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April 23, 2001

**DAVID A. O'CONNOR**  
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VIA HAND DELIVERY

Magalie Roman Salas, Esq.  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: KSAX(TV), Alexandria, Minnesota  
Petition for Rule Making to Amend Section 73.622(b), Table of Allotments,  
Digital Television Broadcast Stations

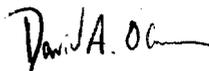
Dear Ms. Salas:

Transmitted herewith, on behalf of KSAX-TV, Inc., licensee of station KSAX(TV), Alexandria, Minnesota, are an original and four (4) copies of its Petition for Rule Making to amend the digital television Table of Allotments.

An extra copy of the filing is enclosed. Please date-stamp the extra copy and return it to the courier for return to me.

Should you have any questions concerning this matter, please contact the undersigned.

Very truly yours,



David A. O'Connor  
Counsel for KSAX-TV, Inc.

01-28

Enclosure

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION** **RECEIVED**  
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APR 23 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Amendment of Section 73.622(b), ) MM Docket No. \_\_\_\_  
Table of Allotments, )  
Digital Television Broadcast )  
Stations. (Alexandria, MN) )

To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

**I. Introduction.**

KSAX-TV, Inc. ("KSAX"), licensee of television station KSAX(TV), NTSC channel 42, Alexandria, Minnesota, by its attorneys and pursuant to Sections 1.401(a) and 73.623 of the Commission's Rules, 47 C.F.R. §§ 1.401(a), 73.623, hereby requests that the Commission initiate proceedings to amend the Digital Television ("DTV") Table of Allotments, 47 C.F.R. § 73.622(b). Specifically, KSAX requests that the Commission allot DTV channel 36 to KSAX in lieu of channel 14, which channel was allotted to KSAX as a transitional DTV channel.<sup>1</sup> This channel change request will permit the station to operate with maximum effective radiated power of 1000 kW utilizing a non-directional antenna at the same geographical coordinates, with an antenna height above average terrain of 340 meters.

Accordingly, the Table of Allotments for DTV would be amended as follows:

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<sup>1</sup> See *In re 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, App. B-39, FCC 98-315 (rel. Dec. 18, 1998) ("*Allotment Reconsideration Order*").

	<u>Channel No.</u>	
<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Alexandria, Minnesota	14, 24	24, 36

For the reasons set forth below, and as demonstrated by the attached Engineering Report, KSAX submits that the proposed amendment to the DTV Table of Allotments is consistent with the Commission's Rules and will serve the public interest.

## **II. Technical Requirements.**

As part of the Commission's DTV proceedings, KSAX(TV) was allotted DTV channel 14. Because channel 14 is located just above the band of frequencies utilized primarily by land-mobile operations, maximizing KSAX's DTV operations with its current allotment may be problematic. KSAX has determined that over 400 land mobile stations in the Alexandria vicinity could be affected. The allotment of channel 36 is necessary to avoid the possibility of unintentional interference to and from these land-mobile operations.

As set forth in the attached Engineering Report, the proposed DTV channel substitution is fully consistent with the requirements of Section 73.623(c) and 73.625(a) of the Commission's Rules. In particular, the proposal: 1) complies with the principal community coverage requirements of Section 73.625(a); 2) can be made without disrupting any of the other DTV allotments made in the *Allotment Reconsideration Order*; 3) will not result in more than an additional two percent increase in interference to the population served by any other DTV station, DTV allotment or analog television broadcast station; 4) will not result in any new

interference to stations that already experience interference to ten percent or more of their population; and 5) will not result in interference that would cause another station to begin experiencing interference to greater than ten percent of its population.

The primary purpose of this proposal is to alleviate the short-spacing problems that exist on Channel 14 due to the allocation of land mobile radio services on adjacent frequencies. Protection of the land mobile allocations would require severe radiation suppression requirements. In contrast, the use of Channel 36 by KSAX-DT operations will avoid any interference problems with land mobile services and will permit KSAX to maximize its DTV operations.

### **III. The Petition Serves the Public Interest.**

The proposed substitution of Channel 14 furthers the public interest because it would result in eliminating potential interference to and from land mobile operations. Thus, the public's ability to receive the KSAX digital television service would improve. Simultaneously, land mobile users in the area would benefit by removing the potential for interference from KSAX's digital operations.

In addition, KSAX will realize significant cost avoidance savings if the petition is granted, because KSAX will not be required to implement expensive technical adjustments to protect land mobile stations from interference. The capital realized from these cost savings can be funneled toward promoting and providing a greater variety of DTV programming to the viewing public, thus serving the public interest.

