

DOCKET # 00-137  
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November 15, 2000

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

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VIA UPS OVERNIGHT

RE: Motion to Strike Request for Leave to File Response to  
Reply Comments to Comments in MM Docket 00-137

Dear Ms. Salas:

There is transmitted herewith on behalf of Sierra Broadcasting Company, the licensee of Station KRNVT(TV), Reno, Nevada, an original and four copies of its *Motion to Strike the Request for Leave to File Response* submitted by Stephens Group, Inc.

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 this *Motion to Strike* by date stamping the extra copy of this transmittal letter and returning it to the undersigned counsel.

Should additional information be desired concerning this *Motion to Strike*, 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)

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

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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)                        | ) |                      |

***SIERRA BROADCASTING COMPANY'S  
MOTION TO STRIKE***

Sierra Broadcasting Company ("Sierra"), the licensee of television Station KRNVT(TV), Reno, Nevada, respectfully submits its Motion to Strike the pleading filed by Stephens Group, Inc. ("Stephens") entitled *Request for Leave to File Response, and Response of Stephens Group, Inc. to Reply Comments of Sierra Broadcasting Company.*<sup>1</sup>

Stephens attempts to supplement its earlier *Comments* filed in this proceeding by challenging the *Reply Comments* of Sierra on grounds that Sierra's *Reply Comments* contain misstatements of fact. Stephens contends that since Sierra has proposed to utilize DTV Channel 9 as an omnidirectional facility instead of a directional facility as originally

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<sup>1</sup>This pleading was filed with the Commission on November 7, 2000 but not received by counsel for Sierra until November 13, 2000. A supplement to the pleading was filed with the Commission on November 9, 2000, a copy of which was received by Sierra on November 14, 2000.

proposed in its *Petition for Rulemaking*, that Sierra has failed to establish that an omnidirectional on Channel 9 would work from the site and height proposed by KRNV.

With all due respect, Stephens engages in misdirected information. Granted, it is true that Sierra did not submit an OET 69 style interference study with its *Comments*. However, this does not allow an inference that such a study was not completed. In fact, as demonstrated by the attached statement of Sierra's consulting engineer, an OET 69 study was completed which did demonstrate that the proposed use of Channel 9 on a nondirectional basis fell well within the *de minimis* criteria provided under the Commission's rules for use of DTV allocations. What Stephens ignores is the fact that this is a rulemaking proposal for an allocation, not an application. Thus there is no requirement that such a study be submitted to the Commission at this juncture. The only requirement is that Sierra first determine that no prohibited interference would be caused before requesting the allocation of a particular channel.

The other basis for Stephens' request that this *Motion for Leave to Amend* be granted is that Sierra is now relying on coordinates for the allocation of Channel 9 which differ by .37 Km from those first proposed in Sierra's original *Petition for Rulemaking*. Stephens argues this difference invalidates Sierra's request for the Channel 9 allocation.<sup>2</sup> Stephens'

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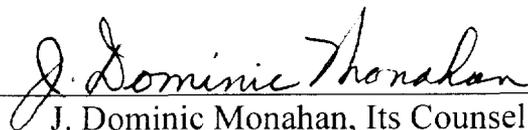
<sup>2</sup>The basis for the "conflict" between coordinates stems from the fact that Station KTVN-DT has proposed one set of coordinates in its application for a construction permit for Channel 7 (*see* BPCDT-19980522KF, as amended September 26, 2000), and Sierra proposed another set of coordinates in its rulemaking for Channel 9 on Slide Mountain. The variance is 12 seconds in lateral distance and a difference of ten feet in elevation.

claim is much ado about nothing, as this is an allocation proceeding. In a rulemaking the Commission does not obligate a station to locate its antenna structure at the exact coordinates specified in a rulemaking.<sup>3</sup> That is a matter which is dealt with at the application stage.

In sum, Stephens' justification in support of its *Motion for Leave to Amend* is nothing more than captious fly-specking of irrelevancies. It clearly does not warrant the inclusion of its further response. Nor do those comments advance Stephens' earlier counterproposal that Station KOLO-TV has a preferred entitlement to Channel 9 than Station KRNW-TV. Accordingly, Stephens' *Request for Leave to File a Response* should be dismissed.

Respectfully submitted,

SIERRA BROADCASTING COMPANY

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

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<sup>3</sup>Sierra had proposed a coordinates on Slide Mountain in its *Petition for Rulemaking* based upon original discussions with the US Forest Service for development of an electronics site. Since the time the parties have agreed to a specific site, a site referenced in KTVN's application for a DTV operation on Slide Mountain.

**ENGINEERING STATEMENT CONCERNING REPLY COMMENTS IN  
MM DOCKET 00-137**

The following engineering statement has been prepared for Sierra Broadcasting Company ("Sierra") licensee of television station KRNV-TV at Reno, Nevada and are in support of their response to "Response for Leave to File Response, And Response of Stephens Group Inc. To Reply Comments of Sierra Broadcasting Company."

