

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.622(b))
the Commission's Rules, DTV)
Table of Allotments)
(Sacramento, California))

MM Docket No. _____
RM No. _____

To: The Chief, Allocations Branch

MOTION TO DISMISS PETITION FOR RULEMAKING

San Mateo County Community College District (the "District"), by its attorneys, hereby requests the Commission to dismiss a Petition for Rulemaking filed July 14, 2000, and supplemented on April 18, 2001, by La Dov Educational Outreach, Inc. ("La Dov") to amend the Digital Television Table of Allotments, 47 C.F.R. § 73.622(b), to reserve DTV Channel *43 at Sacramento, California. As demonstrated herein, La Dov's Petition is patently defective because the allotment requested therein would (i) cause impermissible interference to nearby DTV Station KHSL-DT, Channel 43, Chico, California, and (ii) potentially block a proposal by the District that complies fully with the FCC's rules. The La Dov Petition therefore should be dismissed under the FCC's technical rules.¹ The facts in support of this Motion to Dismiss are set forth below.

¹ Because a grant of La Dov's defective Petition for DTV Channel *43 at Sacramento, California, has a direct impact on the District's Petition for DTV Channel *43 at San Mateo, California, the District has an interest in the outcome of this proceeding.

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I. BACKGROUND

On March 12, 1990, La Dov filed an application for a construction permit for a new NTSC noncommercial educational station on Channel *52 at Sacramento, California, along with a waiver of the TV Freeze Order imposed in 1987 by the FCC.² On July 14, 2000, La Dov filed a Petition for Rulemaking (“Petition”) to amend the DTV Table of Allotments to reserve DTV Channel *43 at Sacramento, California, to replace its pending NTSC application. La Dov filed the Petition pursuant to an FCC Public Notice released November 22, 1999, announcing a filing window targeted at applicants with pending NTSC applications.³ La Dov stated in its Petition that its proposed amendment to the DTV Table of Allotments for Channel *43 complied with the FCC’s technical rules and would protect nearby full service and Class A television stations.⁴ Subsequently, the FCC notified La Dov that, based upon its own calculations, La Dov’s Petition for DTV Channel *43 would cause an impermissible 2.3 percent increase in interference to DTV Station KHSL-DT, Channel 43, Chico, California.⁵ On April 18, 2001, La Dov supplemented its Petition with engineering information purporting to show that only a 1.6 percent *de minimis* increase in interference would be caused to DTV Station KHSL-DT.⁶

The District is the licensee of noncommercial educational Station KCSM-TV, Channel *60, San Mateo, California, which is operated by the College of San Mateo, one of three colleges

² See *Freeze on Applications to Amend TV Table of Allotments*, 52 Fed. Reg. 28346 (1987).

³ On March 9, 2000, the FCC extended the March 17, 2000, deadline to July 15, 2000. See *Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations Extended to July 15, 2000*, 15 FCC Rcd 4974 (2000).

⁴ See Petition for Rulemaking, La Dov Educational Outreach, Inc., at 3 (filed July 14, 2000).

⁵ See Supplement to Petition for Rulemaking, La Dov Educational Outreach, Inc., at 1-2 (filed Apr. 18, 2001).

⁶ See *id.* at 2.

operated by the District in the San Francisco Bay Area.⁷ On October 9, 2001, the District filed a Petition for Rulemaking with the FCC to amend the DTV Table of Allotments to substitute DTV Channel *43 for the District's current DTV channel allotment of Channel *59.⁸ The District learned after filing its Petition that the Commission believes the District's Petition is in apparent conflict with La Dov's Petition for DTV Channel *43.⁹ However, the District's engineering consultant, Hammett & Edison, Inc. ("Hammett & Edison"), performed an engineering analysis of La Dov's Petition and found that in fact La Dov's Petition would cause an impermissible 2.5 percent increase in interference to nearby DTV Station KHSL-DT and 2.2 percent impermissible increase in interference to the District's proposed DTV Channel *43 at San Mateo, California. These levels of interference are not *de minimis* and render La Dov's Petition, even as amended, patently defective and therefore subject to dismissal.

II. LA DOV'S PETITION CAUSES AN IMPERMISSIBLE LEVEL OF INTERFERENCE IN VIOLATION OF THE COMMISSION'S RULES AND SHOULD BE DISMISSED

Applicants who amend the DTV Table of Allotments through petitions for rulemaking are required to meet the technical requirements of Section 73.623(c) of the Commission's rules. Section 73.623(c) of the Commission's rules requires parties requesting a change in a DTV facility to "demonstrate that the requested change would not result in more than an additional

⁷ See *id.* Station KCSM-TV is a member of the Public Broadcasting System. *Id.* Like other noncommercial licensees, the District faces very substantial capital expenditures in the transition of digital television and it is seeking to make the transition in the most cost effective way possible. *Id.*

⁸ See Petition for Rulemaking, San Mateo County Community College District, at 1 (filed Oct. 9, 2001). The FCC assigned the District's Petition rulemaking number RM-10339.