The public will further benefit under the proposal because KSAX-DT's service population will increase by nearly a third, without any impermissible offsetting

interference to other stations in the area.<sup>2</sup> Thus, 100,000 more Americans will be capable of viewing digital television transmissions; under the current arrangement, these viewers will be left unserved by KSAX's DTV transmissions.

Finally, KSAX hereby affirms that if channel 14 is allotted to the Alexandria, Minnesota market, KSAX will promptly file an application for a DTV construction permit and, if KSAX's application is granted by the Commission, KSAX will promptly construct facilities to operate on channel 14.

#### **IV. Canadian Coordination Should Not Be Required.**

Because the KSAX DTV facility would be located 330 kilometers from the Canadian border, KSAX has conducted an allocation study with respect to the Canadian digital and analog allotments set forth in the recent United States/Canadian Letter of Understanding.<sup>3</sup> The study reveals that there are no Canadian allotments on the affected channels within 400 km of the proposed facility. Accordingly, Canadian coordination should not be required in order to grant this Petition.

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<sup>2</sup> *Compare Allotment Reconsideration Order*, at B-39 (314,000 service population), with Engineering Report, attached hereto as Exhibit 1, at 3 (414,000 service population), a net increase of approximately 31.8%.

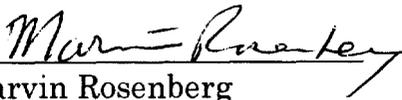
<sup>3</sup> Letter of Understanding Between the Federal Communications Commission of the United States of America and Industry Canada Related to the Use of the 54-72 MHz, 172-216 MHz and 470-806 MHz Bands for the Digital Television Broadcasting Service Along the Common Border (Sept. 22, 2000).

**V. Conclusion.**

WHEREFORE, for the reasons set forth above, KSAX respectfully requests that the Commission amend the DTV Table of Allotments to allot digital channel 36 to Alexandria, Minnesota in lieu of channel 14.

Respectfully submitted,

KSAX-TV, INC.

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Its Attorneys

Dated: April 23, 2001

# **EXHIBIT 1**

WAS1 #940830 v1

ENGINEERING EXHIBIT  
IN SUPPORT OF PETITION FOR RULE MAKING  
TELEVISION STATION KSAX(TV)  
ALEXANDRIA, MINNESOTA

April 20, 2001

ENGINEERING EXHIBIT  
IN SUPPORT OF PETITION FOR RULE MAKING  
TELEVISION STATION KSAX(TV)  
ALEXANDRIA, MINNESOTA

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ENGINEERING EXHIBIT  
IN SUPPORT OF PETITION FOR RULE MAKING  
TELEVISION STATION KSAX(TV)  
ALEXANDRIA, MINNESOTA

Engineering Statement

This Engineering Exhibit was prepared on behalf of television broadcast station KSAX(TV), Alexandria, Minnesota, in support of a petition for rule making. KSAX(TV) is licensed for operation on Channel 42 with nominal non-directional peak visual effective radiated power (ERP) of 2,750 kW and an antenna height above average terrain (HAAT) of 358 m. KSAX(TV) is paired with a DTV transitional allotment on Channel 14\*. The purpose of this petition is to propose Channel 36 in lieu of Channel 14 for KSAX(TV)'s DTV transitional channel.

The petitioner proposes Channel 36 as a means of mitigating potential interference caused and received involving the KSAX-DT facility and adjacent channel land mobile facilities. The Channel 14 frequency band is 470 to 476 MHz. As the FCC acknowledged in the DTV proceeding, television Channel 14 is immediately adjacent to land mobile operations on frequencies at 470 MHz and below. For example, in the particular case of KSAX-DT, a search of the appropriate FCC databases revealed over 400 land mobile records from 467 to 470 MHz within predicted service contour of KSAX-DT. Furthermore, some 58 land mobile records were found for stations within the KSAX-DT service contour that would operate within 500 kHz of the band edge (470 MHz). Therefore, it is evident that land mobile interference issues could arise in

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\* See Appendix B of *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, FCC-98-315, Released: December 18, 1998.

connection with the KSAX-DT Channel-14 allotment; and that the allotment of Channel 36 would eliminate these concerns.

The petitioner proposes that Channel 36 be allotted with an ERP of 1000 kW using a non-directional antenna with an antenna height above mean sea level of 752 m AMSL. See Table I. This translates to an antenna HAAT of 340 m based on the use of the U.S.G.S. 3-second terrain database. The proposed geographic coordinates for the Channel 36 allotment would be nearly the same as KSAX(TV)'s Channel 14 allotment; revised by 1-second of longitude to harmonize with the antenna structure registration data for the KSAX(TV) tower.<sup>†</sup>

Channel	36
Zone	2
Coordinates (NAD27)	45-41-59N 95-10-35W
Radiation center height above mean sea level	752 m
Radiation center height above average terrain	340 m
Effective radiated power	1000 kW
Antenna radiation pattern	Non-directional

A detailed allocation study using an implementation of the FCC OET Bulletin No. 69 interference analysis procedure was prepared for the proposed Channel 36 allotment.<sup>‡</sup> As detailed in Figure 1, the proposed Channel 36 allotment meets the *de minimis* 2%/10% interference procedures outlined in the FCC's DTV

<sup>†</sup> Coordinates: 45-41-59N / 95-10-35W based on NAD27.

