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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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February 21, 2002

**VIA HAND DELIVERY**

Mr. William Caton  
Acting Secretary  
Federal Communications Commission  
Portals II, Filing Center, TW-A325  
Washington, D. C. 20554

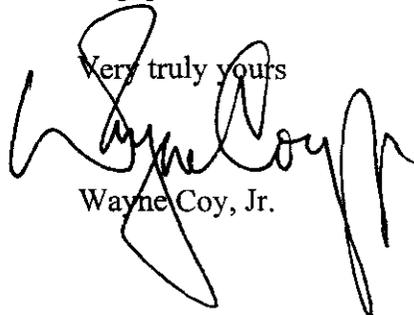
**Re: Petition for Rule Making  
Amarillo, Texas**

Dear Ms. Salas

Transmitted herewith, on behalf of Amarillo Junior College District, licensee of noncommercial educational broadcast station KACV-TV, Amarillo, Texas, and permittee for DTV channel \*21, are the original and four (4) copies of its Petition for Rule Making to substitute Channel \*08 for Channel \*21 as the DTV Allotment.

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

Very truly yours



Wayne Coy, Jr.

Enclosure

No. of Copies rec'd 0+4  
List A B C D E

*MMB*

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BEFORE THE

# Federal Communications Commission

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FEB 21 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

MM Docket No.

To: Chief, Allocations Branch  
Policy and Rules Division

## PETITION FOR RULE MAKING

Amarillo Junior College District ("Amarillo") is the licensee of noncommercial educational television station KACV-TV, NTSC Channel \*02+, and holder of a construction permit for digital Channel \*21, both in Amarillo, Texas. KACV serves a large geographically and intellectually isolated rural area in the northern Texas panhandle. Many of the approximately 400,000 residents residing in the 26,000 square-mile coverage area depend on KACV for access to quality cultural and educational programming for the entire family as well as the specific need for public school support materials and college credit courses.

Each academic semester, KACV airs 15-17 college credit courses providing core subjects such as History, English, and various sciences and math courses to students in the panhandle region. Additionally, support offerings for social and behavioral sciences, management and fine arts classes are also distributed. Credit for these courses are given and one or more of the three area colleges and provide opportunities for accelerated high school students to acquire dual credit.

KACV's locally produced public affairs programs have been regularly scheduled productions since the station went on the air in 1988. They have been recognized regionally and nationally with the Edward R. Murrow Regional Award and the Barbara Jordan Award in addition to numerous state and regional citations, providing viewers with their only regularly scheduled access to news makers and elected officials in the area.

As an educational agency of the State of Texas, Amarillo must always be aware of the financial limitations and restrictions on all state agencies. In order to even come close to a replication of the signal of the Channel \*02 facility, the Channel \*21 facility must operate with an assigned operating power of 1000 kilowatts ERP at 401meters. This will cost the station \$240,000 annually just for the electricity for the digital signal. The combined electrical costs for both the digital and analog stations will be more then \$275,000 annually. This will have a crippling effect on the budget of the station which now totals only \$1,470,000 annually. The immediate impact of this would be the elimination of all local production activities, including the region's only public affairs production, support for instructional initiatives, and participation in many community partnerships. Local programming, including badly needed instructional programming designed for the use of the area school systems will be eliminated and the financial sustainability of the station would be jeopardized.

To avoid this cataclysmic result, KACV needed to find a VHF station for its digital facility in order to be able to reach the widest possible audience at an affordable price. After a search to determine what other choices were available for a digital allotment, Amarillo discovered the solution was as simple as moving that allotment to Channel \*08. The Engineering Statement of Cohen, Dippell, and Everist, attached hereto, sets forth the operating parameters of the new channel, indicating that the service from the new facility will comport with the city

grade service requirement for Amarillo, the City of License, and will not cause impermissible interference to any other stations.

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

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Amarillo, Texas	*21	*08

### **The Proposed Change Will Serve The Public Interest**

The proposed change in the DTV Table of Allotments will serve the public interest by enhancing KACV's ability to continue to provide high quality locally-produced noncommercial educational programming and making it accessible to virtually all of its existing viewers. The cost of building and operating a station on a channel that KACV knows, in advance, will cost too much is fiscal and programmatic suicide when an alternative channel is available that will get the job done while preserving the local production base that has served the region so well for the past 14 years.