⁹ The Commission has not assigned La Dov's Petition a rulemaking number and has not entered La Dov's Petition into its engineering database.

two percent [of] the population served by another station being subject to interference.”¹⁰ The FCC’s 1999 Public Notice announcing a filing window for certain pending NTSC applicants stated that:

Such a petition may request a DTV channel as the replacement for the NTSC channel allotment A petition seeking a DTV allotment under these circumstances will be evaluated under the criteria for changing an initial DTV allotment set forth in Section 73.622(a) of the rules. Specifically, the channel may be in the range from 2 to 59, and **DTV and NTSC stations must be protected by meeting the engineering criteria of Section 73.623(c) of the rules.**¹¹

The FCC should dismiss La Dov’s Petition because it will cause impermissible interference to nearby DTV Station KHSL-DT in violation of Section 73.623(c) of the FCC’s rules and will foreclose the grant of the Petition filed by the District, which complies fully with the FCC’s rules. La Dov asserts in its supplemental filing to its Petition that its proposed DTV Channel *43 will cause only 1.6 percent increase in interference to DTV Station KHSL-DT. La Dov arrived at this 1.6 percent figure by studying its proposed Sacramento DTV Channel *43 facility using a calculation of 1-kilometer x 1-kilometer cells and a terrain resolution of 10 points per kilometer.¹² An engineering analysis performed by Hammett & Edison, however, demonstrates that La Dov’s Petition would in fact cause 2.5 percent additional interference, an increase that is prohibited under the Commission’s rules. As demonstrated in the attached Engineering Exhibit, Hammett & Edison studied La Dov’s Petition using La Dov’s calculation of 1-kilometer x 1-kilometer cells and a terrain resolution of 10 points per kilometer, as well as the

¹⁰ See 47 C.F.R. § 73.623(c) (2000).

¹¹ See *Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations*, 14 FCC Rcd 19559 (1999) (emphasis added).

¹² See Supplement to Petition for Rulemaking, La Dov Educational Outreach, Inc., at 2 (filed Apr. 18, 2001).

default OET-69 calculation of 2-kilometer x 2-kilometer cells and a terrain resolution of 1 point per kilometer and 1-kilometer x 1-kilometer cells and a terrain resolution of 1 point per kilometer. Hammett & Edison found that under all three calculations, La Dov's proposal would cause 2.5 percent additional interference to DTV Station KHSL-DT in violation of Section 73.623(c). Therefore, La Dov's proposed DTV Channel *43 at Sacramento, California, is defective under the FCC's technical rules and must be dismissed.

III. THE FCC SHOULD GRANT THE DISTRICT'S PETITION FOR RULEMAKING BECAUSE IT COMPLIES FULLY WITH THE COMMISSION'S TECHNICAL RULES

As demonstrated in the District's Petition to amend the DTV Table of Allotments, the proposed substitution of DTV Channel *43 for DTV Channel *59 is in the public interest and complies fully with the Commission's technical rules. The substitution will allow the District to minimize the very substantial costs associated with constructing an out-of-core digital facility that will be used only temporarily until the end of the DTV transition period.¹³ The District's Petition would not cause harmful interference to nearby Station KBHK-TV, NTSC Channel 44 in San Francisco or any Class A Television Station and would cause only permitted *de minimis* interference to DTV Station KHSL-DT.¹⁴

In the alternative and in order to expedite the resolution of this conflict and grant of the District's Petition, the District is willing to accept 2.2 percent interference from the facilities currently proposed by La Dov.¹⁵ As shown in the attached Engineering Exhibit, La Dov's

¹³ See Petition for Rulemaking, San Mateo County Community College District, at 2 (filed Oct. 9, 2001).

¹⁴ See *id.* at 3.

¹⁵ See Letter dated March. 6, 2002, from Marilyn R. Lawrence, General Manager, Station KCSM, to Magalie Roman Salas.

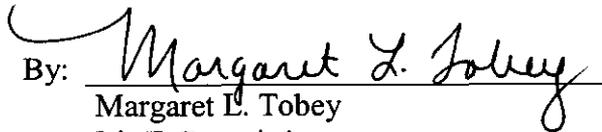
facility would cause 2.2 percent (*i.e.*, *non-de minimis*) additional interference to the District's facility at San Mateo. The District is willing to accept that level of interference from La Dov's facility, which clears the way for prompt issuance of a Notice of Proposed Rulemaking for the District's Petition.

IV. CONCLUSION

Because La Dov's Petition would cause impermissible interference to DTV Station KHSL-DT in violation of the Commission's technical rules, the District respectfully requests that the Commission grant this Motion to Dismiss Petition for Rulemaking or, in the alternative, accept the District's statement of willingness to accept 2.2 percent interference from La Dov's proposed facility and expeditiously adopt a Notice of Proposed Rulemaking to amend the DTV Table of Allotments to allow the District to substitute DTV Channel *43 for DTV Channel *59 at San Mateo, California.

Respectfully submitted,

SAN MATEO COUNTY COMMUNITY
COLLEGE DISTRICT

By: 
Margaret L. Tobey

Iris F. Rosario*

Morrison & Foerster LLP

2000 Pennsylvania Avenue, N.W., Suite 5500

Washington, D.C. 20006

202-887-1500

Its Attorneys

March 8, 2002

* Admitted to practice in Virginia only.

