

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.622(b))
Table of Allotments)
Digital Television Broadcast Stations)
Television Broadcast Service)
(Ontario, California))

MM Docket No. 01-23
RM-9960

To: Chief, Video Services Division

COMMENTS IN SUPPORT OF PROPOSED RULE MAKING

Sunbelt Television, Inc., licensee of Station KHIZ(TV), Barstow, California, hereby submits Comments in support of the above referenced proposal to allot DTV Channel 29 in lieu of assigned DTV Channel 47 at Ontario, California. With respect thereto, the following is stated:

Sunbelt is licensee of Station KHIZ, which operates in the Los Angeles Market. KHIZ has been assigned DTV Channel 44. Station KRPA, licensed to Rancho Palos Verdes, is assigned and operates on analog Channel 44. Station KRPA also is located and serves the Los Angeles Market.

Sunbelt contents it was error for the Commission to have allotted DTV Channel 44 to KHIZ in light of the pre-existing (and continuing) allotment of analog Channel 44 to Rancho Palos Verdes/KRPA. Specifically, KHIZ will be prevented adequately serving significant portions of the Los Angeles market as long as KRPA continues to operate on Channel 44. Moreover, KRPA's proposed change in technical facilities (File No. BPCT-20010131ABS and BSTATV-20010223ABB), if granted, will make the conflict between the two allotments even more severe.

It is for this reason that Sunbelt supports the proposed substitution of DTV Channel 29 for KHSC-TV's assigned Channel 47. As seen in Attachment 1, a study has been conducted of the

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List A B C D E

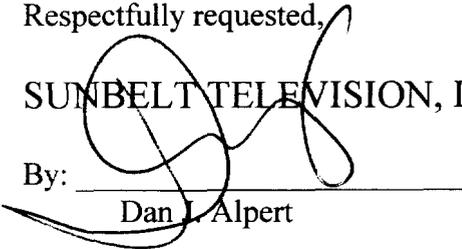
suitability of the eventual assignment of DTV Channel 47 to KHIZ/Barstow. The Channel 47 can be so allotted to serve Barstow, in full conformity with all DTV minimum spacing requirements. Therefore, KHSC-TV's proposed substitution will not only evidently will allow KHSC-DT to replicate KHSC-TV analog service area in a more complete manner, it also will potentially free DTV Channel 47 for use by and assignment to Station KHIZ(TV) for its own future digital operation.

Sunbelt recognizes that its proposed use of DTV Channel 47 at Barstow cannot be granted or considered within the context of this rule making proceeding. If further studies determine that it is prudent, Sunbelt intends to file a Petition for Rule Making formally requesting the substitution of DTV Channel 47 for its assigned DTV Channel 44, contingent upon the outcome of this proceeding.

WHEREFORE, it is respectfully requested that these Comments be considered in conjunction with the matter being reviewed in this proceeding.

Respectfully requested,

SUNBELT TELEVISION, INC.

By: 
Dan J. Alpert

Its Attorney

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March 26, 2001

ENGINEERING AFFIDAVIT OF Norwood J. Patterson
In Support of FCC Rulemaking 9960
MM Docket #01-23

I, Norwood J. Patterson, am a Radio & Tv Engineering Consultant having studied at Pacific Radio School, San Mateo City College, San Francisco City College and Stanford University. I have appeared on numerous occasions before the State Courts of the U. S., the Federal U. S. Courts, the Federal Communications Commission and the U. S. Senate Hearing Committees. On all occasions I have been accepted as an Expert Witness in radio, television and electronics engineering matters.

I have been accepted by the Federal Communications Commission as an Expert in radio and television matters since 1947; am Grantee by the FCC of General Radio Certificate First Class since 1937 with a LIFE certificate #PG-11-25313.

I have been retained to review the Notice of Proposed Rulemaking referenced above as to the deletion of digital TV channel 47, Ontario, California, and replace it with DTV channel 29.

It is believed that allocation of this Rulemaking will not only serve to benefit residents within the service area of KHSC-TV, but will also open an opportunity for KHIZ TV to be assigned DTV channel 47 in place of DTV channel 44. By making this change, operation of KHIZ on the new DTV channel will serve the public much sooner due to the fact that analog channel 44 is proposing to move within the primary service digital contour of KHIZ, which would prohibit the use of digital TV channel 44 for many years.

I have reviewed the proposed allocation of digital channel 47 to Barstow, California and by using the city of Barstow coordinates, all minimum mileage separation requirements are more than the minimum requirement for amending digital TV allotments. The minimum requirement for the first adjacent digital TV is 24-110 km. The two first adjacent channels that must be considered are channel 48, KOCE-DT, located in Huntington Beach, California, and channel 46, KESQ-DT, Palm Springs, California. In each of these instances the minimum mileage separation is met with considerable head room. See attached Table A. The city of license, Barstow, California, will be served with more than the minimum service contour for the digital TV channel 41 dBu.

I, Norwood J. Patterson, do hereby certify that I have prepared the enclosed data and, under penalty of perjury, that data of my own knowledge is correct. As to other information and facts asserted herein, I believe that information also to be true.



Norwood J. Patterson
Date 3-26-01
Affidavit of NJP-KHIZ

TABLE A

<u>DTV Ch.</u>	<u>Station</u>	<u>Coordinates</u>
48	KOEC-DT Huntington Beach, CA	33° 58' 19" N. Lat. 117° 56' 57" W. Long.
47	Barstow KHIZ City of License	34° 52' 39" N. Lat. 117° 03' 57" W. Long.

FCC Methodology: Distance 129.14 km /218.95°T

46	KESQ-DT Palm Springs, CA	33° 51' 58" N. Lat. 116° 26' 02" W. Long
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FCC Methodology: Distance 126.33 km /152.61°T

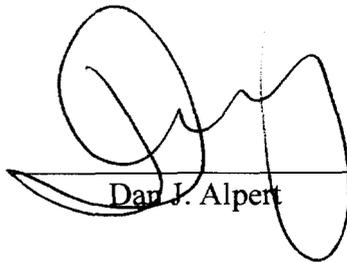
**Meets FCC §73.623(d)(2) for 1st adjacent allocation
DTV to DTV 12 km and 110 km**

**DTV to analog channel minimum spacing of 12 km and 106 km is also
Met with all co and adjacent channels.**

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that on March 25, 2001, a true and correct copy of the foregoing Comments are being served upon the following by First Class Mail:

Jacqueline P. Cleary
Sumeet Seam
Hogan & Hartson L.L.P.
555 13th St., N.W.
Washington, DC 20004-1106



Dan J. Alpert