### **The proposed Change Will Not Create Any Impermissible Interference**

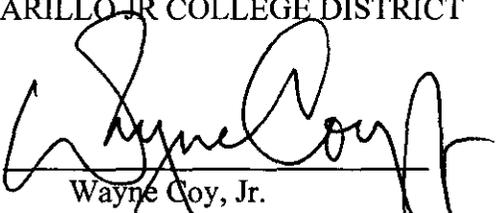
Under Section 73.622(f)(5) of the Commission's Rules, an existing licensee with a DTV allotment may seek a change in the station's channel if the licensee demonstrates that the change "complies with the technical criteria in 73.623(c), and thereby will not result in new interference exceeding the *de minimus* standard set forth in that section..." . In accordance with these rules, Amarillo requests that the Commission substitute DTV Channel \*08, at 5 Kw of power and 519 meters height above average terrain.

### Conclusion

For all of these reasons, Amarillo Junior College District requests that the Commission institute a Rule Making proceeding to amend Section 73.622(b) of its Rules to substitute Channel \*08 for Channel \*21 in Amarillo, Texas. If the Commission grants this Petition and modifies the Table of Allotments accordingly, Amarillo is committed to applying for and constructing its DTV station on DTV Channel \*08. Comments regarding this Proposed Rule should be sent to the attorney whose signature appears below.

Respectfully submitted

AMARILLO JR COLLEGE DISTRICT

By: 

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

Date: February 21, 2002

ORIGINAL

EXHIBIT E

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FEDERAL COMMUNICATIONS COMMISSION  
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ENGINEERING STATEMENT  
PETITION FOR RULE MAKING OF SECTION 73.622  
OF THE FCC RULES TO CHANGE DTV CHANNEL  
ON BEHALF OF  
AMARILLO JUNIOR COLLEGE DISTRICT  
KACV-DT, AMARILLO, TEXAS  
CHANNEL 8 5.0 KW 519 METERS HAAT

FEBRUARY 2002

COHEN, DIPPELL AND EVERIST, P.C.  
CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

City of Washington )  
 ) ss  
District of Columbia )

Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

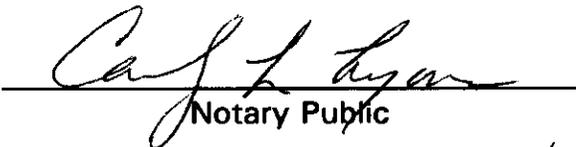
That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

  
Donald G. Everist  
District of Columbia  
Professional Engineer  
Registration No. 5714

Subscribed and sworn to before me this 19<sup>th</sup> day of February, 2002.

  
Notary Public

My Commission Expires: 2/28/2003

This engineering statement has been prepared on behalf of Amarillo Junior College District, licensee of television station KACV-DT, Amarillo, Texas, and is assigned and operates on NTSC Channel 2. It is proposed to change the current digital television channel allotment contained in Section 73.622 of the FCC Rules from UHF Channel 21 to VHF Channel 8 with a non-directional ERP of 5 kW. The resulting service area encompasses the entire community of license.

This request is supported by an analysis of the impact of this proposal on other authorized NTSC stations, DTV stations, and other proposed DTV allotment changes. An allocation analysis has been performed using the Federal Communications Commission ("FCC") OET Bulletin No. 69 dated July 2, 1997 and the FCC supplemental processing guidelines dated August 1998. The analysis was performed by using the FCC Longley-Rice model adapted for use on an Intel Platform. The results of this adapted program have been compared to other known FCC studies and have been found to give comparable results.

<u>DTV Channel</u>	<u>ERP (kW)</u>	<u>HAAT (meters)</u>	<u>RCAMSL (meters)</u>
<u>Existing DTV Table of Allotments<sup>1</sup></u>			
21	1000	401	1433
<u>Proposed DTV Facilities</u>			
8	5	519	1525

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<sup>1</sup>"In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service", MM Docket No. 87-268, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order (FCC 98-24), 2/12/98.

Table I shows the stations to be considered according to the FCC processing guidelines.<sup>2</sup> The bearing and distance values noted in the table are calculated from the coordinates of the proposed site which follow below. The proposed site corresponds to that listed for the current KXII-TV NTSC operation.

