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May 29, 2001

BY HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: In the Matter of Amendment of Section 73.606(b), Table of Allotments,
Television Broadcast Stations (International Falls and Chisholm, Minnesota),
MM Docket No. 01-87, RM-10092
Comments of Channel 11 License, Inc.

Dear Ms. Salas:

Enclosed on behalf of Channel 11 License, Inc. ("Channel 11"), permittee of a new television station at International Falls, Minnesota, are an original and four copies of the comments of Channel 11 on the reallocation proposed by the Federal Communications Commission in the above-referenced proceeding. We also have enclosed a copy of this filing to be receipt-stamped and returned with our waiting messenger.

Please direct any inquiries regarding this matter to the undersigned.

Very truly yours,



Tom W. Davidson, Esq.
Erin L. Dozier, Esq.

Enclosures

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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.606(b))
Table of Allotments)
Television Broadcast Stations)
(International Falls and)
Chisholm, Minnesota))

MM Docket No. 01-87
RM-10092

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MAY 29 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch
Policy & Rules Division
Mass Media Bureau

COMMENTS OF CHANNEL 11 LICENSE, INC.

CHANNEL 11 LICENSE, INC.

AKIN, GUMP STRAUSS HAUER & FELD, L.L.P.
1676 International Drive
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McLean, Virginia 22102
(703) 891-7500

Dated: May 29, 2001

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EXECUTIVE SUMMARY

Channel 11 License, Inc. (“Channel 11 License”) supports the proposal of the Mass Media Bureau (“Bureau”) of the Federal Communications Commission (“Commission”) to amend the NTSC Table of Allotments, 47 C.F.R. § 73.606(b), by changing the allotment of Channel 11 License from Channel 11, International Falls, Minnesota, to Channel 11, Chisholm, Minnesota.

The proposed reallocation will result in a preferential arrangement of allotments by providing a first local television transmission service to Chisholm in accordance with the Commission’s television allocation priorities, while not depriving International Falls of local television service. The new transmitter at Meadow Brook Ridge will provide city-grade coverage to Chisholm and will continue to provide grade B coverage to International Falls. Reallocating Channel 11 to Chisholm will result in a net increase in service to white areas and populations and will substantially increase the amount of service to gray areas and populations.

The proposed Chisholm allotment also will nearly double the U.S. land area covered by the Station and will provide service to a population six times greater than the population that would be served by the International Falls allotment. Because a substantial amount of coverage from the proposed Station location in International Falls would be in Canada, the relocation of the transmitter site to Meadow Brook Ridge would more efficiently cover areas and populations in the United States since only a small percentage of the coverage contour under the proposed Chisholm allocation covers Canada.

For the foregoing reasons, Channel 11 License urges the Commission to amend the Television Table of Allotments, Section 73.606(b) of the Commission’s rules, by changing the community of license of Channel 11 from International Falls to Chisholm.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.606(b))	MM Docket No. 01-87
Table of Allotments)	RM-10092
Television Broadcast Stations)	
(International Falls and)	
Chisholm, Minnesota).)	

To: Chief, Allocations Branch
Policy & Rules Division
Mass Media Bureau

COMMENTS OF CHANNEL 11 LICENSE, INC.

I. INTRODUCTION

Channel 11 License, Inc. (“Channel 11 License”) hereby submits the following comments in the above-referenced proceeding in support of the proposal of the Mass Media Bureau (“Bureau”) of the Federal Communications Commission (“Commission”) to amend the NTSC Table of Allotments, 47 C.F.R. § 73.606(b), by changing Channel 11 License’s channel allotment from Channel 11, International Falls, Minnesota, to Channel 11, Chisholm, Minnesota.

The proposed reallocation will result in a preferential arrangement of allotments by providing a first local television transmission service to Chisholm in accordance with the Commission’s television allocation priorities, while not depriving International Falls of local television service. The new transmitter at Meadow Brook Ridge will provide city-grade coverage to Chisholm and will continue to provide grade B coverage to International Falls. Reallocating Channel 11 to Chisholm will result in a net increase in service to white areas and

populations and will substantially increase the amount of service to gray areas and populations. The proposed Chisholm allotment also will nearly double the U.S. land area covered by the Station and will provide service to a population six times greater than the population that would be served by the International Falls allotment. Because a substantial amount of coverage from the proposed Station location in International Falls would be in Canada, the relocation of the transmitter site to Meadow Brook Ridge would more efficiently cover areas and populations in the United States since only a small percentage of the coverage contour under the proposed Chisholm allocation covers Canada. In view of the substantial gain in Grade B and first and second television service resulting from the proposed reallocation, without any corresponding loss of service, reallocation of Channel 11 from International Falls to Chisholm will be in the public interest. Thus, Channel 11 License urges the Bureau to reallocate Channel 11 from International Falls to Chisholm as proposed by the Bureau.

II. BACKGROUND

On September 13, 2000, the Bureau issued a construction permit for NTSC Channel 11, International Falls to Channel 11 License (FCC File No. BPCT-19960709KR). On September 27, 2000, Channel 11 License filed a Petition for Rulemaking ("Petition") with the Bureau proposing to reallocate Channel 11 from International Falls to Chisholm.¹ Specifically, Channel 11 License proposed to move the Station's unbuilt transmitter site south of International Falls to a site at Meadow Brook Ridge and change the Station's community of license from International

¹ As noted by the Commission, Channel 11 License was entitled to file its Petition without subjecting its construction permit for Channel 11, International Falls, to competing applications. See NPRM at ¶ 2. See also 47 C.F.R. § 1.420; Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, *Report and Order*, 4 FCC Rcd. 4870, 4873 (1989), recon. granted in part, Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, *Memorandum Opinion and Order*, 5 FCC Rcd. 7094 (1990).

Falls to Chisholm, Minnesota in order to maximize coverage to areas and populations served by the new Channel 11 facility and more efficiently and effectively provide service. Channel 11 License further proposed to operate the Station as a satellite of Station KBJR-TV.²

On April 6, 2000, the Bureau issued a Notice of Proposed Rule Making (“NPRM”) proposing to reallocate NTSC Channel 11 from International Falls to Chisholm and to modify the authorization of Channel 11 License to specify Chisholm, Minnesota as its community of license. The Bureau solicited comments on the proposed amendment to the NTSC Table of Allotments, 47 C.F.R. § 73.606(b). Channel 11 License submits these comments in response to the Bureau’s request and in support of the Bureau’s proposed amendment of the television table of allotments.

III. THE PROPOSED REALLOCATION OF CHANNEL 11 TO CHISHOLM WILL ADVANCE THE COMMISSION’S TELEVISION ALLOCATION PRIORITIES BETTER THAN THE CURRENT ALLOCATION

The Bureau is authorized to amend the table of allotments if the proposed allotment will result in a net service benefit as compared to the existing allotment for the communities involved, i.e., if the plan represents a preferential arrangement of allotments based on the Commission’s television allocation priorities.³ The Commission’s allocation priorities for television stations are: (1) to provide at least one television service to all parts of the United States; (2) to provide each community with at least one television broadcast station; (3) to provide a choice of at least two television services to all parts of the United States; (4) to provide

² Despite the proposal of Channel 11 License to operate the Station as a satellite, the Bureau stated in its NPRM that the proper forum to consider such request would be in the context of an application, rather than a rulemaking proceeding. The Bureau therefore declined to address the requested use of Channel 11 at Chisholm as a satellite operation in the instant proceeding. See NPRM, note 1.

³ See 4 FCC Rcd. at 4873.

each community with at least two television broadcast stations; and (5) to assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities.⁴ As outlined in the Petition, the proposed reallocation of Channel 11 to Chisholm will advance the first three of the Commission's allocation priorities and result in a significant net service benefit.

Specifically, the proposed reallocation will nearly double the U.S. land area covered by the Station and provide service to approximately six times the population that would be served by the current allotment, in part because over one-third of the Grade B contour of the current allotment covers Canada rather than the United States. The permitted site at International Falls would provide coverage to 13,302 square kilometers (U.S. land area only) and 19,976 persons in the United States and facilities operating from the International Falls allotment coordinates would serve 13,670 square kilometers and 20,302 persons. In comparison, operation of the Station from the proposed Chisholm site at Meadow Brook Ridge will cover 23,122 square kilometers (U.S. land area only) and 122,669 persons in the United States.⁵ Furthermore, the proposed reallocation will serve substantially more gray and white areas and populations than would be served from the current allotment. Channel 11 can be allotted to Chisholm consistent with the minimum distance separation requirements, with the exception of a short-spacing to a vacant Canadian NTSC allotment that requires the approval of the Canadian government. As demonstrated in the Engineering Exhibit, the proposed Chisholm facilities would have less radiation toward Canada than would a maximum height and power facility constructed at the

⁴ See 4 FCC Rcd. at 4876 n.8, citing Sixth Report and Order on Television Allocations, 41 FCC 148, 167 (1952).

⁵ See Engineering Exhibit prepared by Hammett & Edison, Inc. at 2, attached as Exhibit 1 to the Petition ("Engineering Exhibit").

International Falls reference coordinates.⁶ Thus, Industry Canada is likely to consent to the proposed Meadow Brook Site.⁷ In addition, as the Petition and the accompanying Engineering Exhibit demonstrate, the proposed site will continue to protect all DTV allotments, applications, permits, and licenses and will not adversely affect any potential Class A stations. Therefore, the reallocation is in the public interest and should be adopted by the Bureau.

A. Reallocation of Channel 11 to Chisholm will advance the Commission's first allocation priority to provide at least one television service to all parts of the United States.

The Commission's first television allocation priority is to provide at least one television service to all parts of the United States. The reallocation of Channel 11 to Chisholm will serve this primary allocation priority because it will result in a net increase in service to white areas and populations (i.e., areas and populations that do not receive any over-the-air television service). The proposed reallocation will serve white areas and populations not covered by the current International Falls allotment while maintaining coverage of most U.S. land areas and populations that would be covered by an International Falls station if it were constructed and operational. Thus, reallocating Channel 11 to Chisholm will result in a net increase in service to white areas and populations compared to the current allocation at International Falls.

The proposed reallocation from International Falls to Chisholm will advance the Commission's first allocation priority because it will result in a net increase in white area and population service. As the Petition and the accompanying Engineering Exhibit demonstrate, moving Channel 11 from International Falls to the Meadow Brook Ridge site will provide service within the "gain area" (i.e., the portion of the grade B contour served by the Chisholm

⁶ See Engineering Exhibit at 4.

⁷ It is the understanding of Channel 11 License that the International Bureau currently is in the process of coordinating Canadian approval for the proposed reallocation of Channel 11.

allotment not within the grade B contour of the International Falls allotment) to two white areas totaling 3,781 square kilometers and 9,325 persons.⁸ On the other hand, relocating the station from International Falls to the Meadow Brook Ridge site will result in the creation of one white area in the “loss area” (i.e., the portion of the grade B contour served by the International Falls allotment not within the grade B contour of the Chisholm allotment) consisting of 3,582 square kilometers and 8,392 persons.⁹ Thus, the reallocation will result in a net increase in white area service of nearly 200 square kilometers and 933 persons.

This increase is confirmed by the Bureau’s engineering study, which shows that Channel 11 operating at the International Falls reference coordinates would have served a white area of 2,422 square kilometers containing a population of 448 people.¹⁰ In comparison, the Bureau’s study shows that Channel 11 at Meadow Brook Ridge will serve a white area of 2,466 square kilometers and 6,040 people.¹¹ Thus, according to the Bureau’s study, the reallocation will result in a net increase of service to over 5,500 people. This increase in service to white areas and populations directly advances the Commission’s first allocation priority of providing at least one television service to all parts of the United States.

Notwithstanding the preceding analysis, a white area “gain” and “loss” area comparison is not necessary here because the International Falls allotment is not built and an unbuilt station is not considered an “existing” station for purposes of calculating white area and population.¹²

⁸ See Engineering Exhibit at 3.

⁹ See Engineering Exhibit at 2.

¹⁰ See NPRM at ¶ 8.

¹¹ See id.