**Station KCSM-DT
as DTV Channel 43
San Mateo, California**

**Engineering Exhibit
in Support of Comments to
the La Dov Petition for Rulemaking
for a New DTV Channel 43
Allotment for Sacramento, California**

February 15, 2002

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**Station KCSM-DT • as DTV Channel 43 • San Mateo, California
Engineering Exhibit in Support of Comments to La Dov Petition for Rulemaking**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of the San Mateo Community College District, licensee of non-commercial educational Station KCSM-TV, NTSC Channel 60, San Mateo, California, and permittee of Station KCSM-DT, DTV Channel 59, San Mateo, California, to prepare this engineering exhibit in support of comments to the pending Petition for Rulemaking filed by La Dov Educational Outreach, Inc., proposing the creation of a new DTV Channel 43 allotment for Sacramento, California.

Background Information

On October 9, 2001, the San Mateo Community College District (“SMCCD”) filed a Petition for Rulemaking proposing to substitute in-core DTV Channel 43 for its presently allocated, out-of-core, DTV Channel 59. The Commission assigned rulemaking number RM-10339 to this proposal. The proposed reallocation of KCSM-DT from D59 to D43 was shown to protect all full-service NTSC stations, all DTV stations and allotments, and all Class A TV stations appearing in the Commission’s engineering database at the time of the filing.

It was recently learned that on July 14, 2000, La Dov Educational Outreach, Inc. (“La Dov”) had filed a Petition for Rulemaking to substitute DTV Channel 43 for unbuilt noncommercial educational NTSC Channel 52 at Sacramento, California. Use of NTSC Channel 52 at Sacramento is no longer possible due to the assignment of that channel to Station KICU-DT, DTV Channel 52, at San Jose, California. Unlike the SMCCD petition, which had been promptly assigned a RM number and entered into the Commission’s engineering database, the La Dov petition has yet to have an RM number assigned or to be entered into the Commission’s engineering database (at least in a manner that makes it routinely available to interested parties).

It was further learned that on April 18, 2001, La Dov filed a supplement to its petition, in response to FCC staff notification that use of DTV Channel 43 at Sacramento, with the facilities proposed by La Dov, would cause an impermissible 2.3% increase in interference to Station KHSL-DT, DTV Channel 43, at Chico, California. La Dov’s supplement claimed that when its proposed Channel D43 facilities were re-studied using 1-kilometer by 1-kilometer cells (*i.e.*, 1 sq. km cells) and a terrain resolution of 10 points per kilometer, versus the default FCC values of 2-kilometer by 2-kilometer cells (*i.e.*, 4 sq. km cells) and a terrain resolution of 1 point per kilometer, the interference to KHSL-DT drops to 1.6%, which would be permissible under the Commission’s 2% “*de minimis*” policy.

**Station KCSM-DT • as DTV Channel 43 • San Mateo, California
Engineering Exhibit in Support of Comments to La Dov Petition for Rulemaking**

As stated above, while the Commission staff has neither assigned a rulemaking number to the La Dov petition, nor entered the record into the Commission's engineering database in a manner so as to make it available to other interested parties, Commission staff have also not formally dismissed the La Dov petition. Further, Commission staff has now informally reported that the SMCCD petition for Channel D43 at San Mateo is in apparent conflict with the La Dov petition for Channel D43 at Sacramento.

Prohibited Interference by La Dov to KHSL-DT

The attached Figure 1 shows the location of the DTV Channel 43 facilities for Sacramento at proposed by La Dov and the location of the DTV Channel 43 facilities proposed by SMCCD, plus the locations of other pertinent stations. The attached Figure 2A provides an OET-69 interference study for the proposed La Dov D43 facilities, using the default cell size of 4 sq. km and a terrain resolution of 1 point per kilometer, and reveals 2.5% of new, unique, interference to the KHSL-DT allotment; this confirms the findings reported by FCC staff.

However, as shown by the attached Figure 2B, an OET-69 interference study utilizing a 1 sq. km cell size and a terrain resolution of 1 point per kilometer still reveals 2.5% of new interference. Furthermore, as shown by the attached Figure 2C, an OET-69 interference study utilizing a 1 sq. km cell size and a terrain resolution of 10 points per kilometer reveals that the KHSL-DT interference remains at an impermissible 2.5%, even for this finer resolution study. Therefore, La Dov is incorrect when it claims that a finer resolution OET-69 interference study causes the KHSL-DT interference to drop below 2%.

Unilateral Resolution of Apparent Conflict

As shown by the attached Figure 3, the KCSM-DT as D43 facility proposed by SMCCD in RM-10339 would cause only 0.3% "*de minimis*" new interference to the D43 facilities proposed by La Dov (ignoring, for now, the problem that the La Dov proposal has with respect to KHSL-DT).