<sup>‡</sup> The duTreil, Lundin & Rackley, Inc. DTV interference analysis program is a precise implementation of the FCC OET69 code on an Alpha-based processor computer system.

Processing Guidelines<sup>§</sup> that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) of the FCC Rules.

The proposal is located 330 km from the closest point on the border with Canada. Therefore, the proposal is located within the Canadian coordination zone. However, an allocation study conducted with respect to Canadian digital and analog allotments as tabulated in the recent U.S./Canadian Letter of Understanding<sup>\*\*</sup> concerning digital television, reveals no Canadian allotments on the affected channels within 400 km of the proposed facility. Therefore, there are no Canadian allocation concerns.

A summary of the revised service area and population numbers as they would appear in the Appendix B of the FCC's *Sixth Report and Order* and subsequent *Second Memorandum Opinion and Order* are summarized below:

State and City	NTSC Channel	DTV Chan	DTV Power (kW)	Antenna HAAT (m)	DTV Service During Transition	
					Area (sq. km)	People (Thous)
MN ALEXANDRIA	42	36	1000.0	340 m (752 m AMSL)	31881	414

Figure 2 is a map showing the predicted coverage comparison between KSAX(TV) Channel 42 Grade B coverage and the noise-limited coverage of KSAX-DT on Channel 36 as proposed herein.<sup>††</sup> Also shown for reference is the predicted 48 dBu, f(50,90), contour of KSAX-DT on Channel 36. As indicated, the proposed predicted 48 dBu, f(50,90), contour fully encompasses Alexandria.

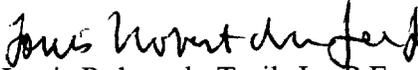
<sup>§</sup> See FCC *Public Notice*, "Additional Application Processing Guidelines for Digital Television (DTV)", Released: August 10, 1998.

<sup>\*\*</sup> See Letter Of Understanding Between The Federal Communications Commission Of The United States Of America And Industry Canada Related To The Use Of The 54-72 MHz, 76-88 MHz, 174-216 MHz And 470-806 MHz Bands For The Digital Television Broadcasting Service Along The Common Border, September 22, 2000.

<sup>††</sup> The licensed KSAX(TV) Grade B contour encompasses a population of 318,000.

With respect to Class A TV station protection, the proposal has been evaluated according to the spacing and contour overlap requirements of Section 73.623(c)(5) of the FCC Rules. No Class A TV stations were found to be affected by the proposed facility.

It is evident from the above that the proposed Channel 36 allotment proposal would result in a preferential arrangement of FCC allotments.

  
Louis Robert du Treil, Jr., P.E.