Although the Bureau generally considers as part of its analysis of allocation priorities whether the proposal would result in a loss of existing service, particularly where the proposed station would provide first local television service to certain areas and populations,¹³ the areas and populations served by a proposed television station which is not yet operational do not constitute an “existing service” for purposes of applying this factor and determining loss of service.¹⁴ Thus, while the Bureau generally is concerned with the loss of service that will occur by reallocating a channel to a new community of license, such a loss is mitigated by the fact that the station is unbuilt and thus not operational, and therefore does not provide a present service upon which the public has come to rely.¹⁵ For the areas and populations that would be covered by the International Falls allotment but would not be covered by the proposed reallocation, no white area actually would be created by the reallocation because the failure to activate a station at a certain location may perpetuate an existing white area, but will not create one.¹⁶ As a result, when the coverage from the unbuilt International Falls allotment is not considered, the actual white area and population served by the Chisholm reallocation is 12,247 square kilometers and

¹² See Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Farmington and Gallup, New Mexico), *Memorandum Opinion and Order*, MM Docket No. 92-81, 1999 WL 1005101 (rel. Nov. 5, 1999) (“Farmington II”).

¹³ See *id.* (noting that the Commission is “particularly hesitant to deprive an area of an existing first or second reception service”). See also *Farmington* at 2360.

¹⁴ See *Farmington* at 2360 (defining an “existing service” as a “station which has been constructed”).

¹⁵ See *Farmington II* at ¶ 2; *Farmington* at 2360; Amendment of Section 73.606 (b), Table of Allotments, TV Broadcast Stations (Lake Havasu City, Arizona and Laughlin, Nevada), 14 FCC Rcd. 6154 (1999) (notice of proposed rulemaking). See also Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Saltville, Virginia and Jefferson, North Carolina), 10 FCC Rcd. 7578, 7580 (1995) (noting that the Saltville station was not built, and thus the Commission did “not consider its removal from Saltville to represent the same concerns with loss of service that removal of an operating station would represent”).

¹⁶ See *Farmington* at ¶ 19.

18,929 persons. The proposed allocation clearly serves the Commission's first television allocation priority and will serve the public interest.

B. Reallocation of Channel 11 to Chisholm will advance the Commission's second allocation priority to provide each community with at least one television broadcast station.

The Commission's second television allocation priority, to provide each community with at least one television broadcast station, will be served by the proposed reallocation. Channel 11 License is proposing to move the only television channel currently allotted to International Falls, a community with no local television transmission service, to Chisholm, another community with no local television transmission service. A first local television transmission service in Chisholm will better advance the FCC's television allocation priorities than a first local television transmission service in International Falls.

The Bureau should allocate Channel 11 to Chisholm, which is located in a county that is growing economically and in population. International Falls has a population of 7,751 persons and is located in Koochiching County, which has a population of only 15,497 persons and an unemployment rate of 6.3 percent.¹⁷

While Chisholm's population of 5,141 persons is slightly smaller than the population of International Falls, the city is surrounded by other similarly sized communities in populous St. Louis County, which has a population of 199,103.¹⁸ Chisholm and the nearby cities of Hibbing,

¹⁷ See Minnesota Department of Trade and Economic Development Homepage <<http://www.dted.state.mn.us>> (visited May 24, 2001).

¹⁸ See Minnesota Department of Trade and Economic Development Homepage <<http://www.dted.state.mn.us>> (visited May 24, 2001).

Virginia, Eveleth, and others all are considered part of Minnesota's "Iron Range."¹⁹ A television station allotted to Chisholm as proposed by Channel 11 License will provide city grade or Grade A coverage to all of these cities in the Iron Range and grade B coverage to a total of more than 100,000 persons.

Unemployment in St. Louis County is only 3.5 percent and population growth in St. Louis County and nearby Itasca County is expected to outpace northeast Minnesota as a whole in the coming years.²⁰ This growth is due at least in part to the establishment of an economic development authority for Chisholm and the surrounding area, and a recent major building boom for the timber industry in this area. Chisholm and the surrounding area now have numerous jobs that are not dependent on the timber industry. Chisholm's employers include a state-of-the-art Northwest Airlines reservation center and the Hibbing Taconite Company, both of which employ over 1,000 people. In addition, the Hibbing Wal-Mart employs over 400 people, a new telemarketing firm is hiring in Virginia, and an industrial park recently has been built in the area.²¹ A weekly newspaper is published in Chisholm, and Hibbing and Virginia each have daily newspapers. As a city in Minnesota experiencing substantial economic growth, Chisholm is deserving of the first local television transmission service proposed herein.

¹⁹ See Iron Trail Convention and Visitors Bureau Homepage <<http://www.irontrail.org>> (visited May 24, 2001); Iron Range Economic Alliance Homepage <<http://www.irea.org>> (visited May 24, 2001); conversations with Chambers of Commerce staff (Chisholm, Virginia, Hibbing, and Eveleth) (May 2000).

²⁰ See Minnesota Department of Trade and Economic Development Homepage <<http://www.dted.state.mn.us>> (visited May 8, 2000).

²¹ See Minnesota Department of Trade and Economic Development Homepage <<http://www.dted.state.mn.us>> (visited May 8, 2000); conversations with Chambers of Commerce staff (Chisholm, Virginia, Hibbing, and Eveleth) (May 2000).

C. Reallocation of Channel 11 to Chisholm will advance the Commission’s third allocation priority to provide a choice of at least two television services to all parts of the United States.

The proposed reallocation also serves the Commission’s third allocation priority, providing a choice of at least two television services to all parts of the United States. Specifically, reallocating Channel 11 to Chisholm would substantially increase the amount of service to gray area (i.e., area currently served by only one television station). The gray area that would be served by the permitted International Falls site consists of 1,047 persons and 1,055 square kilometers, while the gray area that would be served by the proposed reallocation constitutes 76,665 persons and 7,672 square kilometers.²² As demonstrated in the attached engineering exhibit, no gray area exists in the “loss area” (i.e., area that would be served by the current International Falls allotment but not by the proposed reallocation), and thus a constructed and operational Channel 11 transmitting from International Falls will not serve any gray area that would not be served by the proposed reallocation. On the other hand, in the “gain area” (i.e., area that will be served by the proposed Chisholm allotment but not by the International Falls allotment), 75,618 persons and a land area of 6,617 square kilometers will be served by the proposed Chisholm reallocation.²³

This increase is confirmed by the Bureau’s engineering study, which shows that Channel 11 operating at the International Falls reference coordinates would have served a gray area of 1,239 square kilometers and 777 people.²⁴ In comparison, the Bureau’s study shows that Channel 11 at Meadow Brook Ridge will serve a gray area of 2,822 square kilometers and 9,478

²² See Engineering Exhibit at 3.

²³ See Engineering Exhibit at 3.

²⁴ See NPRM at ¶ 8.

people.²⁵ Thus, according to the Bureau's study, the reallocation will result in a net increase in service to gray area to nearly 1,600 square kilometers and over 8,700 people. Thus, the proposed reallocation directly serves the Commission's third allocation priority by providing a choice of two television services to a substantially increased number of people.

D. Reallocation of Channel 11 to Chisholm will result in a net benefit to numerous Minnesota communities.

As demonstrated above, the proposed reallocation serves the Commission's first three television allocation priorities and is in the public interest. In addition to evaluating the proposed reallocation under the Commission's allocation priorities, the Commission has stated that it is "best to take into account the totality of the service improvements resulting from a proposed change in the community of license."²⁶ As demonstrated above, the totality of the service improvements resulting from a reallocation to Chisholm is dramatic. A significant number of small but substantial communities all will benefit from the television service, while International Falls, a relatively isolated community, will not lose the service that previously was allocated to it.

Although the station's community of license is Chisholm under the proposed reallocation, in reality the station also will serve Virginia, Eveleth, Hibbing, and various other communities located within the Grade A contour of the proposed reallocation. Thus, for the first time in at least thirty years, these communities will have competition in local broadcasting between the new Channel 11 and WIRT (TV), the Hibbing satellite station of WIDO-TV, the Duluth ABC affiliate.

²⁵ See *id.*

²⁶ See 4 FCC Rcd. at 4874.

In addition to the service benefits for the population in and around Chisholm, the proposed reallocation represents a substantially more efficient allocation of U.S. television allotments. Over one-third of the Grade B coverage contour (34.7%) of the International Falls Station covers Canada rather than the United States, where less than five percent of (4.5%) of the Grade B coverage contour of the proposed Chisholm station will cover Canada. As a result, the proposed reallocation of Channel 11 to Chisholm will serve a substantially larger U.S. population and area than the existing allotment to International Falls. The proposed reallocation thus is more efficient and will better serve the public interest and better advance the Commission's Section 307(b) objectives than the current International Falls allocation.

IV. CONCLUSION

For the foregoing reasons, Channel 11 License supports the instant proposal and urges the Commission to amend the television Table of Allotments, Section 73.606(b) of the Commission's rules, by changing the community of license of Channel 11, International Falls, Minnesota, to Channel 11, Chisholm, Minnesota. In view of the substantial gain in Grade B and first and second television service resulting from the proposed reallocation, without any corresponding loss of service, reallocation of Channel 11 from International Falls to Chisholm will be in the public interest.

Respectfully submitted,

CHANNEL 11 LICENSE, INC.

By: 
Tom W. Davidson, Esq.
Natalie G. Roisman, Esq.

AKIN GUMP STRAUSS HAUER & FELD, L.L.P.
1676 International Drive
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Dated: May 29, 2001

EXHIBIT 1

**New TV Station
NTSC Channel 11
Chisholm, Minnesota**

**Engineering Exhibit
in Support of Comments by
Channel 11 License, Inc.
to MM Docket 01-87**

May 29, 2001

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Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Channel 11 License, Inc. to prepare an engineering exhibit in support of a comments to MM Docket 01-87, proposing to reallocate NTSC Channel 11 from International Falls, Minnesota, to Chisholm, Minnesota.

Background

NTSC Channel 11 is currently allocated to International Falls, Minnesota. Channel 11 License, Inc. holds a recently issued construction permit, FCC File No. BPCT-960709KR, to construct new Channel 11 facilities at a site 22.5 kilometers south of International Falls. Omnidirectional operation with a class-maximum peak visual effective radiated power (“ERP”) of 316 kW with a center-of-radiation height of 132 meters AGL, 485 meters AMSL, and 137 meets HAAT is authorized.

It is proposed to change the principal community from International Falls, Koochiching County, Minnesota, to Chisholm, St. Louis County, Minnesota. This would involve building the station at a new site 41.7 kilometers north of Chisholm, 89.3 kilometers southeast of International Falls, and 72.2 kilometers southeast of the presently permitted site. Omnidirectional operation with a class-maximum peak visual ERP of 316 kW, but with an increased center-of-radiation height of 183 meters AGL, 600 meters AMSL, and 203 meters HAAT, is proposed. The attached Figure 1 provides a Technical Summary of the proposed facility. Figure 2 shows the location of the proposed “Meadow Brook” site, and Figure 3 shows the proposed antenna elevation. The attached Figure 4 shows the proposed City Grade, Grade A, and Grade B coverages, plus the locations of nearby communities. The attached Figure 5 shows the relation of this site to the permitted site, to International Falls, and to Chisholm.

Compliance with All FCC Rules

The proposed new site would be fully spaced to all existing U.S. domestic NTSC TV stations, as follows:

<u>Station</u>	<u>Status</u>	<u>Channel</u>	<u>Location</u>	<u>Required Distance</u>	<u>Actual Distance</u>
WDIO-TV	Lic	10	Duluth, MN	95.7 km	134.7 km
KARE	Lic	11	Minneapolis, MN	304.9	311.4
KARE	CP	11	Minneapolis, MN	304.9	311.4
KVLY-TV	Lic	11	Fargo, ND	304.9	331.6
KCCW-TV	Lic	12	Walker, MN	95.7	153.6



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There are no co-channel U.S. domestic DTV allotments or applications within 273.6 kilometers of the proposed site, and there are no adjacent-channel DTV allotments or applications within 125 kilometers of the proposed site, and an OET-69 style interference study does not find any DTV Channel 10, 11 or 12 stations with cell distances that would trigger a requirement to study such DTV allotments, applications, permits, or licenses.

