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April 18, 2001

**BY HAND DELIVERY**

Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington, DC 20554

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APR 18 2001

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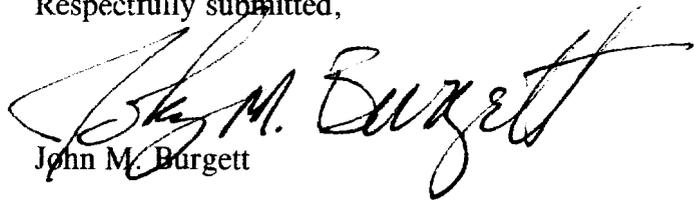
Re: New DTV Channel \*43 at Sacramento, California  
La Dov Educational Outreach, Inc.  
Supplement to Petition for Rulemaking

Dear Ms. Salas:

On behalf of La Dov Educational Outreach, Inc., enclosed for filing is a supplement to its Petition for Rulemaking filed on July 14, 2000 for the purpose of amending the digital television Table of Allotments to add a reserved DTV allotment on channel \*43 at Sacramento, California.

Please contact this office if there are any questions.

Respectfully submitted,

  
John M. Burgett

cc: John Morgan (FCC/Rm. 2-C864)  
Nai Tam (FCC/Rm. 2-C844)  
Nazifa Naim (FCC/Rm. 2-C834)  
Joan Sisk  
Kevin Fisher

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In the Matter of )  
)  
Amendment of Section 73.622(b) of ) MM Docket No.  
the Commission's Rules, DTV ) RM No.  
Table of Allotments )  
(Sacramento, California) )

To: The Chief, Allocations Branch

**SUPPLEMENT TO  
PETITION FOR RULEMAKING**

La Dov Educational Outreach, Inc. ("La Dov"), by its attorneys and pursuant to Section 73.623 of the Commission's rules, 47 C.F.R. §73.623, hereby supplements the Petition for Rulemaking filed on behalf of La Dov on July 14, 2000 for the purpose of amending the Table of Allotments for the digital television ("DTV") service to add a reserved DTV channel allotment on channel \*43 at Sacramento, California (the "Sacramento Proposal"). Specifically, La Dov supplements the Petition to include the attached engineering statement which demonstrates that the Sacramento Proposal complies fully with the *de minimis* interference criteria of Section 73.623(c)(2) of the Commission's rules with respect to digital television station KHSL-DT, Chico, California.

Recently, the FCC staff notified La Dov that, based upon the staff's calculations, the Sacramento Proposal would cause impermissible interference to 2.3 percent of the service population of KHSL-DT's allotment facility. As the attached

engineering statement demonstrates, however, by employing a more refined method of analysis, the Sacramento Proposal would actually cause predicted interference to only 1.6 percent of the service population of KHSL-DT, as allotted. Accordingly, as shown in La Dov's original Petition for Rulemaking, the Sacramento Proposal complies fully with the Commission's technical requirements.

In light of the foregoing, La Dov respectfully requests that the Commission expeditiously commence a rulemaking proceeding to amend the DTV Table of Allotments to allot and assign DTV channel \*43 to Sacramento, California, and to amend the NTSC Table of Allotments to delete channel \*52 at Sacramento.<sup>1</sup> If DTV channel \*43 is allotted to Sacramento, La Dov intends to expeditiously amend its

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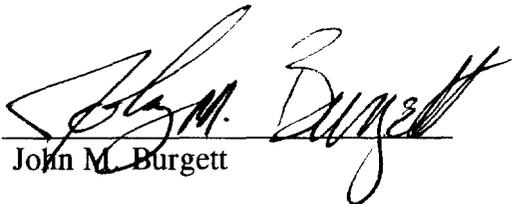
<sup>1</sup> On March 12, 1990, La Dov applied for a construction permit for a new noncommercial educational analog (NTSC) television facility on channel \*52 at Sacramento, California. See FCC File No. BPET-19900312KG. However, because La Dov's requested facility falls within a "TV freeze area," the acceptance of the application is frozen in order to preserve spectrum for DTV use. On November 22, 1999, however, the Commission issued a public notice announcing the opening of a filing window for, among other things, petitions for rulemaking seeking a new channel below channel 60 for applicants, such as La Dov, with pending applications for new full-service NTSC television stations on channels 2-59 at locations inside TV freeze areas. See *Public Notice, Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations*, DA 99-2605 (released November 22, 1999) ("*Filing Window Public Notice*"). In the *Filing Window Public Notice*, the Commission noted that a petition for rulemaking filed by a freeze area applicant, such as La Dov, "may request a DTV channel as the replacement for [an] NTSC channel allotment, as the Commission indicated in paragraph 42 of [*Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, 14 FCC Rcd 1348 (1998)]." See *Filing Window Public Notice* at 5.

The *Filing Window Public Notice* further stated that petitions filed by freeze area applicants on channels below 60 "must also demonstrate that interference to a DTV station (which could be a DTV allotment, a proposed change in a DTV allotment, or an application to change a DTV station's facilities) would be caused if the requested channel change is not made." See *Filing Window Public Notice* at 4. The proposed substitution of DTV channel \*43 for NTSC channel \*52 will permit La Dov to remedy impermissible interference problems between its proposed channel \*52 NTSC facility and digital television station KICU-DT, San Jose, California, which has been allotted DTV channel 52.

pending application for a new noncommercial educational television facility at  
Sacramento to specify the new channel.

Respectfully submitted,

**LA DOV EDUCATIONAL  
OUTREACH, INC.**

By:   
John M. Burgett

**WILEY, REIN & FIELDING**  
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Its Attorneys

April 18, 2001

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of LA DOV EDUCATIONAL OUTREACH, INC. ("La Dov"), proponent of a new noncommercial digital television facility on Channel 43 in Sacramento, California, in support of this supplement to its pending Petition for Rulemaking BPRM-20000717ABT.

Recently, the Commission notified La Dov that, based upon its calculations, the Sacramento proposal would cause interference to 2.3 percent of the service population of the allotment facility of KHSL-DT, Channel 43 in Chico, California. The FCC's Longley-Rice interference analysis utilizes a 2-kilometer cell size and determines the signal level of each station at one-kilometer intervals along each radial studied.

The Commission has stated that use of Longley-Rice software that employs a smaller cell size will be accepted since it would provide more accurate results. Accordingly, we utilize the software of V-Soft Communications' Probe II program and calculated the interference situation with respect to the proposed Sacramento DTV facility and KHSL-DT. We used a 1-kilometer cell size and asked the computer to calculate stations' signal strength every 0.1 kilometers along each radial. In addition, we determined those cells in which a 41 dBu signal (or better) from KHSL-DT is calculated to exist, but would receive interference from some source other than the Sacramento proposal, and did not include those cells in the interference calculations for the Sacramento station.

Based on our calculations and including no masking sources, the proposed Sacramento DTV facility causes interference to 8,464 people within the noise-limited contour of the KHSL-DT allotment facility. Further, we calculate that the KHSL-DT service population is 540,688. Therefore, the proposed Sacramento station causes predicted interference to only 1.6 percent of the service population of KHSL-DT, as allotted.

As a result of this analysis, it is believed that the facility proposed in BPRM-20000717ABT, meets the FCC's *de minimis* interference criteria of Section 73.623(c)(2) with respect to KHSL-DT.

I declare, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge and belief.



KEVIN T. FISHER

April 16, 2001