

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

RECEIVED

In re:

MAR - 8 2002

Amendment of Sections 73.606 and 73.622)
Tables of Allotments)
TV and DTV Broadcast Stations)
Seattle, Washington)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MM Docket No.

To: Chief, Allocations Branch
Policy and Rules Division

PETITION FOR RULEMAKING

KCTS Television ("KCTS"), by its counsel and pursuant to the *Public Notice* in DA 02-270, dated February 6, 2002 ("*Public Notice*"), hereby requests that the Commission institute an rulemaking proceeding to amend Sections 73.606(b) and 73.622(b) of its Rules to substitute DTV Channel *53 in lieu of NTSC TV Channel *62 at Seattle, Washington, and to continue to reserve the allocation for noncommercial educational use.¹

As discussed below, KCTS previously filed a Petition for Rulemaking on July 17, 2000 to substitute NTSC TV Channel *53 in lieu of NTSC TV Channel *62 at Seattle. KCTS now petitions to request the allotment of DTV Channel *53 in lieu of NTSC Channels *53 or *63. This substitution would serve the public interest because it would bring a second noncommercial educational television broadcasting service to Seattle, Washington. In addition, as the attached technical documentation in Exhibit B demonstrates, use of DTV Channel *53 will not cause impermissible interference to any other stations.

¹ Washington Family Broadcasting Association ("WFBA"), the mutually exclusive applicant for NTSC TV Channel *62 at Seattle, joins in this Petition for Rulemaking. (See attached letter in Exhibit A.)

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02-67

Background

KCTS is a nonprofit 501(c)(3) corporation that serves as the community licensee of KCTS(TV), Seattle, Washington and KYVE(TV), Yakima, Washington. KCTS's mission includes K-12 curriculum-oriented activities and "cradle to grave" learning services centered around continuing, informal skills-building educational activities. Facing what was probably its last opportunity to activate a second public television station in Seattle, KCTS on December 7, 1995, filed an application for a construction permit for a full service station on Channel *62 at Seattle, Washington. (*See* FCC File No. BPET-19951207KJ.) The application was accompanied by a request for waiver of the TV freeze.

However, due to the reallocation of Channels 60-69, KCTS's full service NTSC public television application could not be processed for that channel. By the *Public Notice* in DA 99-2605, dated November 22, 1999, the Mass Media Bureau announced a window filing opportunity to allow applicants with pending requests for new analog (NTSC) television stations on Channels 60-69 to file petitions for rulemaking to change allotments to a channel below Channel 60. Consequently, KCTS identified a different channel for its new full service station at Seattle to avoid dismissal of its pending Seattle TV application. Accordingly, on July 17, 2000, KCTS filed a Petition for Rulemaking to substitute TV Channel *53 in lieu of TV Channel *62 at Seattle. (*See* FCC File No. BPRM-20000717ACE and Exhibit C.) WFBA joined KCTS in that Petition.

Now, with the reallocation of Channels 52-59, KCTS must seek substitution of DTV-only Channel *53 in lieu of analog Channel *62 (or in lieu of analog Channel *53) to again avoid dismissal of its application. KCTS is eligible to file this Petition for Rulemaking pursuant to the

Public Notice in DA 02-270 (February 6, 2002), as it has a pending rulemaking petition for NTSC TV Channel *53.

The KCTS Channel *62 application is mutually exclusive with an application filed by Washington Family Broadcasting Association (“WFBA”) for a new TV station at Seattle on Channel *62. As explained, WFBA joined KCTS in its initial petition to substitute Channel *53 in lieu of Channel *62. As demonstrated by the attached consent letter, WFBA again joins KCTS in support of this Petition for Rulemaking, now proposing the substitution of DTV Channel *53. By the *Public Notice* in DA 02-270 (February 6, 2002), the FCC stated that if “conflicting applicants cannot jointly agree on whether to submit a petition for rule making for the same replacement channel, then any rulemaking petition filed by a member of such group will be dismissed.”

In support of its petition, KCTS submits the following:

The Substitution of DTV Channel *53 at Seattle, Washington Satisfies Technical and Regulatory Requirements

The present proposal satisfies the minimum geographic spacing requirements with regard to all other U.S. analog TV stations and DTV stations, including DTV authorizations, applications, allotments and pending rulemaking proposals. *See* Engineering Statement. This proposal, however, requires a swap of Canadian allotments for a vacant channel at Victoria, BC, as discussed in the initial petition to allot NTSC TV Channel *53 at Seattle. Specifically, as demonstrated by the attached Engineering Statement and that from the initial petition (also attached in Exhibit C), if Channel *59 were allocated to Victoria instead of Channel *53, all separation requirements would be met. Thus, to the extent necessary, KCTS requests coordination with Canada. *See* Engineering Statements in Exhibits B and C.

