 8, now uses a turnstile antenna which has withstood years of use at this site. KOLO-TV will encounter the same minimum antenna problems with a digital assignment on channel 9 or 7. This I believe is a strong arguments for KRNV-DT being allowed the same antenna choice by being assigned channel 9.

CHANNEL 9, KRNV
BY COMMUNICATIONS COMPANY
CHANNEL SITE NAME
ADDRESS, PHONE NUMBER

Frank Haynes
Chief Engineer
Sierra Broadcasting Company

CHANNEL 9, KRNV
BY COMMUNICATIONS COMPANY
CHANNEL SITE NAME
ADDRESS, PHONE NUMBER

EXECUTIVE OFFICES



CERTIFICATE OF SERVICE

I, Nancy Lee Kemper, a secretary in the law offices of Luvaas, Cobb, Richards & Fraser, P.C., certify that I have on this 24th day of October, 2000, sent by United States mail, postage prepaid, on behalf of SIERRA BROADCASTING COMPANY, copies of the foregoing *Reply Comments to Comments and Counterproposal of Stephens Group, Inc.* to:

John Wells King, Esquire
Garvey, Schubert & Barer
Fifth Floor
1000 Potomac Street, N.W.
Washington, D.C. 20007
Attorney for Stephens Group, Inc.



Nancy Lee Kemper