Coverage Comparisons

Comparison of the land U.S. and Canada land areas covered by the permitted International Falls facilities, and the proposed Chisholm facilities, are as follows:

<u>Facility</u>	<u>U.S. Land Area</u>	<u>Canada Land Area</u>
CP, BPCT-960709JR International Falls	13,302 sq. km	7,082 sq. km
Chisholm facility, Meadow Brook site	23,122	1,089

Therefore, for the permitted International Falls facilities, 34.7% of the coverage area would fall in Canada, whereas for the proposed Chisholm facilities only 4.5% of the coverage area would fall in Canada.

The U.S. Grade B population served by the permitted International Falls facilities is 19,976 persons (1990 Census), and the U.S. Grade B population that would be served by the proposed Chisholm facility would be 122,669 persons (1990 Census). Thus, reallocating the new Channel 11 facilities from International Falls to Chisholm would increase the U.S. population served by more than six-fold.

Reduction in White Area

Neither International Falls nor Chisholm has a local TV station, so an NTSC Channel 11 allocation for Chisholm would be equivalent to the existing NTSC Channel 11 allotment for International Falls, insofar as they both represent each community's first local TV service. However, reallocation of NTSC Channel 11 from International Falls to Chisholm would be in the public interest because such action would result in a net reduction of the "white area" that would otherwise exist for the International Falls allotment with the existing CP. The Chisholm versus International Falls coverage areas are shown by the attached Figure 6A. The attached Figure 6B shows the reduction in white area for the permitted International Falls facilities, which represent a U.S. land area of 3,582 square kilometers and a U.S. population of 8,392 persons (1990 Census). The attached Figure 6C shows the reduction in white area for the proposed Chisholm facilities,

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

which represent a U.S. land area of 3,781 square kilometers and a U.S. population of 9,325 persons (1990 Census). A new NTSC Channel 11 at the Meadow Brook site, serving Chisholm, is therefore superior to the permitted facilities serving International Falls because the Chisholm facilities would eliminate 199 more square kilometers of white area, and would reduce the white area population by 933 more persons, than would occur for the International Falls permitted facilities.

Increase in Service to Gray Area

As shown by the attached Figure 7A (for the permitted International Falls facility) and by the attached Figure 7B (for the proposed Chisholm facility), the increase in service to gray area (area currently served by one existing TV signal) would be greater for Chisholm than it would be for International Falls. The gray area that would be served by the permitted International Falls facility has a U.S. population and U.S. land area of 1,047 persons (1990 Census) and 1,055 square kilometers, whereas the gray area that would be served by the proposed Chisholm facility would have a U.S. population and U.S. land area of 76,665 persons (1990 Census) and 7,672 square kilometers. Accordingly, as shown by the attached Figure 7C, the gray area that would be served by the Chisholm facility compared to the International Falls facility would have a population of 75,618 persons (1990 Census) and a land area of 6,617 square kilometers.

No City Grade Overlap with KBJR(TV)

As shown by the attached Figure 8, the proposed Chisholm NTSC Channel 11 facilities would not have any City Grade overlap with TV Station KBJR, NTSC Channel 6, Superior, Wisconsin.

Canadian NTSC Considerations

Although the proposed Meadow Brook site would increase the distance to the Canadian border by 42 kilometers, from 16 kilometers to 58 kilometers, the proposed site would create a new short spacing to an unbuilt Canadian NTSC Channel 12 allotment for Lac La Croix, Ontario. However, it can be demonstrated that the proposed Chisholm facilities would have less interference to Lac La Croix, and less interference to Station CBWFT6, NTSC Channel 11 at Pine Falls, Manitoba, than would exist if maximum height and power NTSC Channel 11 facilities were built at the allotted International Falls reference coordinates. Therefore, it is reasonable to expect Canada to consent to the proposed reallocation.

Annex II, Table 1, of the January 5, 1994, U.S.-Canada TV Agreement ("Canadian NTSC TV Agreement") requires a separation of at least 305 kilometers for co-channel VHF highband TV stations in Zone II and Section 3.3.1 requires a separation of at least 95 kilometers for adjacent-

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

channel stations. For the NTSC Channel 11 International Falls allotment, the closest co-channel Canadian TV station is CBWFT6, Pine Falls, Manitoba, as 310.1 kilometers, the closest lower adjacent-channel is CBWET, Red Lake, Ontario, at 271.0 kilometers, and the closest upper adjacent-channel Canadian TV station is the vacant Channel 12 allotment for Lac La Croix, Ontario, at 95.8 kilometers.

For the proposed Meadow Brook site for a new NTSC Channel 11 TV station serving Chisholm instead of International Falls, the co-channel spacing to CBWFT6 increases to 395.6 kilometers, the lower adjacent-channel spacing to CBWET increased to 357.3 kilometers, but the upper adjacent-channel spacing to the unbuilt Lac La Croix allotment shortens to 81.6 kilometers. Therefore, even though the Meadow Brook site is almost four times further from the Canadian border than is the permitted site near International Falls, the Meadow Brook site, although fully spaced to all U.S. NTSC stations and allotments, would be 13.4 kilometers short-spaced to the vacant NTSC Channel 12 allotment for Lac La Croix, as shown by the attached Figure 9A.

In addition to a separation requirement, the Canadian NTSC TV Agreement requires that F(50,10) 36 dBu interfering contour of a U.S. VHF highband station clear an 82-kilometer radius circle centered on the protected Canadian VHF highband TV station. As shown by the attached Figure 9B, the International Falls NTSC Channel 11 allotment would fail this second requirement at 316 kW ERP, but would meet the requirement if radiation towards CBWFT6 were suppressed by 3.5 dB. Since a directional antenna with at least 3.5 dB of suppression towards CBWFT6 would still allow the class maximum ERP in other directions, this means that towards the vacant Channel 12 allotment at Lac La Croix and ERP of 316 kW would be allowed, since the International Falls NTSC Channel 11 allotment site is fully spaced to the Lac La Croix NTSC Channel 12 allotment. Therefore, it is valid to compare the International Falls allotment with an ERP of 316 kW and an effective height of 600 meters to the proposed 316 kW ERP at 203 meters HAAT Chisholm facilities at the Meadow Brook site.

Because the proposed Chisholm facilities would have less radiation towards Canada than would a maximum height and power facility constructed at the International Falls reference coordinates, it is logical that Industry Canada would consent to the proposed Meadow Brook site. Section 2.8 of the Canadian TV Agreement allows an ERP of up to 316 kW for U.S. VHF highband TV stations, and Section 3.2.4 allows an effective height of up to 600 meters before power derating must commence (the FCC rules allow a slightly higher effective height of 610 meters, but in this case the lower HAAT limit of the Canadian NTSC TV Agreement is controlling). The attached Figures 9C and 9D show the Grade B contour for a maximum power and height (316 kW ERP at 600 meters HAAT) NTSC Channel 11 facility at the reference coordinates for the NTSC Channel 11



New TV Station • NTSC Channel 11 • Chisholm, Minnesota

International Falls allotment (48° 36' 00" N, 93° 25' 00" W, NAD27); as can be seen, the Chisholm facility would have less radiation towards Canada than would the International Falls allotment facilities, and therefore Industry Canada should accept the proposal (unlike the situation for a co-channel proposal, which must meet both a spacing and a contour criteria, the Canadian NTSC Agreement is silent on what interfering contour level should be used if an adjacent-channel spacing requirement is not met). However, if the Grade B contour of International Falls allotment extends further into Canada than does the Grade B contour of the Chisholm (Meadow Brook site) NTSC Channel 11 facilities, it follows that any interfering contour from the allotment would likewise extend deeper into Canada than would the Chisholm facility's interfering contour.

Canadian DTV Considerations

There are no adjacent-channel full-service (Class A, B, C, VU or VL) Canadian DTV allotments within 400 kilometers of the proposed site, but there are two co-channel DTV allotments, one a Class A allotment for Atikokan, Ontario, and the other a Class B allotment for Steinbach, Manitoba. For the Atikokan DTV Channel 11 Class A allotment, the spacing to the Meadow Brook/Chisholm site would slightly decrease, from 142.9 kilometers to 139.6 kilometers; however, the spacing to the Steinbach DTV Channel 11 Class B allotment would increase, from 266.0 kilometers to 332.1 kilometers. Until a U.S.-Canada DTV Letter of Understanding ("LOU") is finalized, the exact allocation and interference conditions cannot be determined; however, the same argument that applies to the Canadian NTSC allocation conditions, namely that the proposed Meadow Brook site Chisholm facilities would radiate less energy into Canada than would a maximum height and power NTSC Channel 11 at the already allotted International Falls reference coordinates, and for which no additional Canadian approval is believed to be required, again therefore represents less of an interference threat any Canadian DTV allotments.

Aeronautical Considerations

An application for the proposed new Meadow Brook tower was filed with the Great Lakes Region of the FAA on February 28, 2000. Aeronautical Study No. 00-AGL-1244-OE has been assigned. The proposed tower is currently undergoing a more detailed study by the FAA.

Summary

NTSC Channel 11 could be moved from International Falls, Minnesota, to Chisholm, Minnesota, in compliance with all U.S. domestic spacing requirements. NTSC Channel 11 at Chisholm would continue to represent a community's first local TV service. The U.S. land area and U.S. population that would be served would increase significantly compared to the U.S. land areas and U.S.

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

population that would be served by the permitted International Falls facilities. The proposed Chisholm facilities would result in less remaining “white area” and greater remaining “gray area” than would be the case for the permitted International Falls facility. Finally, the proposed Chisholm facility represents less of an interference threat to the closest co-channel Canadian NTSC station, and less of an interference threat to an unbuilt Canadian NTSC Channel 12 allotment for Lac La Croix, Ontario, than would maximum height and power NTSC Channel 11 facilities built at the allotted International Falls coordinates.

List of Figures

In carrying out these engineering studies, the following attached figures were prepared under my direct supervision:

1. Technical Summary of the proposed facilities
2. Map showing the proposed “Meadow Brook” site
3. Antenna elevation drawing
4. Map showing proposed Chisholm City Grade, Grade A, and Grade B contours
5. Map showing permitted & proposed sites and permitted and proposed coverage contours
6. White area study maps
7. Gray area study maps
8. Map showing Chisholm and KBJR(TV) City Grade contours
9. Canadian NTSC allocation maps.

/s/ Dane E. Ericksen

Dane E. Ericksen, P.E.

May 29, 2001

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

Engineering Specifications of Proposed NTSC Operation

A. Tower

FCC Tower Registration No.			To be applied for
	"Meadow Brook" site, 8.9 miles West of Cook, St. Louis County, Minnesota		
Geographical Coordinates	<u>source: NAD83</u>	<u>derived: NAD27</u>	
	47° 51' 38.7" N	47° 51' 39" N	
	92° 56' 43.6" W	92° 56' 43" W	
Elevation of site above mean sea level			417.6 m
Overall tower height above ground level			195.7 m
Overall tower height above mean sea level			613.3 m

B. Effective Heights

Height of radiation center above ground level	182.9 m
Height of radiation center above mean sea level	600.5 m
Height of average terrain above mean sea level (8-radial average)	397.2 m
Height of radiation center above average terrain	203.3 m