As shown by the attached Figure 4, an OET-69 study shows that, should the D43 facility proposed by La Dov somehow be authorized, despite the problems identified above, it would cause 2.2% of new interference to the D43 facilities proposed by SMCCD. In order to remove the apparent conflict that now exists between the La Dov and KCSM-DT proposals for D43, SMCCD can certify its willingness to accept the 2.2% interference from the facilities currently proposed by La Dov. Since this resolves the apparent conflict between the two proposals, such certification should allow the Commission to promptly issue a Notice of Proposed Rulemaking for RM-10339. Such action would be in the public interest because it would allow SMCCD to avoid the expense of having to



**Station KCSM-DT • as DTV Channel 43 • San Mateo, California
Engineering Exhibit in Support of Comments to La Dov Petition for Rulemaking**

build an out-of-core DTV facility on its currently allotted Channel 59. Further, unlike La Dov, SMCCD is an existing non-commercial educational broadcaster with many years of actual service to its community, and as such needs to be able to move ahead with its mandated obligation to build DTV facilities.

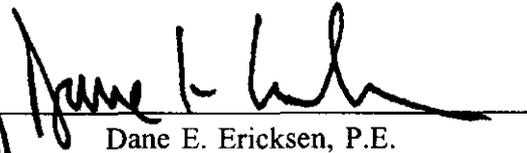
List of Figures

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

1. Locations map
2. OET-69 interference studies for the proposed D43, Sacramento, facilities
3. OET-69 interference study for the proposed KCSM-DT as D43 facilities, including the Sacramento D43 facilities proposed by La Dov
4. OET-69 interference study for the proposed La Dov D43, Sacramento, facilities, including the proposed KCSM-DT as D43 facilities.

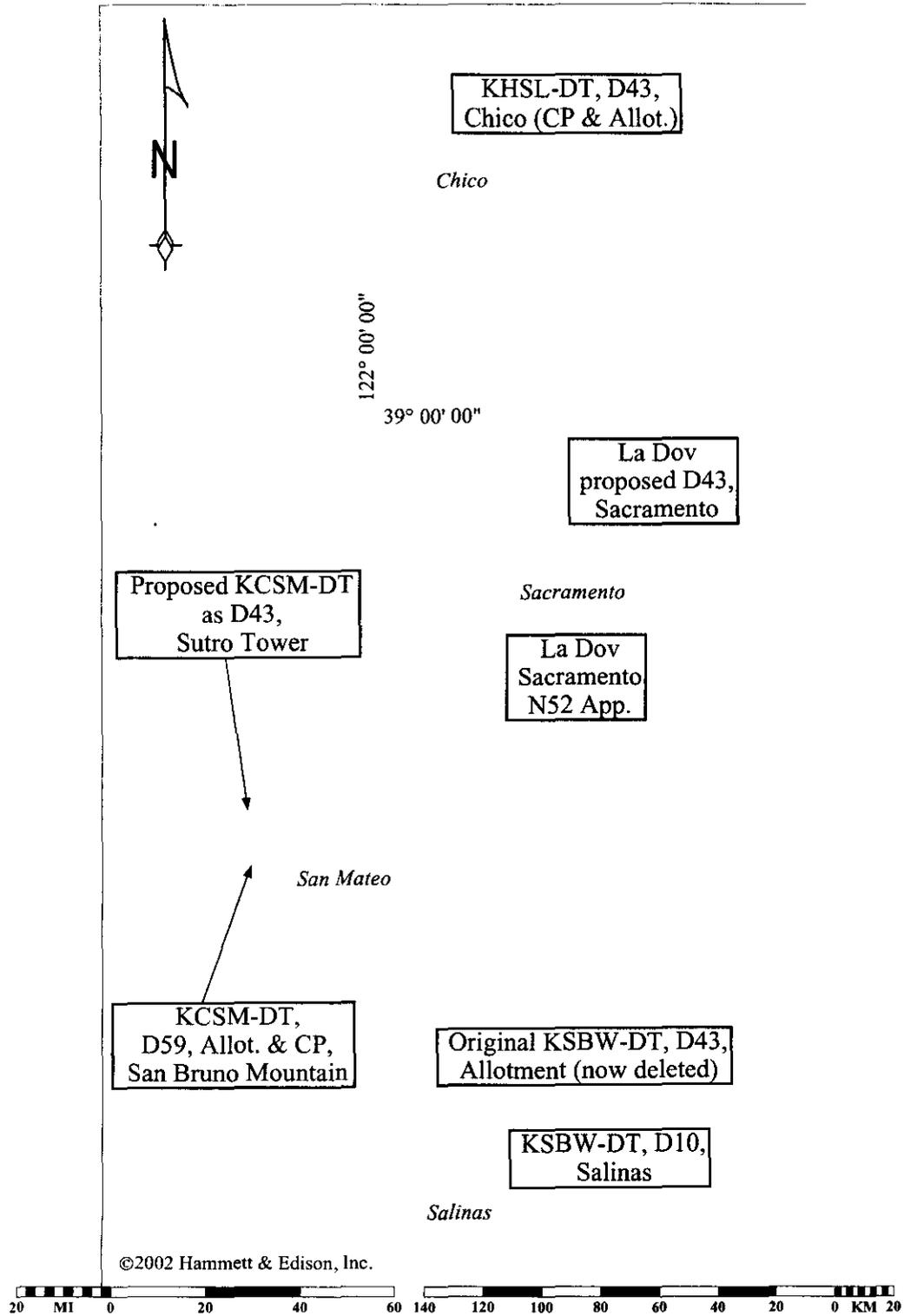
February 15, 2002




Dane E. Ericksen, P.E.

