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February 11, 2002

VIA HAND DELIVERY

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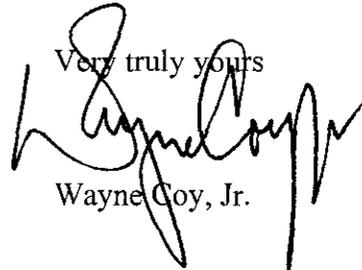
**Re: Petition for Rule Making
Odessa, Texas**

Dear Ms. Salas

Transmitted herewith, on behalf of Odessa Junior College District, licensee of noncommercial educational broadcast station KOCV-TV, Odessa, Texas, and permittee for DTV channel *22, are the original and four (4) copies of its Petition for Rule Making to substitute Channel *38 for Channel *22 for the DTV Allotment.

Should you have any questions with respect to this filing, please contact the undersigned.

Very truly yours



Wayne Coy, Jr.

Enclosure

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BEFORE THE

Federal Communications Commission

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In Re)
)
Amendment of Section 73.622(b))
Table of Allotments)
DTV Broadcast Stations)
Odessa, Texas)

MM Docket No.

To: Chief, Allocations Branch
Policy and Rules Division

PETITION FOR RULE MAKING

Odessa Junior College District (“Odessa”) is the licensee of noncommercial educational television station KOCV-TV, NTSC Channel *36+, and holder of a construction permit for digital Channel *22, both in Odessa, Texas. As an educational agency of the State of Texas Odessa must always be aware of the financial limitations and restrictions on all state agencies. The Channel *22 facility is assigned an operating power of 50 kilowatts ERP at 88 meters at a site with the geographic coordinates of 31-51-59 N, and 102-22-50 W. Other assignments in the area prohibit any increase in power on the assigned channel. In the terrain of West Texas, replicating the “official” coverage of the NTSC signal is only part of the story. A combination of the flatness of the land plus the relatively low level of man-made interference (Broadcast signals plus all electrical generation devices) means that the useable analog signal extends considerably further out. Thus a simple “replication” of the official Grade B contour of the analog signal would fall far short of replicating the actual service provided by that signal. Simply put, the 50 kw power for the digital signal will not begin to reach the same number of viewers now receiving the NTSC signal.

After a search to determine what other choices were available for a digital allotment, Odessa discovered the solution was as simple as moving the allotment to Channel *38. The Engineering Statement of Jules Cohen, attached hereto, sets forth the operating parameters of the new channel as 500 kilowatts with height above average terrain of 82 meters at the location specified in the outstanding construction permit (31-51-58 N, 102-22-48 W), indicating that the service from the new facility will comport with the city grade service requirement for Odessa, the City of License, and will not cause impermissible interference to any other stations.

Odessa therefore proposes the following amendment to Section 73.622(b) of the Commission's Rules:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Odessa, Texas	*22	*38

The Proposed Change Will Serve The Public Interest

The proposed change in the DTV Table of Allotments will serve the public interest by enhancing Odessa's ability to provide high quality noncommercial educational programming and making it accessible to more of its existing viewers. The cost of building of a station on a channel that Odessa knows, in advance, will not get the job done very from the outset when an alternative channel is available that will get the job done immediately. The continuity of a strong stable signal from the beginning will assure the community of no lapse in service or decrease in signal quality for the station's viewers, throughout the transition period.

The proposed Change Will Not Create Any Impermissible Interference

Under Section 73.622(f)(5) of the Commission's Rules, an existing licensee with a DTV allotment may seek a change in the station's channel if the licensee demonstrates that the change

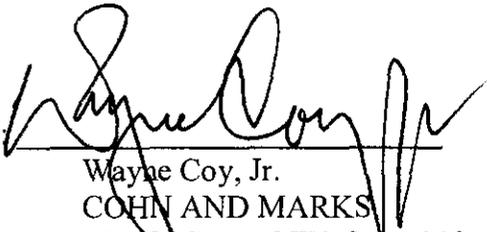
“complies with the technical criteria in 73.623(c), and thereby will not result in new interference exceeding the *de minimus* standard set forth in that section...” . In accordance with these rules, Odessa requests that the Commission substitute DTV Channel *38, at the same power and height combination of the approved allotment for KOCV-DT.