C. Antenna System

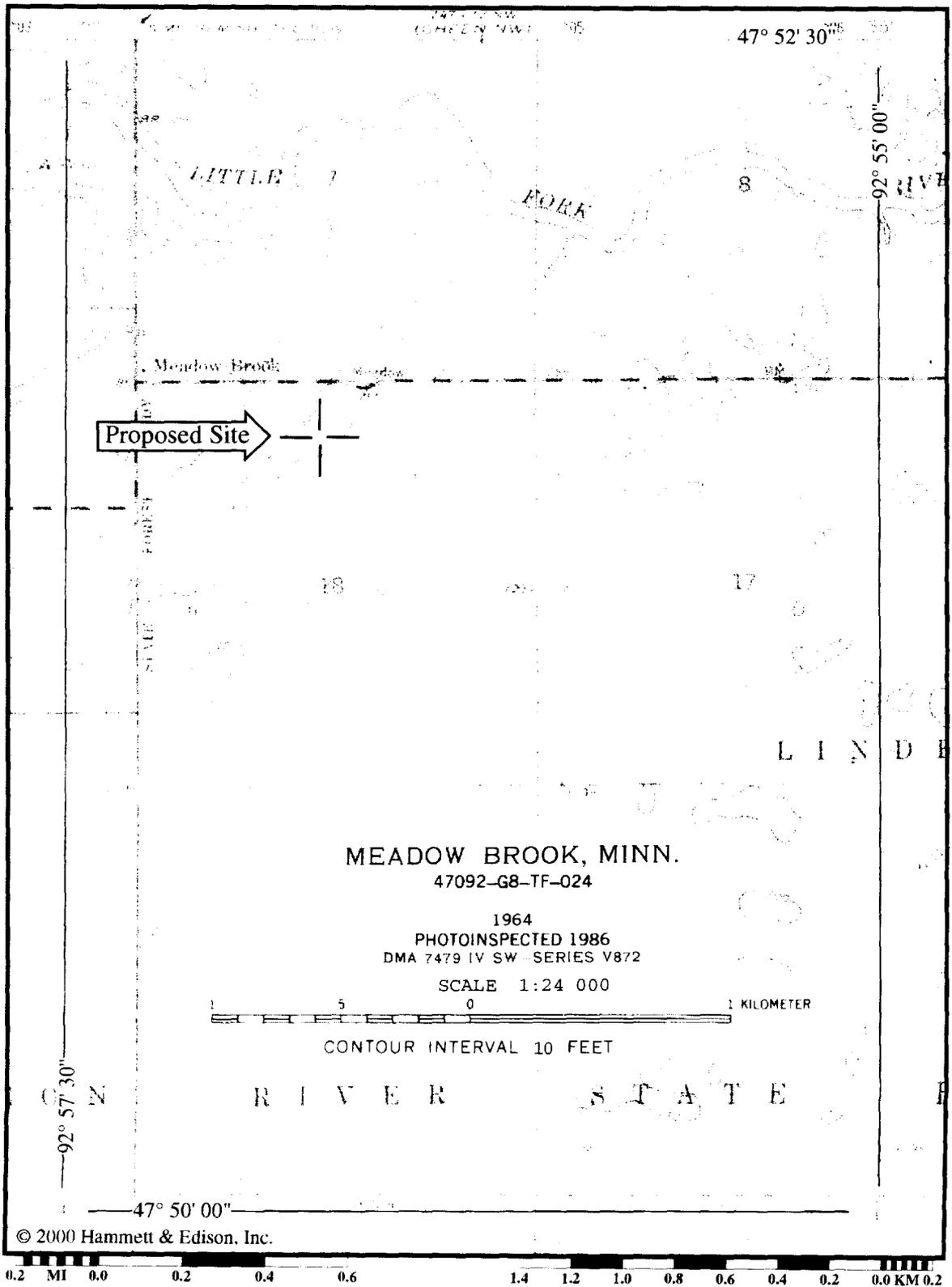
Make/model	Dielectric, Type TW-12A11	traveling wave
Direction of main lobes		omnidirectional
Polarization		horizontal
Electrical beam tilt		0.5°
Mechanical down tilt		none
Transmission line	Dielectric, 6 ¹ / ₈ -inch 75-ohm coaxial	200.3 m

D. Operation

Channel	11
Transmitter power output	29.1 kW
Transmission line loss	90.5%
Maximum antenna gain	12
Maximum effective radiated power	316 kW
Antenna gain in horizontal plane	11.52
Maximum effective radiated power in horizontal plane	303 kW

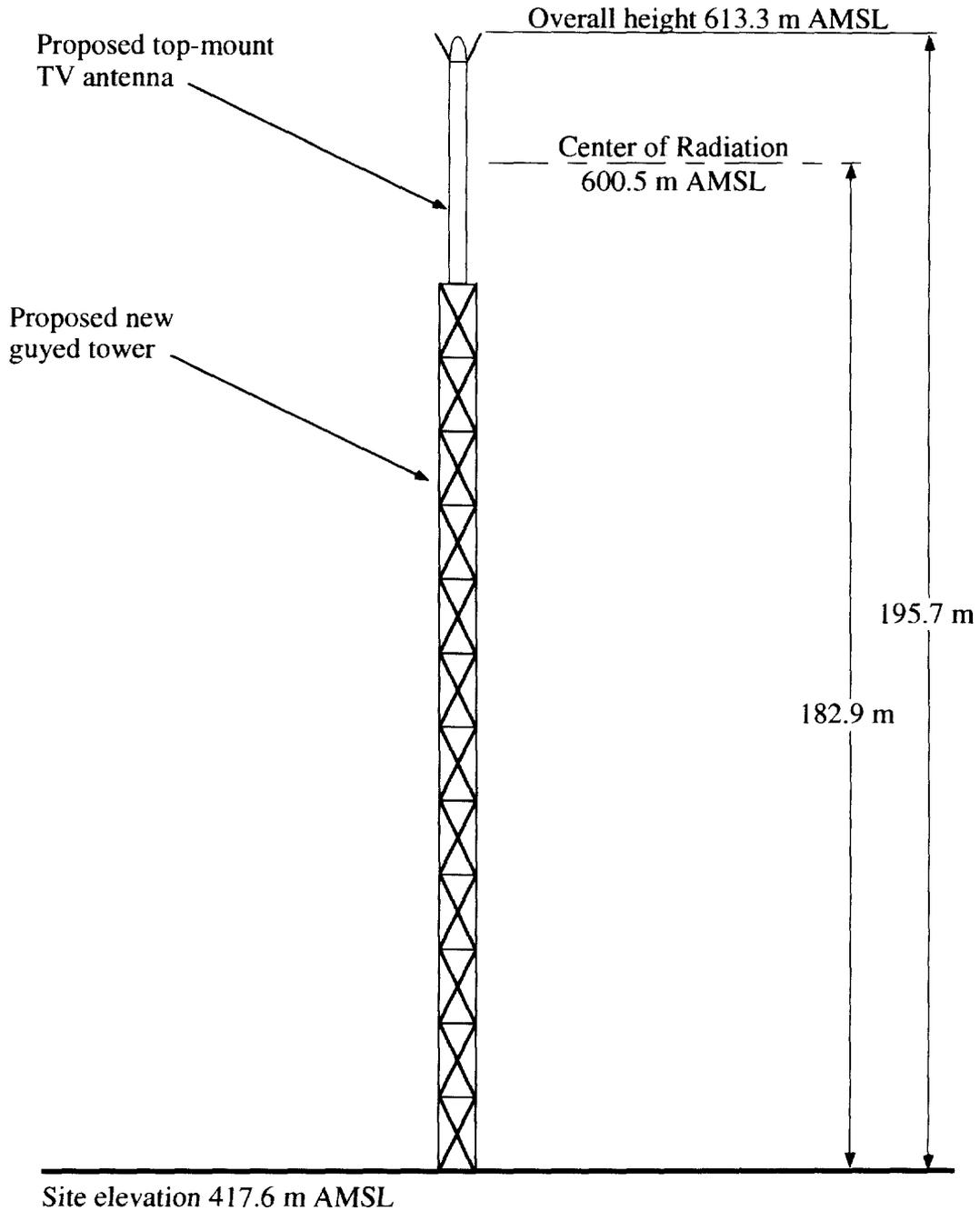
New TV Station • NTSC Channel 11 • Chisholm, Minnesota

Proposed Site



New TV Station • NTSC Channel 11 • Chisholm, Minnesota

Antenna Elevation

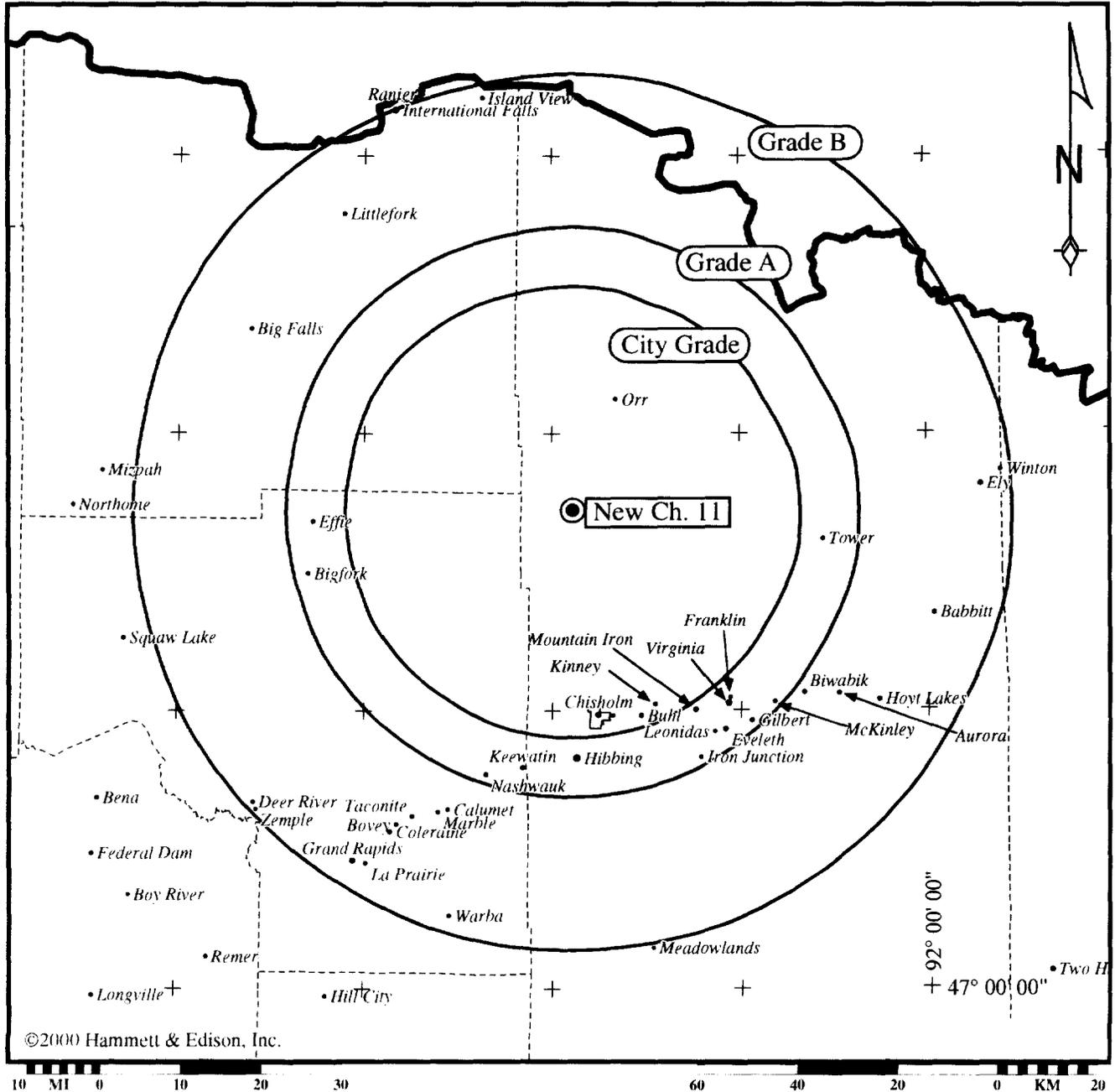


Geographical Coordinates 47° 51' 39" N
(NAD27) 92° 56' 43" W

Drawing not to scale.
Tower to be painted and lighted
as required by the FAA and FCC.