April 20, 2001

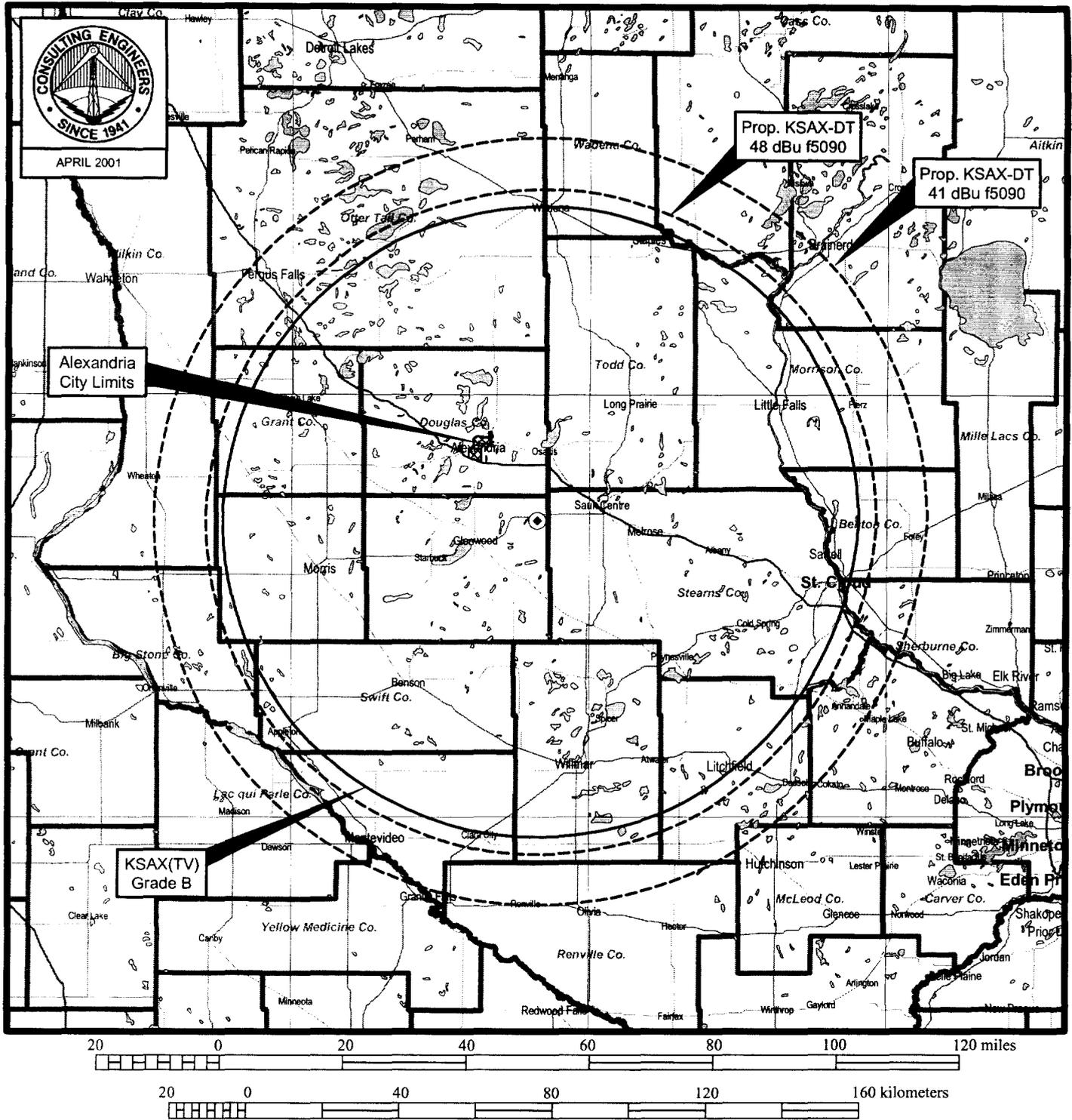
ENGINEERING EXHIBIT  
 IN SUPPORT OF PETITION FOR RULE MAKING  
 TELEVISION STATION KSAX(TV)  
 ALEXANDRIA, MINNESOTA

Summary of Allocation Analysis

Stations Potentially Affected by Proposed Station							
Facility Number	Channel	Call	City State	Distance (km)	Status	Application Prefix	Application Reference Number
1	22	KAWB	BRAINERD MN	97.4	LIC	BLET	19880304KG
2	35	KARE-DT	MINNEAPOLIS MN	174.1	PLN	DTVPLN	DTVP0925
3	35	KARE	MINNEAPOLIS MN	174.1	APP	BMPCDT	20000501ADL
4	36	WIRT-DT	DULUTH MN	252.6	APP	BPCDT	19991027ABC
5	36	WIRT-DT	HIBBING MN	252.5	PLN	DTVPLN	DTVP0963
6	36	KTTC	ROCHESTER MN	310	APP	BPCDT	19991101AIF
7	36	KTTC-DT	ROCHESTER MN	321.3	PLN	DTVPLN	DTVP0964
8	36	KAUN	SIOUX FALLS SD	267.7	CP	BMPCT	19990901AAA
9	36	WLEF-TV	PARK FALLS WI	380.6	LIC	BLET	19960618KF
10	43	KRWF	REDWOOD FALLS MN	137.3	LIC	BLCT	19870424KH

Summary of Interference Analysis for Worst-Case Scenarios							
Facility Number	Interference Population Before Analysis	Interference Population After Analysis	Baseline Population	Net Change in Interference	Percent of Baseline	Permissible Percent of Baseline	Result
1	--	--	--	--	0.00	--	pass
2	924	1045	2939115	121	0.004	2.0	pass
3	1064	1298	2939115	234	0.008	--	pass
4	25	44	113061	19	0.017	--	pass
5	6	71	113061	65	0.057	--	pass
6	3800	11770	631906	7970	1.26	2.0	pass
7	6349	6422	631906	73	0.012	2.0	pass
8	2361	5317	227911	2956	1.30	--	pass
9	--	--	--	--	0.00	--	pass
10	--	--	--	--	0.00	--	pass

Figure 2



## PREDICTED COVERAGE COMPARISON

TELEVISION STATION KSAX(TV)  
ALEXANDRIA, MINNESOTA  
CHANNEL 36

du Treil, Lundin & Rackley, Inc. Sarasota, Florida