The substitution of DTV Channel *53 at Seattle also complies with the requirements of Sections 73.622 and 73.623 of the Commission's Rules.

Substitution of DTV Channel *53 at Seattle, Washington, Would Provide Seattle with a Valuable Source of Noncommercial Educational Programming

As discussed in the initial petition for rulemaking, the FCC decision in the *Report and Order* in ET Docket No. 97-157 (released January 6, 1998) to reallocate Channels 60-69 for other services threatened the dismissal of the pending full service TV Channel *62 applications, which would result in the loss of a TV channel specifically reserved for noncommercial educational use in Seattle. Now, the FCC decision in the *Report and Order* in GN Docket No. 01-74 (released January 18, 2002) to reallocate Channels 52-59 eliminates the possibility, as proposed in KCTS's initial petition, of substituting NTSC TV Channel *53 in lieu of NTSC TV Channel *62. The deletion of Seattle's reserved TV channel without a replacement allotment would contradict long-standing Commission policy favoring development of telecommunications services. For example, Commission policy has mandated the preservation of educational channels for their intended use. *See, e.g., Television Channel Assignments*, 60 RR 2nd 784 (1986). Absent an alternative channel, the Commission has been particularly reluctant to delete or reallocate a reserved channel. *Id.* Accordingly, substitution of DTV-only Channel *53 in lieu of NTSC TV Channel *62 in Seattle would serve the Commission's long-standing policy while also providing the city with its second full service noncommercial educational television facility. Clearly, this channel substitution is in the public interest.

The Commission recognizes the value of local programming, especially in noncommercial, educational broadcasting. *See, e.g., Educational TV Assignment at Terre Haute, Indiana*, 19 RR 2d 1850, 1853 (1970) ("We have repeatedly announced our policy to further local programming in the broadcast services. Local programming is essential particularly in the

field of education in that local programming can most effectively deal with the specific problems, needs, and interests in the community being served.”).

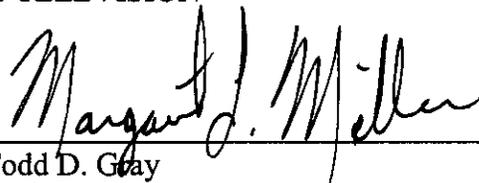
Conclusion

For all of these reasons, KCTS, joined by WFBA, requests that the Commission institute a rulemaking proceeding to amend Sections 73.606(b) and 73.622(b) of its Rules to substitute DTV Channel *53 for TV Channel *62 at Seattle, Washington.

Respectfully submitted,

KCTS TELEVISION

By:



Todd D. Gray
Margaret L. Miller
Barry S. Persh

Attorneys for Petitioner

Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036
(202) 776-2000

March 8, 2002

EXHIBIT A
Declaration of KCTS Television
Declaration of Washington Family Broadcasting Association

THE PUBLIC NETWORK



DECLARATION UNDER PENALTY OF PERJURY

I, Burnell F. Clark, President/CEO of KCTS Television, hereby declare under penalty of perjury that the foregoing facts set forth in this Pctition for Rulemaking to amend Sections 73.606(b) and 73.622(b) of the Commission's Rules are true and correct to the best of my knowledge and belief.

By: Burnell F. Clark
Title: President/CEO
Date: 3/6/02

AGREEMENT TO JOIN IN PETITION FOR RULEMAKING
TO PROPOSE ALLOTMENT OF CHANNEL *53 AS A DIGITAL TV CHANNEL

I hereby agree to and approve a Petition for Rulemaking by KCTS Television to allot DTV Channel 53 in lieu of NTSC Channel 62 (or in lieu of NTSC Channel 53) in the Table of Allotments in the FCC's Rules. This channel substitution is for the benefit of the currently pending applications, in FCC File Numbers BPET-19951207KJ and BPET-19960726KO, for a new full-service NTSC television station on Channel 62, Seattle, Washington.

WASHINGTON FAMILY BROADCASTING
ASSOCIATION

William B. Papies

Signature

WILLIAM B. PAPIES

Name

PRESIDENT

Title

WASHINGTON FAMILY BROADCASTING ASSOCIATION

1746 44TH STREET S.W. #343

WYOMING MI. 49509

Address

MARCH 7, 2002

Date

EXHIBIT B
Engineering Statement

ENGINEERING REPORT RE
PETITION FOR RULE MAKING BPRM-20000717ACE
TO AMEND SECTIONS 73.606(B) AND 73.622(b)
OF THE FCC RULES BY SUBSTITUTING
DIGITAL UHF-TV CHANNEL 53 FOR ANALOG NTSC
CHANNEL 62
AT SEATTLE, WASHINGTON

MARCH 2002

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

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

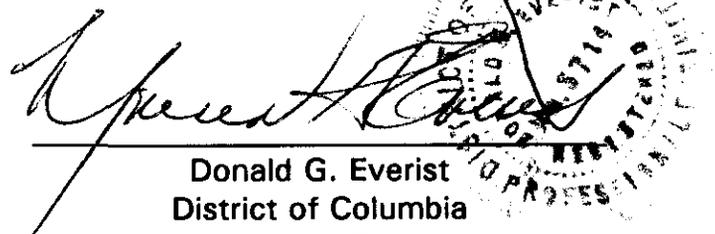
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

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 7th day of March, 2002.