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

FCC City Grade, Grade A, and Grade B Contours
Chisholm "Meadow Brook" Site
316 kW ERP Omnidirectional at
183 meters AGL, 600 meters AMSL, 203 meters HAAT

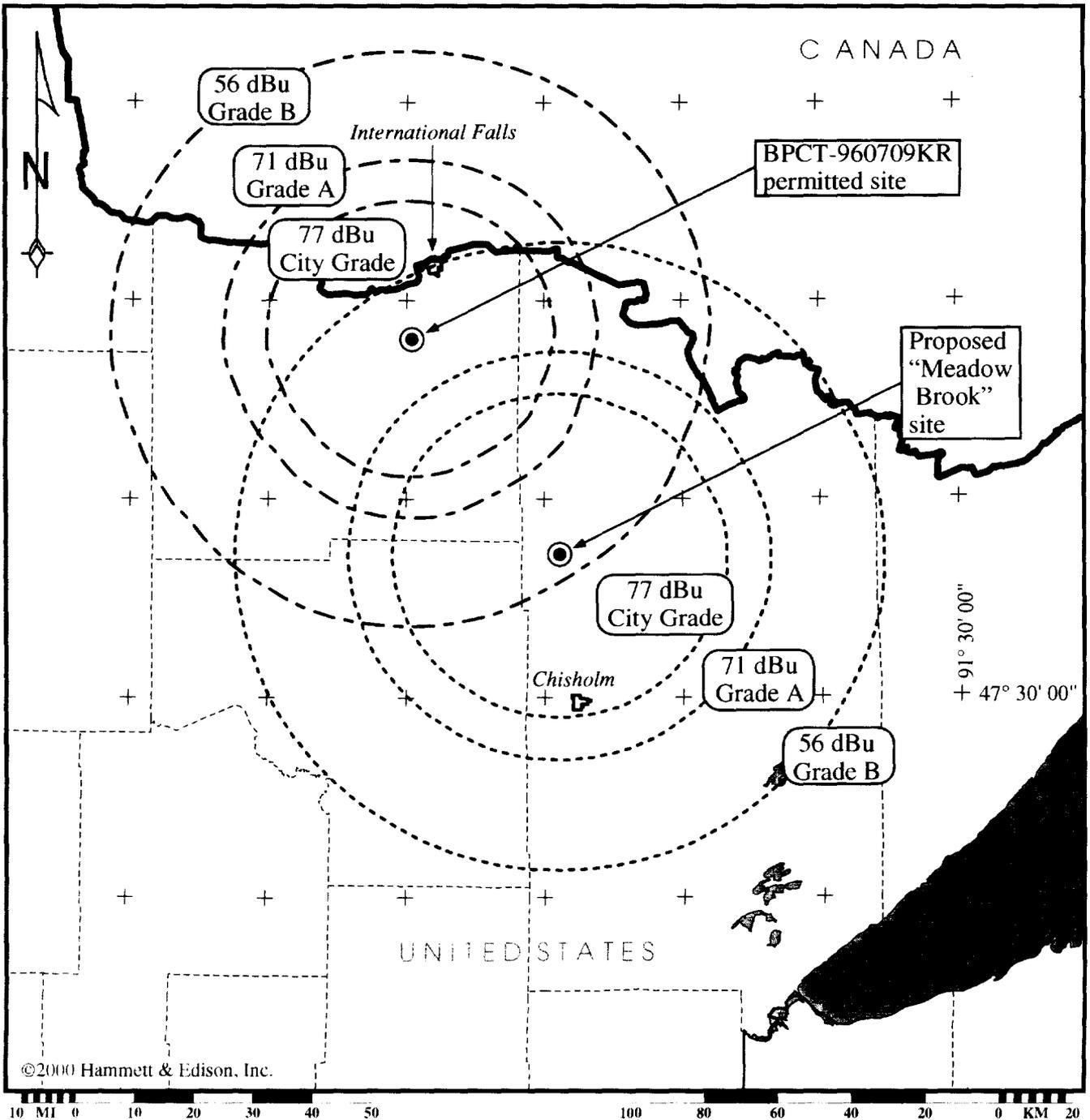


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Lambert conformal conic map projection. Geographic coordinate marks shown at 30-minute increments. City names and locations from U.S. Census Tiger data.

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

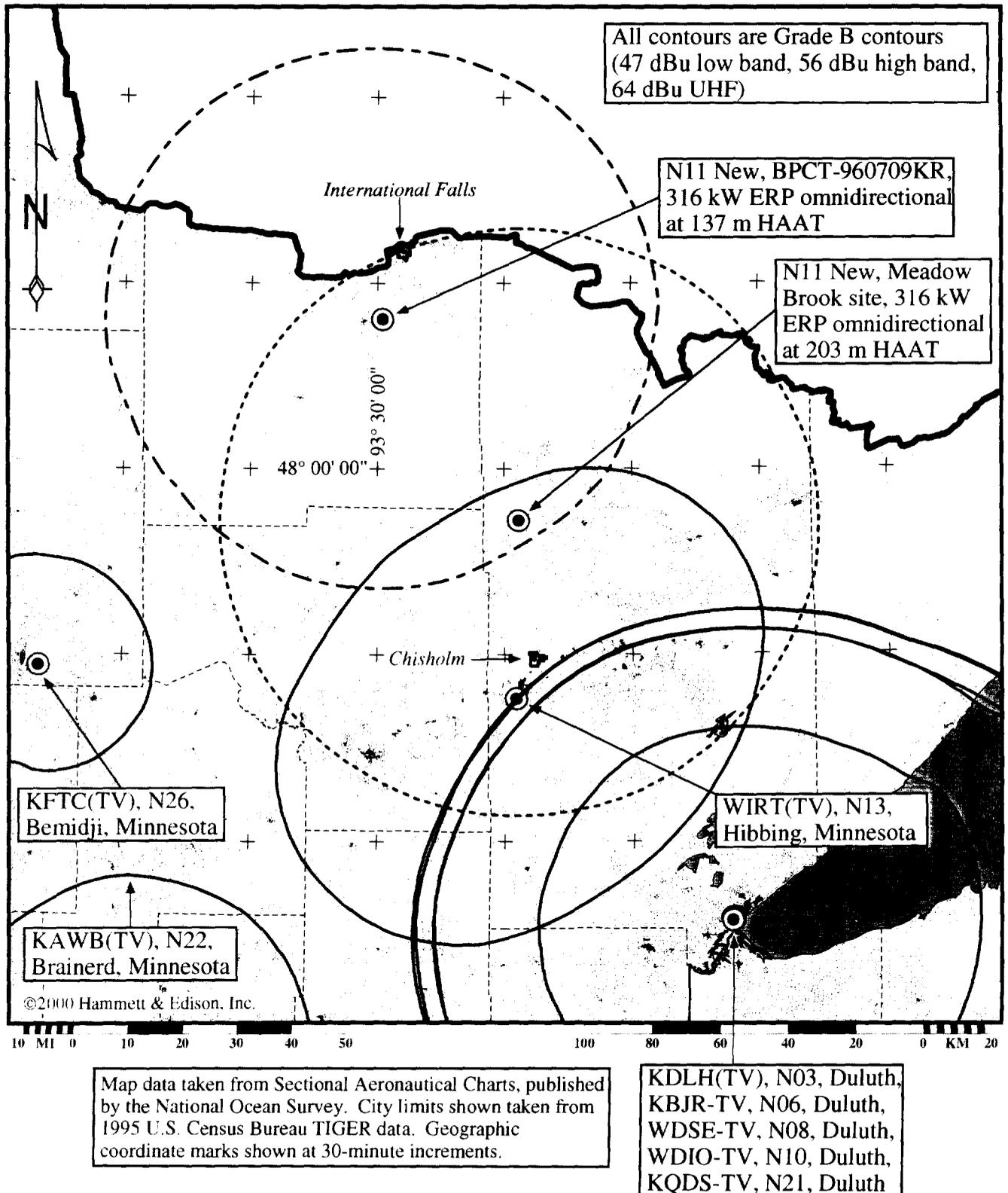
Permitted vs. Proposed Sites
and Coverage Contours



Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. City limits shown taken from 1995 U.S. Census Bureau TIGER data. Geographic coordinate marks shown at 30-minute increments.

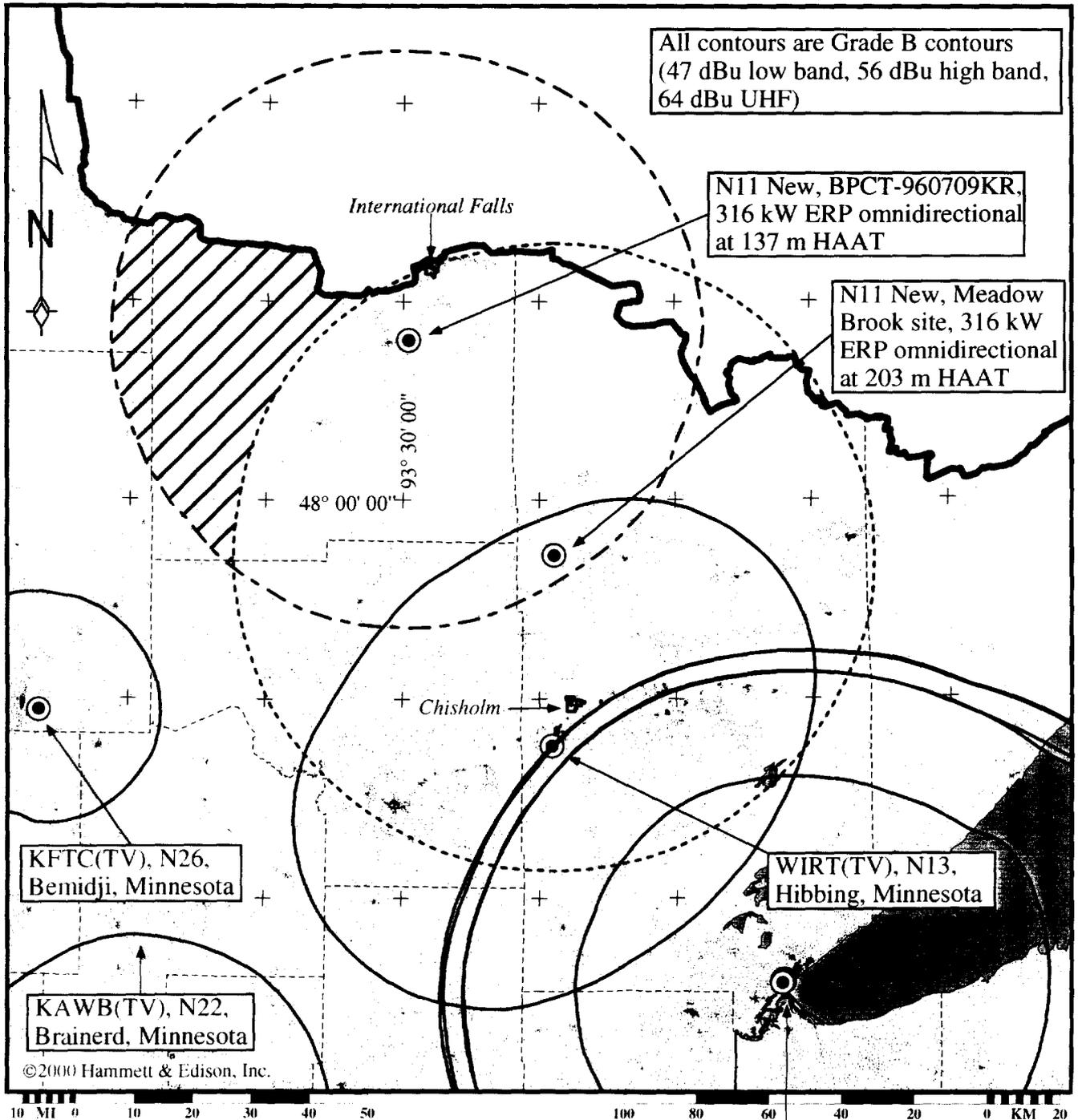
New TV Station • NTSC Channel 11 • Chisholm, Minnesota

White Area Study for New NTSC Channel 11
Relocated from International Falls to Chisholm



New TV Station • NTSC Channel 11 • Chisholm, Minnesota

White Area Study for New NTSC Channel 11
Relocated from International Falls to Chisholm
"White Area" Increase