Conclusion

For all of these reasons, Odessa requests that the Commission institute a Rule Making proceeding to amend Section 73.622(b) of its Rules to substitute Channel *38 for Channel *22 in Odessa, Texas. If the Commission grants this Petition and modifies the Table of Allotments accordingly, Odessa is committed to applying for and constructing its DTV station on DTV Channel *38. Comments on this proposal should be sent to the attorney for Odessa signing below.

Respectfully submitted

ODESSA JUNIOR COLLEGE DISTRICT

By 
Wayne Coy, Jr.
COHN AND MARKS
1920 N Street, NW, Suite 300
Washington, DC 20036-1622
(202) 293-3860

Date: February 11, 2002

**ENGINEERING STATEMENT ON BEHALF OF
ODESSA JUNIOR COLLEGE DISTRICT
IN SUPPORT OF PETITION FOR RULE MAKING
KOCV-DT, ODESSA, TEXAS**

This engineering statement, prepared on behalf of Odessa Junior College District ("Odessa"), licensee of KOCV-TV, Odessa, Texas, is in support of a petition for rule making directed to a request to change the operating assignment of KOCV-DT from channel 22 to channel 38 with increased average effective radiated power.

In the Second Memorandum and Order on Reconsideration of The Fifth and Sixth Report and Orders, MM Docket No. 87-268, KOCV-DT was assigned operation on channel 22 with average effective radiated power of 50 kilowatts and antenna height above average terrain of 88.0 meters at a site identified with the geographic coordinates 31-51-59, 102-22-50. Odessa now seeks an assignment change to channel 38, with average effective radiated power of 500 kilowatts with height above average terrain of 82 meters at the location specified in the outstanding construction permit BPEDT-20000426ABG (coordinates: 31-51-58, 102-22-48).

Odessa is seeking the change in order to better serve its audience. Power greater than 50 kilowatts is not permissible on channel 22 because of potential interference to other assignments. Operation on channel 38 with average effective radiated power of as much as 500 kilowatts will satisfy the Odessa service objective and make its digital, noncommercial broadcasts more accessible to its viewers.

Jules Cohen
Consulting Engineer

On February 6, 2002, the TV Interference and Spacing Analysis Program, tv_process, was run with KOCV-DT assumed to be operating with average effective radiated power of 500 kilowatts on channel 38 with the antenna height and location described previously. The program reported the following results: "No spacing violations or contour overlap to Class A stations" and stations potentially affected by the proposed station as follows:

KPEJ, Odessa, TX, channel 24, licensed (BLCT-19940630KE)

KPXK, Odessa, TX, channel 30, licensed (BLCT-20010328ADD)

KOCV-TV, Odessa, TX, channel 36, licensed (BLET-19860401KG)

KOBR-DT, Roswell, NM, channel 38, PLN, (DTVPLN-DTVP1002)

KSCE, El Paso, TX, channel 38, licensed (BLET-19890713KE)

KSCE, El Paso, TX, channel 38, CP (BPET-19960627KN)

KTXT-DT, Lubbock, TX, channel 39, PLN (DTVPLN-DTVP1048)

KMLM, Odessa, TX, channel 42, licensed (BLCT-20000112AAZ)

The analysis of interference to each of the foregoing station assignments concluded the following:

KPEJ - Proposal causes no interference

KPXK - Proposal causes no interference

KOCV-TV - Proposal causes no interference

KOBR-DT - Proposal would cause interference to a population of 23 out of a total population not affected by terrain losses of 163,495 (0.0%)

Jules Cohen
Consulting Engineer

KSCE (CP) - Proposed station is beyond the site to nearest cell evaluation distance

KSCE (licensed) - Proposal causes no interference

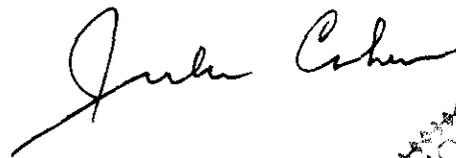
KTXT-DT - Proposal causes no interference

KMLM - Proposal causes no interference

KOCV-DT operating as proposed on channel 38 would receive interference from the planned digital operation of KOBR-DT, Roswell, NM, affecting 511 people out of a population of 259,835 not affected by terrain losses (0.2%).

The conclusion from the foregoing analysis is that operation of KOCV-DT on channel 38 with effective radiated power of 500 kilowatts and height above average terrain of 82 meters at the site with geographic coordinates of 31-51-58, 102-22-48 would comply with FCC rules.

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



Jules Cohen, P.E.

February 8, 2002