**Station KCSM-DT • as DTV Channel 43 • San Mateo, California
Engineering Exhibit in Support of Comments to the La Dov Petition for Rulemaking**

Locations Map



Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. City limits shown taken from U.S. Census Bureau TIGER/Line 2000 data. Geographic coordinate marks shown at 60-minute increments.

**Station KCSM-DT • as DTV Channel 43 • San Mateo, California
Engineering Exhibit in Support of Comments to the La Dov Petition for Rulemaking**

**OET-69 Interference Study for New D43 Allotment at Sacramento
2 km x 2 km Cells, 1 Point per Kilometer**

Interference analysis
tvixstudy 2.3.13

Station parameters:

	---After case---	---Before case---
Station:	D43 900312KG APP	N52 900312KG APP
City:	SACRAMENTO, CA	SACRAMENTO, CA
Coordinates:	N 38-37-49.0	N 38-14-48.0
	W 120-51-20.0	W 121-29-59.0
Height AMSL:	749.0 m	372.0 m
Maximum ERP:	100 kW	3310 kW
Azimuth pattern:	ALP-HSMRaz.pat	BOG-18350_ODD90031
Orientation:	230.0	0.0
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	41.4 dBu	65.1 dBu

Protected station	Before			After		
	BasePop 1000s	IX 1000s	Change %Base	IX 1000s	Change %Base	%Chng
N42 KTNC-TV LIC CONCORD, CA	7,811	336	4.3	336	4.3	0.0
N42 KTNC-TV CP CONCORD, CA	8,306	305	3.7	305	3.7	0.0
N40 KTXL LIC SACRAMENTO, CA	5,667	72	1.3	72	1.3	0.0
N44 KBHK-TV LIC SAN FRANCISCO, CA	5,943	57	1.0	57	1.0	0.0
N29 KSPX LIC SACRAMENTO, CA	1,589	70	4.4	70	4.4	0.0
N43 KGMC LIC CLOVIS, CA	934	46	4.9	46	4.9	0.0
N43 KGMC CP CLOVIS, CA	973	50	5.1	50	5.1	0.0
D43 KHSL-DT CP CHICO, CA	570	170	29.8	172	30.2	0.4
D43 KHSLDT allot CHICO, CA	570	0	0.0	14	2.5	2.5 ←
D44 KRXI-DT CP RENO, NV	392	29	7.4	29	7.4	0.0
D44 KRXIDT allot RENO, NV	392	1	0.3	1	0.3	0.0
D43 KSBWDT allot SALINAS, CA	4,679	-21	-0.4	-20	-0.4	0.0

Note: The results of the OET-69 algorithm are dependent on the use of computer databases, including terrain, population, and FCC engineering records. FCC Rules Section 0.434(e) specifically disclaims the accuracy of its databases, recommending the use of primary data sources (i.e., paper documents), which is not practical for DTV interference analyses. Further, while Hammett & Edison, Inc. endeavors to follow official releases and established precedents on the matter, FCC policy on DTV analysis methods is constantly changing. Thus, the results of OET-69 interference and coverage studies are subject to change and may differ from FCC results.

**Station KCSM-DT • as DTV Channel 43 • San Mateo, California
Engineering Exhibit in Support of Comments to the La Dov Petition for Rulemaking**

**OET-69 Interference Study for New D43 Allotment at Sacramento
1 km x 1 km Cells, 1 Point per Kilometer**

Interference analysis
tvixstudy 2.3.13

This interference study is based on 1.00 x 1.00 kilometer cells, pursuant to the Commission's August 10, 1998, Public Notice, "Additional Applications Processing Guidelines for DTV."

Station parameters:

	---After case---	---Before case---
Station:	D43 900312KG APP	N52 900312KG APP
City:	SACRAMENTO, CA	SACRAMENTO, CA
Coordinates:	N 38-37-49.0	N 38-14-48.0
	W 120-51-20.0	W 121-29-59.0
Height AMSL:	749.0 m	372.0 m
Maximum ERP:	100 kW	3310 kW
Azimuth pattern:	ALP-HSMRaz.pat	BOG-18350_ODD90031
Orientation:	230.0	0.0
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	41.4 dBu	65.1 dBu