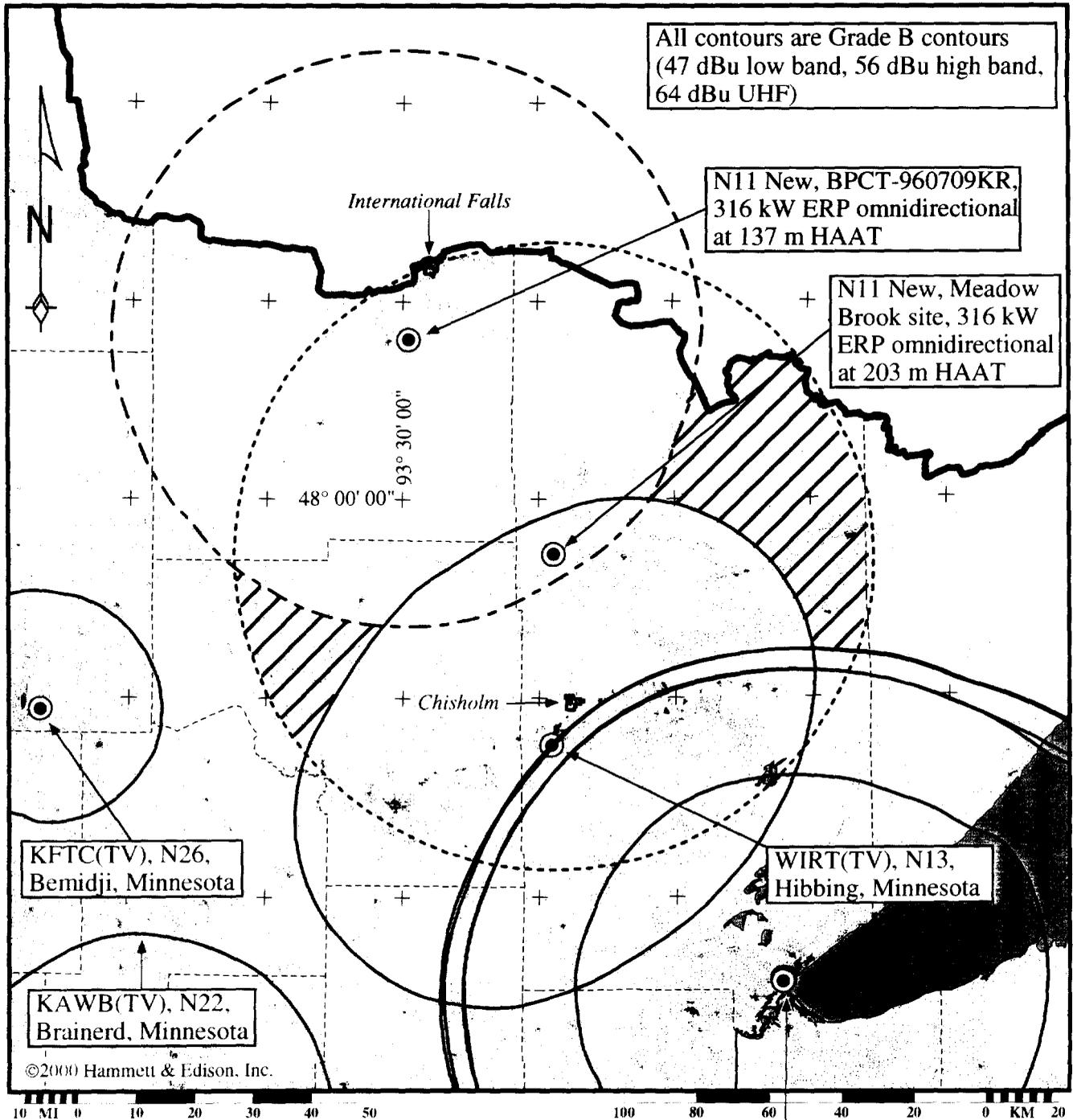


Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. City limits shown taken from 1995 U.S. Census Bureau TIGER data. Geographic coordinate marks shown at 30-minute increments.

KDLH(TV), N03, Duluth,
KBJR-TV, N06, Duluth,
WDSE-TV, N08, Duluth,
WDIO-TV, N10, Duluth,
KQDS-TV, N21, Duluth

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

White Area Study for New NTSC Channel 11
Relocated from International Falls to Chisholm
"White Area" Decrease



All contours are Grade B contours
(47 dBu low band, 56 dBu high band,
64 dBu UHF)

N11 New, BPCT-960709KR,
316 kW ERP omnidirectional
at 137 m HAAT

N11 New, Meadow
Brook site, 316 kW
ERP omnidirectional
at 203 m HAAT

KFTC(TV), N26,
Bemidji, Minnesota

KAWB(TV), N22,
Brainerd, Minnesota

WIRT(TV), N13,
Hibbing, Minnesota

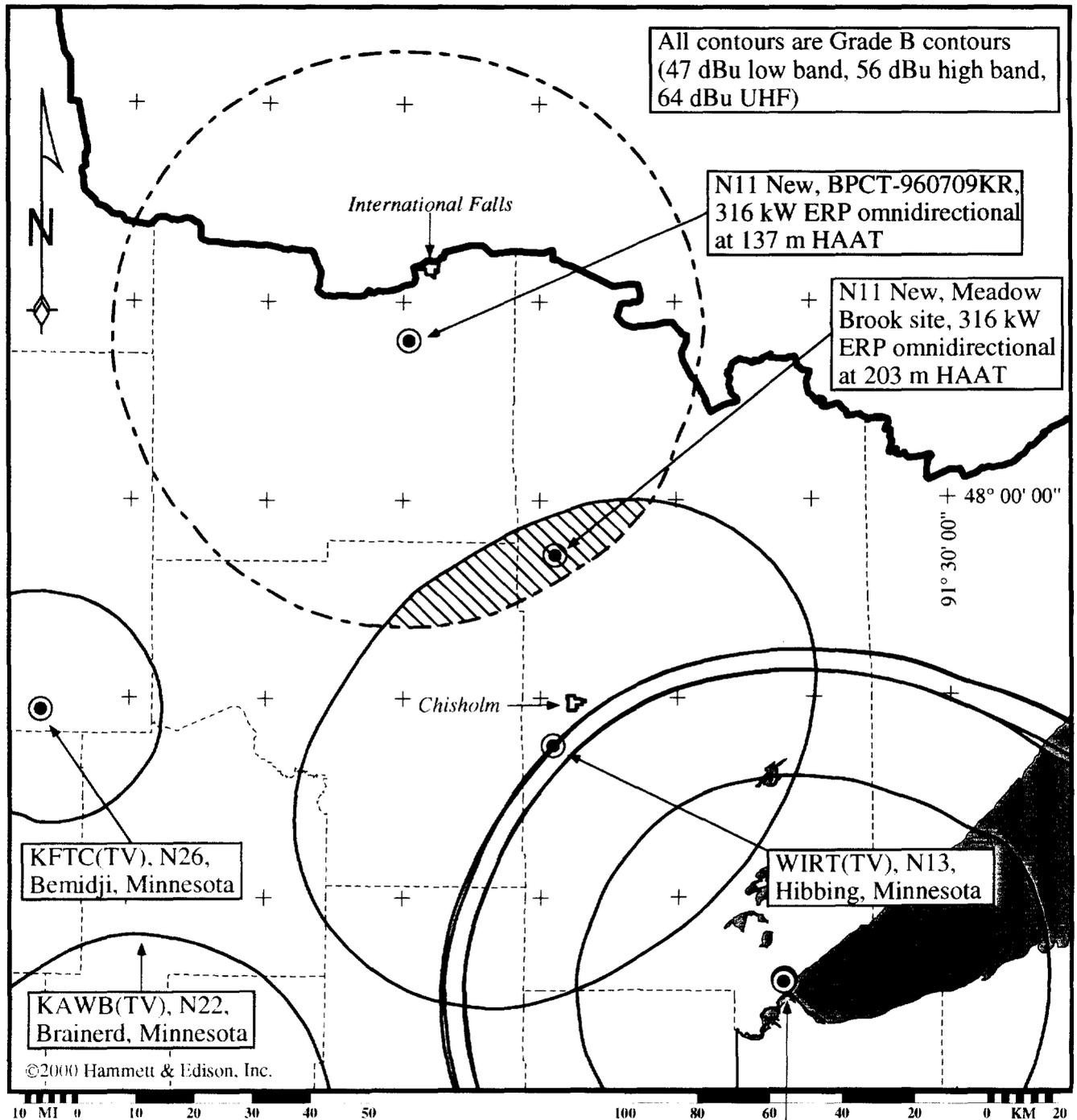
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Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. City limits shown taken from 1995 U.S. Census Bureau TIGER data. Geographic coordinate marks shown at 30-minute increments.

KDLH(TV), N03, Duluth,
KBJR-TV, N06, Duluth,
WDSE-TV, N08, Duluth,
WDIO-TV, N10, Duluth,
KQDS-TV, N21, Duluth

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

Gray Area Served by Permitted International Falls Facilities

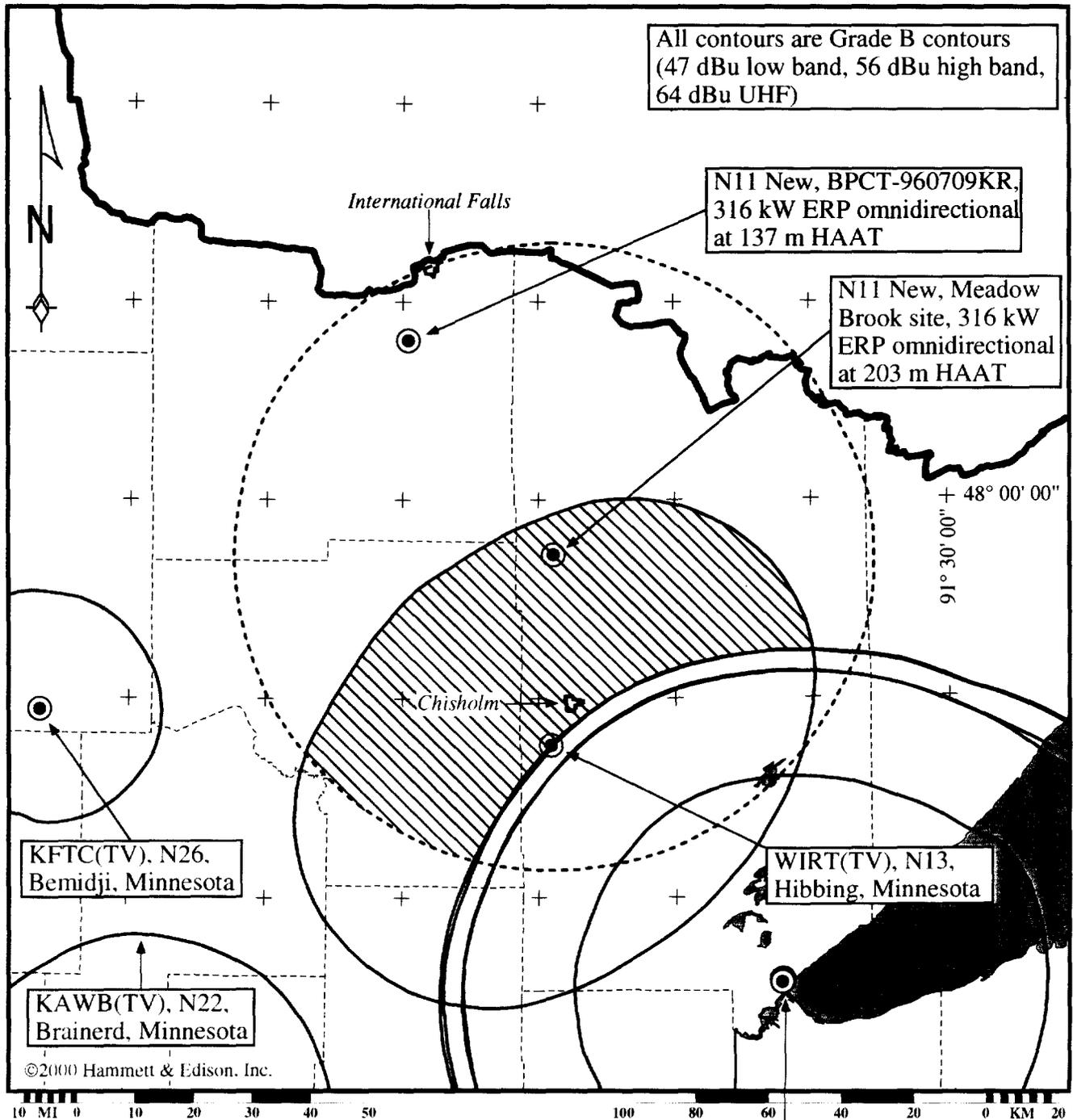


Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. City limits shown taken from 1995 U.S. Census Bureau TIGER data. Geographic coordinate marks shown at 30-minute increments.