North Latitude: 35° 22' 30"

West Longitude: 101° 52' 56"

NAD-27

Tower Registration No. 1054167

#### Interference Analysis

This office's software performed the analysis of the absence or predicted interference caused by the proposed KACV-DT Ch. 8 operation. The analysis has been performed using a version of the Longley-Rice program as described in OET Bulletin No. 69 (July 2, 1997) and the Public Notice, "Additional Application Processing Guidelines for Digital Television (DTV)" (August 1998). The FCC's FORTRAN-77 code was modified only to the extent necessary (primarily input/output handling) for the program to run on a Windows98/Intel platform. Comparison of service/interference areas and populations indicates that this model closely matches the FCC's evaluation program. Best efforts have been made to use data and calculations identical to the FCC's program. Any slight differences are attributable to compiler, operating system and/or processor characteristics. The effect of any variance in calculated population values versus the FCC's program is minimized when

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<sup>2</sup>"Additional Application Processing Guidelines for digital television (DTV)", Public Notice 84889 (August 10, 1998).

differencing a given model's results, e.g., new interference equals total interference less baseline interference. The effect is further reduced for ratios of calculated population values, e.g., incremental population affected as a percent of total population served. The model employs the Longley-Rice propagation methodology and evaluates in grid cells of approximately 4 km<sup>2</sup> using 3-second terrain data sampled approximately every 0.1 km at one degree azimuth intervals with 1990 census centroids. All studies are based upon data in the update of the FCC's CDBS dated mid-January 2002.

None of the stations is predicted to receive more than 1.4% new interference from the proposed Channel 8 operation. Also none of these stations exceeds the allowed cumulative interference level of 10%. Stations that exceed the minimum geographic spacing requirements for new stations have been studied.<sup>3</sup> For the proposed Channel 8 operation, all stations listed in the FCC's CDBS data base are fully spaced except for KWET-DT, Ch. 8, Cheyenne, OK. The KXII-TV station has agreed to permit to use this site, and thus, eliminating all caused interference to the existing KXII-TV Channel 7 adjacent-channel operation; therefore, these studies assume NTSC/DTV collocation while using the Longley-Rice program.

Furthermore, an examination of co-channel low-power television and translator stations within 100 km has been performed. No other low-power Class A or translator station is found that requires further consideration. Therefore, it is believed that the request for DTV channel will be consistent with the FCC Rules.

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<sup>3</sup>47 C.F.R., Section 73.623(d).

**TABLE 1**  
**POTENTIAL INTERFEREES OF KACV-DT, AMARILLO, TEXAS**  
**KACV-DT, CHANNEL 8, AMARILLO, TEXAS**  
**5 KW, 519 METERS HAAT**  
**FEBRUARY 2002**

<u>Station</u>	<u>Distance/Bearing Spacing</u>	<u>Coordinates NAD-27</u>	<u>Predicted New Interference</u>
KVII-TV, Ch. 7 Amarillo, TX CP 316 kW 519 M	0 km/0° collocated	35° 22' 30" 101° 52' 56"	0.0%
KWET-DT, Ch. 8 Cheyenne, OK Allot. 15.7 kW 299 M	202 km/82° short-spaced	35° 35' 36" 99° 40' 02"	0.1%
KWET-DT, Ch. 8 Cheyenne, OK CP 30 kW 303 M	202 km/82° short-spaced	35° 35' 36" 99° 40' 02"	1.4%
KSWK-DT, Ch. 8 Lakin, KS Petition 100 kW 141 M	281 km/14° fully-spaced	37° 49' 38" 101° 06' 35"	0.0%
KFDA-DT, Ch. 9 Amarillo, TX Allot. 20.8 kW DA 466 M	9.7 km/160° collocated	35° 17' 34" 101° 50' 42"	0.0%
KFDA-DT, Ch. 9 Amarillo, TX CP 20.8 kW 466 M	9.7 km/160° collocated	35° 17' 34" 101° 50' 42"	0.0%
KOBR(TV), Ch. 8 Roswell, NM 316 kW 536 M	282 km/218° fully-spaced	33° 22' 32" 103° 46' 05"	0.0%
KCBD-DT, Ch. 9 Lubbock, TX 15 kW 232 M	203 km/179° fully-spaced	33° 32' 32" 101° 50' 14"	0.0%

There is no contour overlap or spacing violation to any Class A stations.

Source: CDBS 2/13/02