Protected station	Before			After		
	BasePop 1000s	IX Change 1000s %Base	IX Change 1000s %Base %Chng			
N42 KTNC-TV LIC CONCORD, CA	7,800	382 4.9	382 4.9 0.0	382 4.9 0.0	382 4.9 0.0	382 4.9 0.0
N42 KTNC-TV CP CONCORD, CA	8,315	350 4.2	350 4.2 0.0	350 4.2 0.0	350 4.2 0.0	350 4.2 0.0
N40 KTXL LIC SACRAMENTO, CA	5,668	85 1.5	85 1.5 0.0	85 1.5 0.0	85 1.5 0.0	85 1.5 0.0
N44 KBHK-TV LIC SAN FRANCISCO, CA	5,945	54 0.9	54 0.9 0.0	54 0.9 0.0	54 0.9 0.0	54 0.9 0.0
N29 KSPX LIC SACRAMENTO, CA	1,589	66 4.2	66 4.2 0.0	66 4.2 0.0	66 4.2 0.0	66 4.2 0.0
N43 KGMC LIC CLOVIS, CA	934	45 4.8	45 4.8 0.0	45 4.8 0.0	45 4.8 0.0	45 4.8 0.0
N43 KGMC CP CLOVIS, CA	974	43 4.4	43 4.4 0.0	43 4.4 0.0	43 4.4 0.0	43 4.4 0.0
D43 KHSL-DT CP CHICO, CA	570	172 30.2	174 30.5 0.3	174 30.5 0.3	174 30.5 0.3	174 30.5 0.3
D43 KHSLDT allot CHICO, CA	570	0 0.0	14 2.5 2.5 ←	14 2.5 2.5	14 2.5 2.5	14 2.5 2.5
D44 KRXI-DT CP RENO, NV	392	33 8.4	33 8.4 0.0	33 8.4 0.0	33 8.4 0.0	33 8.4 0.0
D44 KRXIDT allot RENO, NV	392	6 1.5	6 1.5 0.0	6 1.5 0.0	6 1.5 0.0	6 1.5 0.0
D43 KSBWDT allot SALINAS, CA	4,679	14 0.3	15 0.3 0.0	15 0.3 0.0	15 0.3 0.0	15 0.3 0.0

Note: The results of the OET-69 algorithm are dependent on the use of computer databases, including terrain, population, and FCC engineering records. FCC Rules Section 0.434(e) specifically disclaims the accuracy of its databases, recommending the use of primary data sources (i.e., paper documents), which is not practical for DTV interference analyses. Further, while Hammett & Edison, Inc. endeavors to follow official releases and established precedents on the matter, FCC policy on DTV analysis methods is constantly changing. Thus, the results of OET-69 interference and coverage studies are subject to change and may differ from FCC results.

**Station KCSM-DT • as DTV Channel 43 • San Mateo, California
Engineering Exhibit in Support of Comments to the La Dov Petition for Rulemaking**

**OET-69 Interference Study for New D43 Allotment at Sacramento
1 km x 1 km Cells, 10 Points per Kilometer**

Interference analysis
tvixstudy 2.3.13

This interference study is based on 1.00 x 1.00 kilometer cells and terrain profiles with 10.0 points per kilometer, pursuant to the Commission's August 10, 1998, Public Notice, "Additional Applications Processing Guidelines for DTV."

Station parameters:

	---After case---	---Before case---
Station:	D43 900312KG APP	N52 900312KG APP
City:	SACRAMENTO, CA	SACRAMENTO, CA
Coordinates:	N 38-37-49.0	N 38-14-48.0
	W 120-51-20.0	W 121-29-59.0
Height AMSL:	749.0 m	372.0 m
Maximum ERP:	100 kW	3310 kW
Azimuth pattern:	ALP-HSMRaz.pat	BOG-18350_ODD90031
Orientation:	230.0	0.0
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	41.4 dBu	65.1 dBu

Protected station	Before			After		
	BasePop 1000s	IX Change 1000s %Base		IX Change 1000s %Base	%Chng	
N42 KTNC-TV LIC CONCORD, CA	7,800	426 5.5		426 5.5	0.0	
N42 KTNC-TV CP CONCORD, CA	8,315	359 4.3		359 4.3	0.0	
N40 KTXL LIC SACRAMENTO, CA	5,668	67 1.2		67 1.2	0.0	
N44 KBHK-TV LIC SAN FRANCISCO, CA	5,945	34 0.6		34 0.6	0.0	
N29 KSPX LIC SACRAMENTO, CA	1,589	58 3.7		58 3.7	0.0	
N43 KGMC LIC CLOVIS, CA	934	32 3.4		32 3.4	0.0	
N43 KGMC CP CLOVIS, CA	974	29 3.0		29 3.0	0.0	
D43 KHSL-DT CP CHICO, CA	570	174 30.5		176 30.9	0.4	
D43 KHSLDT allot CHICO, CA	570	-5 -0.9		9 1.6	2.5	←
D44 KRXI-DT CP RENO, NV	392	30 7.7		30 7.7	0.0	
D44 KRXIDT allot RENO, NV	392	-9 -2.3		-9 -2.3	0.0	
D43 KSBWDT allot SALINAS, CA	4,679	-3 -0.1		-2 -0.0	0.1	

Note: The results of the OET-69 algorithm are dependent on the use of computer databases, including terrain, population, and FCC engineering records. FCC Rules Section 0.434(e) specifically disclaims the accuracy of its databases, recommending the use of primary data sources (i.e., paper documents), which is not practical for DTV interference analyses. Further, while Hammett & Edison, Inc. endeavors to follow official releases and established precedents on the matter, FCC policy on DTV analysis methods is constantly changing. Thus, the results of OET-69 interference and coverage studies are subject to change and may differ from FCC results.