KDLH(TV), N03, Duluth,
KBJR-TV, N06, Duluth,
WDSE-TV, N08, Duluth,
WDIO-TV, N10, Duluth,
KQDS-TV, N21, Duluth

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

Gray Area Served by Proposed Chisholm "Meadow Brook" Site Facilities

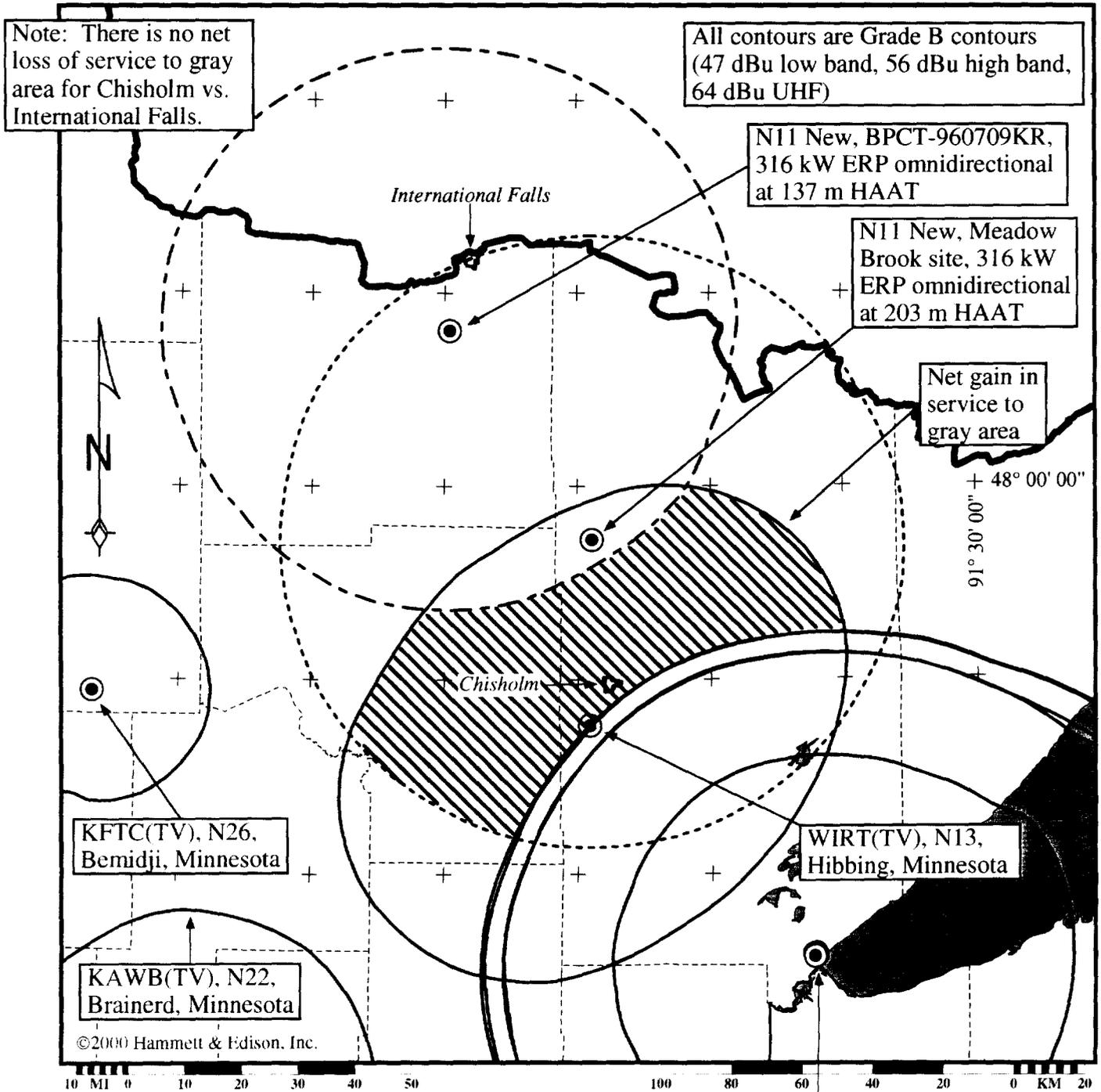


Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. City limits shown taken from 1995 U.S. Census Bureau TIGER data. Geographic coordinate marks shown at 30-minute increments.

KDLH(TV), N03, Duluth,
KBJR-TV, N06, Duluth,
WDSE-TV, N08, Duluth,
WDIO-TV, N10, Duluth,
KQDS-TV, N21, Duluth

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Net Gain in Service to "Gray Area"
Proposed Chisholm Facility
vs.
Permitted International Falls Facility

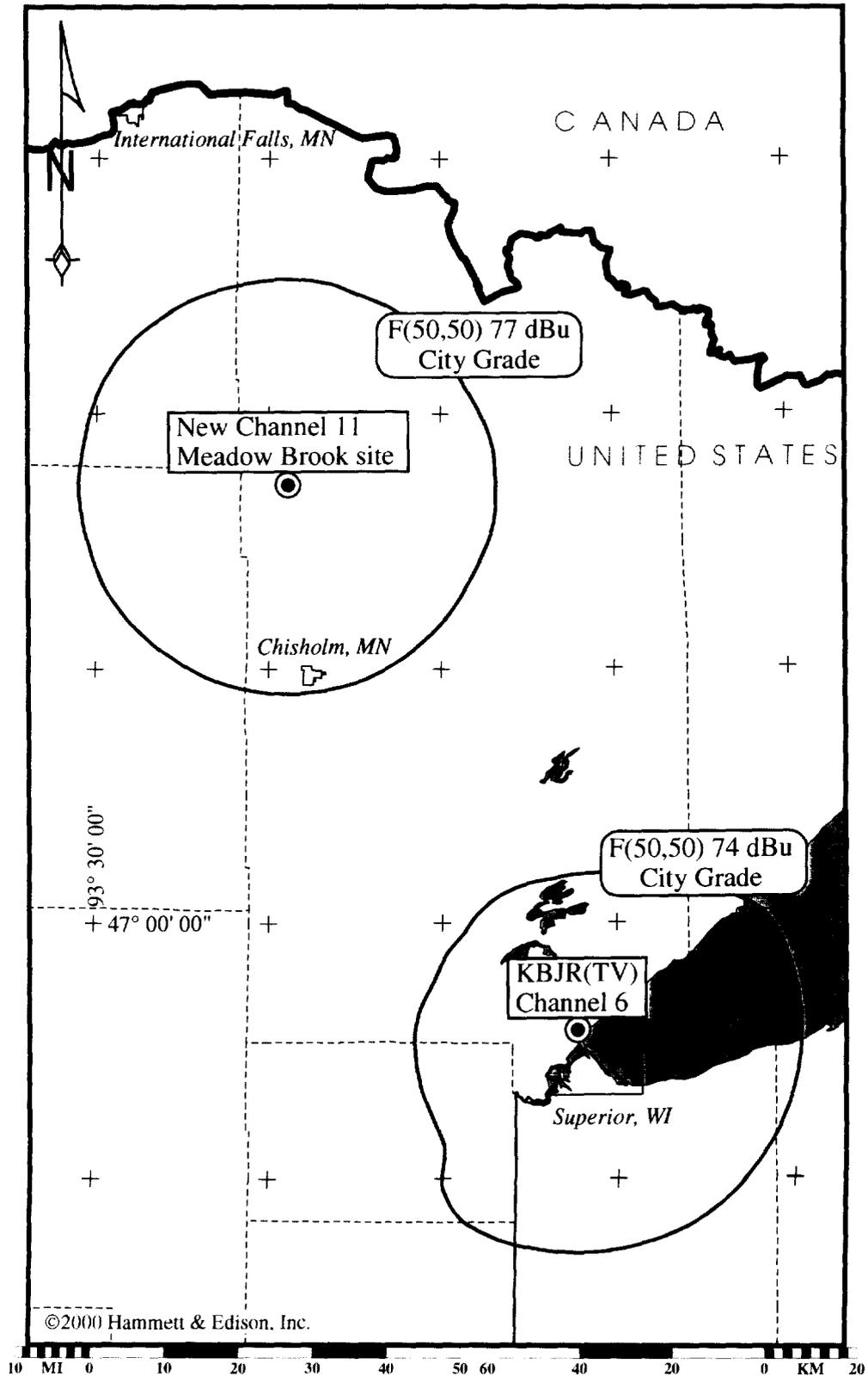


Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. City limits shown taken from 1995 U.S. Census Bureau TIGER data. Geographic coordinate marks shown at 30-minute increments.

KDLH(TV), N03, Duluth,
KBJR-TV, N06, Duluth,
WDSE-TV, N08, Duluth,
WDIO-TV, N10, Duluth,
KQDS-TV, N21, Duluth

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

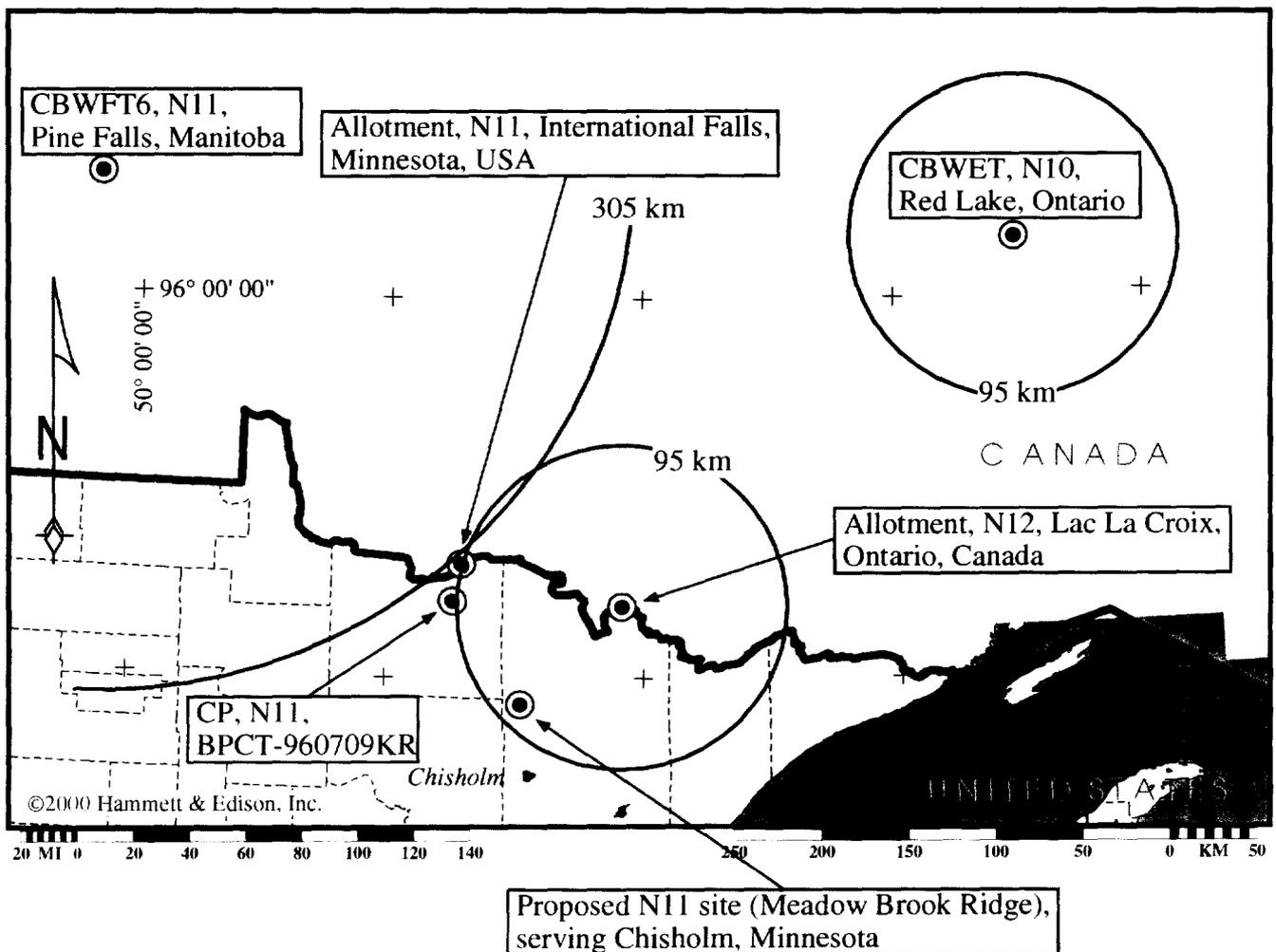
City Grade Contours for Proposed Chisholm
NTSC Channel 11 Station and
TV Station KBJR, NTSC Channel 6, Superior, Wisconsin



Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. City limits shown taken from 1995 U.S. Census Bureau TIGER data. Geographic coordinate marks shown at 30-minute increments.