Sierra originally petitioned the Commission to substitute DTV Channel 9 for its allocated DTV Channel 34. Stephens Group, Inc. ("Stephens"), licensee of station KOLO-TV at Reno, Nevada, filed comments in that Rulemaking in which they requested that Channel 9 be assigned to KOLO-TV with a non-directional antenna and that Channel 7 be assigned to KRNV-DT with the directional antenna that was originally proposed by Sierra.

It is agreed that the Stephens counterproposal demonstrated that DTV Channel 7 could be used at Slide Mountain using the directional antenna originally proposed by Sierra. It is also agreed that the counterproposal correctly demonstrated that omni-directional operation on Channel 9 from Slide Mountain would be possible without exceeding the *de minimus* interference criteria concerning other stations or allotments. However, Sierra stated in their comments that Channel 7 could be utilized with a non-directional antenna. Stephens asserts that an OET-69 style interference study would have to be submitted for Channel 7. It is respectfully submitted that Sierra did not blindly

assert that Channel 7 could be utilized with a non-directional antenna. A full study in accordance with the criteria established in OET-69 was completed. That study showed that the interference that would be caused fell well under the *de minimus* criteria. In reality, the new interference that would be involved was less than 1%. Obviously, such a study was necessary before the statement could be made that an omni-directional antenna could be used on Channel 7. The study was completed. There is no requirement that the study be submitted to the Commission. The only requirement is that the petitioner determine that no prohibited interference would be caused before requesting that a particular channel be allocated.

Sierra requested that Channel 9 be allocated to allow KRNV-DT to share an antenna with KTVN-DT. That request was to permit the two stations to utilize a superturnstile type antenna. Sierra agrees with Stephens that the superturnstile antenna, by its nature, is a broadband device. However, discussions with Dielectric Communications, a major manufacturer of superturnstile antennas, resulted in the recommendation that Channel 7 and 13 not be combined into a single superturnstile antenna. While the superturnstile is a broadband device, stretching it all the way from Channel 7 to Channel 13 would be difficult. Other panel type antennas are available which would accommodate both Channel 7 and Channel 13. However, those antennas have a higher wind-load

and weight. While the weight is not a significant characteristic in this instance, a higher wind loading would be a problem on Slide Mountain because of the extreme wind velocities encountered with high icing during the winter months. The super turn-style type antenna was preferred because of its lower wind-loading but not if it was necessary to extend it all the way from Channel 7 to Channel 13.

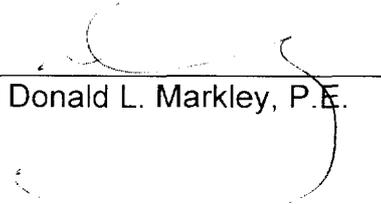
To attempt to confirm the comments put forth by Stephens, Andrew Corporation has been contacted and questioned about superturnstyle antennas. Andrew Corporation does not manufacture a superturnstyle antenna and has never marketed such a device.

The fact that the coordinates specified by KTVN-DT and in the proposed Rulemaking by KRNV-DT are slightly different is of absolutely no consequence in this matter. The Commission does not require a station to locate at exactly the coordinates of the allocation. A small variation is permitted to allow minor variation in the exact location of an antenna for a facility on a given allocation. If the KTVN-DT coordinates on their construction permit are not exactly the same as those proposed by Sierra in its Rulemaking, it is because the exact location of the tower had not been fully completed in coordination with the Forest Service when KTVN-DT applied for that construction permit. Obviously, those coordinates, if in error, would be corrected before the station is constructed.

It is correct that the two facilities would have to be at the same location if they were to share the same antenna. The Commission can be assured that the appropriate applications for construction permits and/or for modification of construction permits will be filed with the Commission to coordinate such construction. It is also agreed that KTVN-DT proposes a non-directional antenna while the original petition for Rulemaking by Sierra proposed a directional antenna. A study had already been completed by Sierra that demonstrated that a non-directional antenna could be utilized. As that information could have been filed with the Commission with the application for construction permit, following the grant of the Rulemaking petition, it was not necessary to further burden the Commission with superfluous paperwork.

In summary, an interference study for Channel 7 has been completed from Slide Mountain. That study clearly showed that operation was possible within the *de minimus* criteria utilizing a non-directional antenna. However, Sierra would prefer Channel 9, which would permit it to utilize a superturnstile antenna in accordance with recommendations by Dielectric Communications. It is not known if the fictional Andrew Corporation superturnstile antenna would work in such a fashion.

The preceding statement and attached exhibits have been prepared by me or under my direction, and are true and complete to the best of my knowledge and belief.



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Donald L. Markley, P.E.

**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 15<sup>th</sup> day of November, 2000, sent by United States mail, postage prepaid, on behalf of SIERRA BROADCASTING COMPANY, copies of the foregoing *Sierra Broadcasting Company's Motion to Strike* to:

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



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Nancy Lee Kemper