**Station KCSM-DT • as DTV Channel 43 • San Mateo, California
Engineering Exhibit in Support of Comments to the La Dov Petition for Rulemaking**

**OET-69 Interference Study for KCSM-DT as D43 Allotment,
Including Proposed Sacramento D43 Allotment**

Interference analysis
tvixstudy 2.3.13

Station parameters:

	---After case----	---Before case---
Station:	D43 KCSM-TV APP	D59 KCSM-TV CP
City:	SAN MATEO, CA	SAN MATEO, CA
Coordinates:	N 37-45-19.0	N 37-41-07.0
	W 122-27-06.0	W 122-26-01.0
Height AMSL:	477.0 m	444.4 m
Maximum ERP:	1000 kW	317 kW
Azimuth pattern:	kbhkD45az.pat	TCI-28812_888
Orientation:	0.0	0.0
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	41.4 dBu	42.6 dBu

++Warning - some records had missing or bad data:

D43 900312KG APP No corresponding DTV allotment, re-computed baseline population

Protected station	Before			After		
	BasePop 1000s	IX Change 1000s %Base		IX Change 1000s %Base	%Chng	
N42 KTNC-TV LIC CONCORD, CA	7,811	335 4.3		337 4.3	0.0	
N42 KTNC-TV CP CONCORD, CA	8,306	304 3.7		316 3.8	0.1	
N40 KTXL LIC SACRAMENTO, CA	5,667	72 1.3		72 1.3	0.0	
N36 KICU-TV LIC SAN JOSE, CA	6,422	117 1.8		117 1.8	0.0	
N44 KBHK-TV LIC SAN FRANCISCO, CA	5,943	52 0.9		52 0.9	0.0	
D43 900312KG APP* SACRAMENTO, CA	1,773	0 0.0		6 0.3	0.3	←
N43 KGMC LIC CLOVIS, CA	934	0 0.0		0 0.0	0.0	
N43 KGMC CP CLOVIS, CA	973	0 0.0		0 0.0	0.0	
D43 KHSL-DT CP CHICO, CA	570	170 29.8		170 29.8	0.0	
D43 KHSLDT allot CHICO, CA	570	-2 -0.4		7 1.2	1.6	

* Station parameters modified

[continued on next page]

Station KCSM-DT • as DTV Channel 43 • San Mateo, California
Engineering Exhibit in Support of Comments to the La Dov Petition for Rulemaking

OET-69 Interference Study for KCSM-DT as D43 Allotment,
Including Proposed Sacramento D43 Allotment

Modified station parameters:

--Modified-----	--Original-----
Station: D43 900312KG APP	N52 900312KG APP
City: SACRAMENTO, CA	SACRAMENTO, CA
Coordinates: N 38-37-49.0	N 38-14-48.0
W 120-51-20.0	W 121-29-59.0
Height AMSL: 749.0 m	372.0 m
Maximum ERP: 100 kW	3310 kW
Azimuth pattern: ALP-HSMRaz.pat	BOG-18350_ODD90031
Orientation: 230.0	0.0
Elevation pattern: OET-69 generic	OET-69 generic
Service level: 41.4 dBu	65.1 dBu

Modified station parameters:

--Modified-----	--Original-----
Station: D10 KSBWDT allot	D43 KSBWDT allot
City: SALINAS, CA	SALINAS, CA
Coordinates: N 36-45-23.0	N 37-03-30.0
W 121-30-05.0	W 121-46-33.0
Height AMSL: 1027.0 m	1227.0 m
Maximum ERP: 16.5 kW	449 kW
Azimuth pattern: omnidirectional	DTV0178 (replication)
Orientation: 0.0	0.0
Elevation pattern: OET-69 generic	OET-69 generic
Service level: 36.0 dBu	41.4 dBu

Note: The results of the OET-69 algorithm are dependent on the use of computer databases, including terrain, population, and FCC engineering records. FCC Rules Section 0.434(e) specifically disclaims the accuracy of its databases, recommending the use of primary data sources (i.e., paper documents), which is not practical for DTV interference analyses. Further, while Hammett & Edison, Inc. endeavors to follow official releases and established precedents on the matter, FCC policy on DTV analysis methods is constantly changing. Thus, the results of OET-69 interference and coverage studies are subject to change and may differ from FCC results.

**Station KCSM-DT • as DTV Channel 43 • San Mateo, California
Engineering Exhibit in Support of Comments to the La Dov Petition for Rulemaking**

**OET-69 Interference Study for Proposed New D43 Allotment at Sacramento,
Including Proposed KCSM-DT as D43, San Mateo, Allotment**

Interference analysis
tvixstudy 2.3.13

Station parameters:

	---After case----	---Before case---
Station:	D43 900312KG APP	N52 900312KG APP
City:	SACRAMENTO, CA	SACRAMENTO, CA
Coordinates:	N 38-37-49.0	N 38-14-48.0
	W 120-51-20.0	W 121-29-59.0
Height AMSL:	749.0 m	372.0 m
Maximum ERP:	100 kW	3310 kW
Azimuth pattern:	ALP-HSMRaz.pat	BOG-18350_ODD90031
Orientation:	230.0	0.0
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	41.4 dBu	65.1 dBu