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

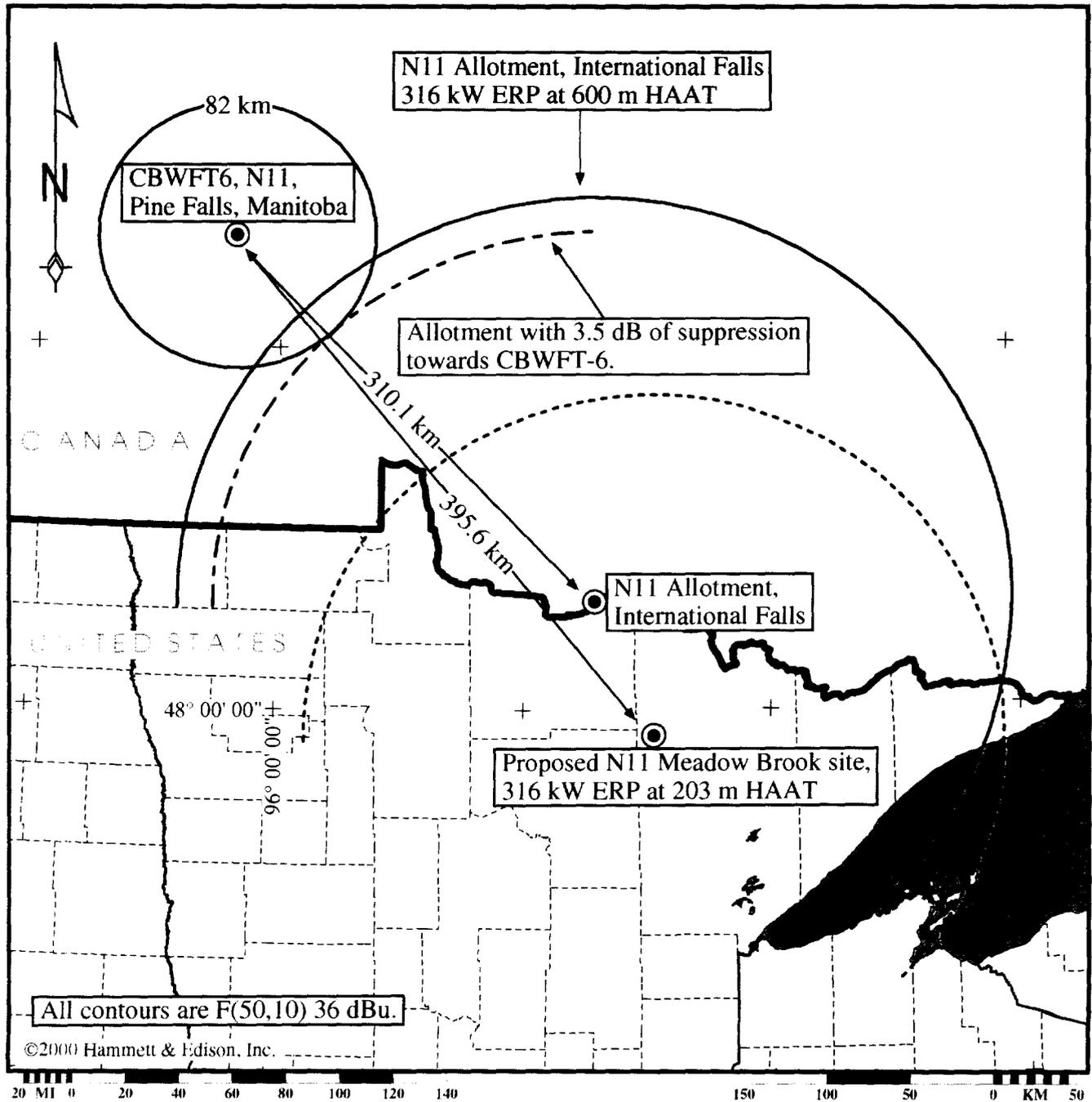
Canadian NTSC Allocation Conditions



Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. City limits shown taken from 1995 U.S. Census Bureau TIGER data. Geographic coordinate marks shown at 60-minute increments.

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

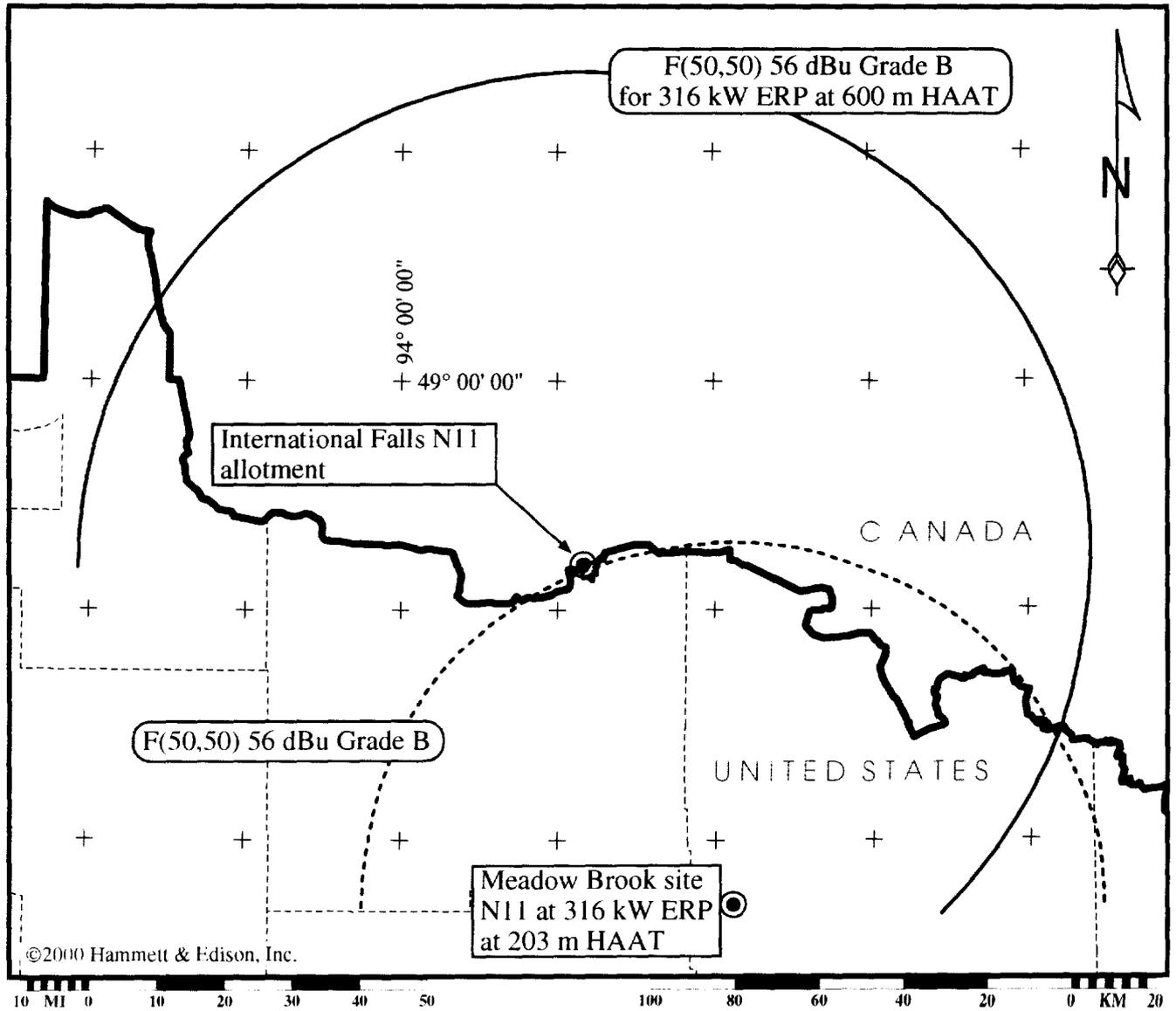
CBWFT6, NTSC Channel 11, Pine Falls, Manitoba
Contour Protection



Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 120-minute increments.

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

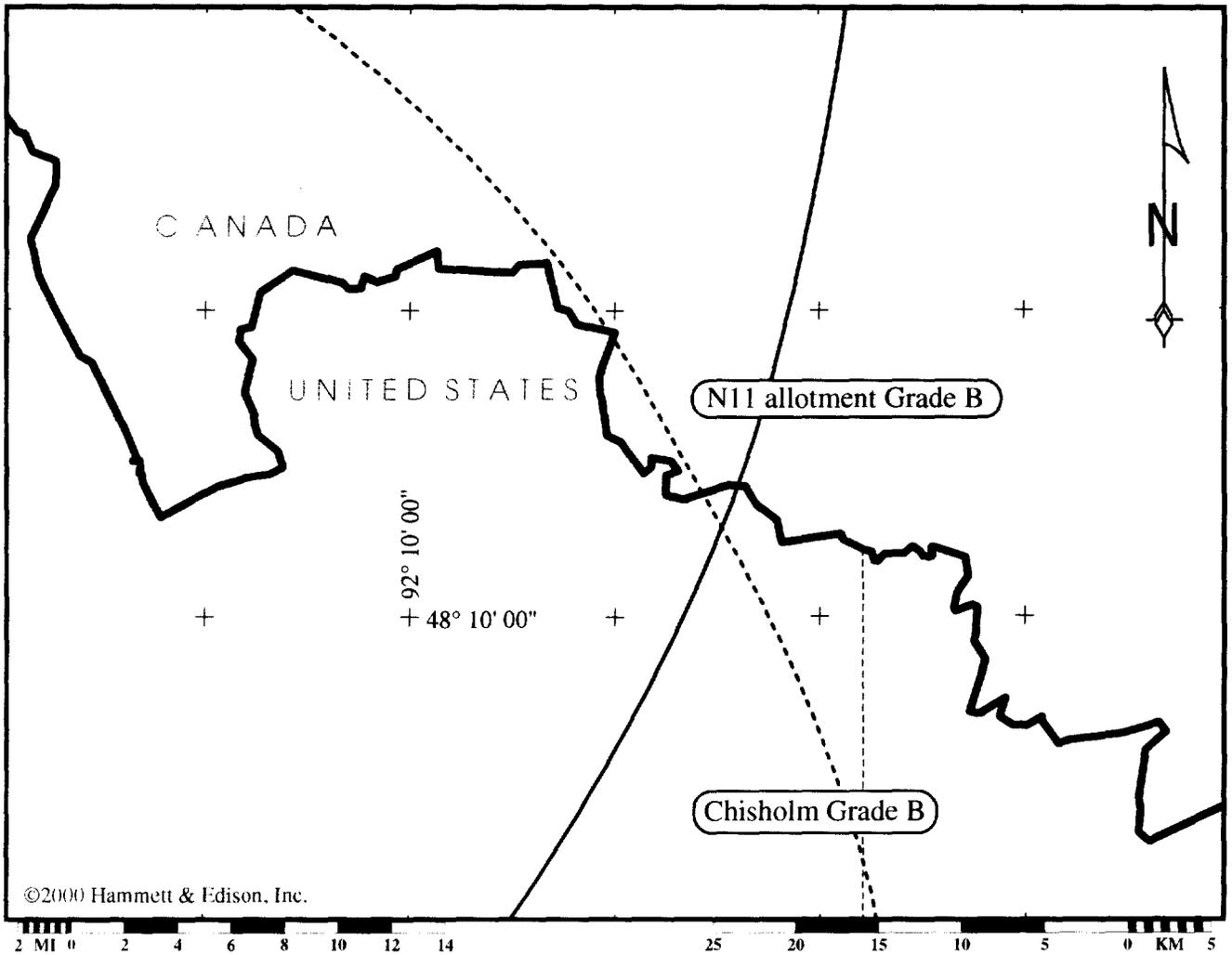
International Falls NTSC Allotment Grade B Contour
vs.
Proposed Chisholm Grade B Contour



Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 30-minute increments.

New TV Station • NTSC Channel 11 • Chisholm, Minnesota

International Falls NTSC Allotment Grade B Contour
vs.
Proposed Chisholm Grade B Contour



Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 10-minute increments.