Protected station		Before			After		
		BasePop 1000s	IX Change 1000s	%Base	IX Change 1000s	%Base	%Chng
N42 KTNC-TV LIC	CONCORD, CA	7,811	337	4.3	337	4.3	0.0
N42 KTNC-TV CP	CONCORD, CA	8,306	316	3.8	317	3.8	0.0
N40 KTXL LIC	SACRAMENTO, CA	5,667	72	1.3	72	1.3	0.0
N44 KBHK-TV LIC	SAN FRANCISCO, CA	5,943	52	0.9	52	0.9	0.0
N29 KSPX LIC	SACRAMENTO, CA	1,589	70	4.4	70	4.4	0.0
N43 KGMC LIC	CLOVIS, CA	934	0	0.0	0	0.0	0.0
N43 KGMC CP	CLOVIS, CA	973	0	0.0	0	0.0	0.0
D43 KHSL-DT CP	CHICO, CA	570	170	29.8	172	30.2	0.4
D43 KHSLDT allot	CHICO, CA	570	7	1.2	19	3.3	2.1
D44 KRXI-DT CP	RENO, NV	392	29	7.4	29	7.4	0.0
D44 KRXIDT allot	RENO, NV	392	1	0.3	1	0.3	0.0
D43 KCSM-TV APP*	SAN MATEO, CA	4,746	-696	-14.7	-592	-12.5	2.2 ←

* Station parameters modified

Modified station parameters:

	--Modified-----	--Original-----
Station:	D43 KCSM-TV APP	D59 KCSM-TV CP
City:	SAN MATEO, CA	SAN MATEO, CA
Coordinates:	N 37-45-19.0	N 37-41-07.0
	W 122-27-06.0	W 122-26-01.0
Height AMSL:	477.0 m	444.4 m
Maximum ERP:	1000 kW	317 kW
Azimuth pattern:	kbhkD45az.pat	TCI-28812_888
Orientation:	0.0	0.0
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	41.4 dBu	42.6 dBu

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**Station KCSM-DT • as DTV Channel 43 • San Mateo, California
Engineering Exhibit in Support of Comments to the La Dov Petition for Rulemaking**

**OET-69 Interference Study for Proposed New D43 Allotment at Sacramento,
Including Proposed KCSM-DT as D43, San Mateo, Allotment**

Modified station parameters:

	--Modified-----	--Original-----
Station:	D10 KSBWDT allot	D43 KSBWDT allot
City:	SALINAS, CA	SALINAS, CA
Coordinates:	N 37-03-30.0	N 37-03-30.0
	W 121-46-33.0	W 121-46-33.0
Height AMSL:	1227.0 m	1227.0 m
Maximum ERP:	24.2 kW	449 kW
Azimuth pattern:	omnidirectional	DTV0178 (replication)
Orientation:		0.0
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	36.0 dBu	41.4 dBu

Note: The results of the OET-69 algorithm are dependent on the use of computer databases, including terrain, population, and FCC engineering records. FCC Rules Section 0.434(e) specifically disclaims the accuracy of its databases, recommending the use of primary data sources (i.e., paper documents), which is not practical for DTV interference analyses. Further, while Hammett & Edison, Inc. endeavors to follow official releases and established precedents on the matter, FCC policy on DTV analysis methods is constantly changing. Thus, the results of OET-69 interference and coverage studies are subject to change and may differ from FCC results.



March 6, 2002

Magalie Roman Salas, Secretary
Federal Communications Commission
445- 12th Street, S.W., TW-A325
Washington, DC 20554

Dear Ms. Salas:

The San Mateo County Community College District agrees to accept the 2.2% interference that the La Dov proposal for D43 in Sacramento, California would cause to KCSM-DT on D43 in San Mateo. Please upgrade the KCSM-DT petition (RM-10339) to a Notice of Proposed Rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "Marilyn R. Lawrence".

Marilyn R. Lawrence
General Manager, KCSM
San Mateo Community College District

CERTIFICATE OF SERVICE

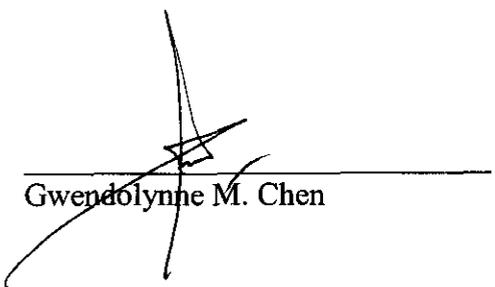
I, Gwendolynne M. Chen, a legal assistant in the law offices of Morrison & Foerster LLP, do hereby certify that I have, on this 8th day of March, 2002, had copies of the foregoing "MOTION TO DISMISS PETITION FOR RULEMAKING" sent via U.S. mail, postage prepaid, to the following:

Clay Pendarvis*
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 2-A820
Washington, D.C. 20554

Nazifa Naim*
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 2-A820
Washington, D.C. 20554

John M. Burgett
Wiley, Rein & Fielding
1776 K Street, NW
Washington, D.C. 20006
Counsel to La Dov Educational Outreach, Inc.

Joseph M. Di Scipio
Cohn & Marks
1920 N Street, N.W., Suite 300
Washington, DC 20036
Counsel to Catamount Broadcasting of Chico-Redding, Inc., licensee of Station KHSL-DT, Chico, California



Gwendolynne M. Chen

* By electronic mail.