Notary Public

My Commission Expires: 2/28/2003

This engineering report has been prepared on behalf of KCTS Television, applicant for a new non-commercial educational television station on Channel 62* at Seattle, Washington, in support of its petition for rule making to amend Section 73.606(b) and Section 73.622(b) of the FCC Rules and Regulations to specify digital Channel 53* in lieu of analog Channel 53* previously requested in BPRM-20000717ACE. In ET Docket No. 97-157, the Commission reallocated TV channels 60-69 for public safety and commercial fixed/mobile services. In Public Notice (DA 99-2605), the FCC provided an opportunity for applicants for new stations on TV Channels 60-69 to petition for alternates. On July 12, 2000, our office prepared an Engineering Report in support of KCTS Television's petition for rule making to substitute analog Channel 53* in lieu of analog Channel 62*. Furthermore in GN Docket No. 01-74, the Commission adopted reallocation of TV Channels 52-59 to new uses and in Public Notice (DA 02-270), the Commission provided a window for applicants to modify their requests. Accordingly, KCTS Television proposes to amend FCC Rule Section 73.622(b) as follows:

Seattle, Washington

Section 73.622(b) Substitute DTV Channel 53* for Analog Channel 62*

The reference coordinates for the proposed new allotments are at the KHCV-TV site.

NAD-27

North Latitude: 47° 30' 17"

West Longitude: 121° 58' 06"

*Non-commercial educational allotment

Seattle, Washington, Allocation Situation

Table I shows the allocation situation for the proposed DTV Channel 53 allotment.

It is proposed to operate the Channel 53* DTV allotment with a maximum ERP of 1000 kW; but constrained to approximately 100 kW towards Canada with a radiation center of 945 meters AMSL. Table I shows the Longley-Rice predicted interference to potentially affected domestic stations as per 73.623(c) although this is not mandatory as the spacing requirement of 73.623(d) are fully met. There is no contour overlap or spacing violation to any Class A stations in the FCC data base (CDBS 2/28/02).

Victoria, British Columbia, Allocation Situation

The allocation situation for an alternate NTSC Channel 59 allotment at Victoria, BC was provided in BPRM-20000717ACE and is incorporated herein by reference. KCTS Television requests that the Commission undertakes coordination with Canadian authorities in support of this request.

Letter of Understanding

In Item 11 of the Letter of Understanding¹, each administration notes recovery of TV Channels 52 through 69 is anticipated and each agrees to make reasonable efforts to accommodate such requests to the extent possible during the transition.

¹“Letter of Understanding Between the Federal Communications Commission of the United States of America and Industry Canada Related to the Use of 54-72 MHz, 76-78 MHz, 174-216 MHz, and 470-806 MHz Bands for Digital Television Broadcasting Service Along the Common Border”.

*Non-commercial educational allotment

Therefore, KCTS Television requests coordination with Canada as follows:

Station: DTV Channel 53*

Location: Seattle, Washington

Operation: DTV

Coordinates: N 47° 30' 17"

W 121° 51' 06"

NAD-27

Once the channel is allocated, the final Channel 53* DTV application will be directionalized and beam tilted as required to correspond to Canadian concerns resulting from Canadian coordination.

*Non-commercial educational allotment

TABLE I
NTSC AND DTV SPACING
FOR ASSUMED CHANNEL 53 DTV OPERATION
USING ASSUMED SITE AT
N 47° 30' 17" LAT, 121° 58' 06" LONG
AT SEATTLE, WASHINGTON
MARCH 2002

<u>Call</u> <u>City/State</u>	<u>Channel</u>	<u>ERP</u> <u>kW</u>	<u>R/C</u> <u>HAAT</u> <u>M</u>	<u>Geographic</u> <u>Coordinates</u>	<u>Distance</u>		<u>New</u> <u>Longley-Rice</u> <u>Interference</u>
					<u>Required/km</u> <u>% Spacing</u>	<u>Actual/km</u> <u>Azimuth</u> <u>N ° E, T</u>	
Allot. DT* Chilliwack, BC	53	0	0	49°10'00" 121°57'00"	223.7 83%	184.8 0.4°	
KHCV-TV Seattle, WA	45	2000	946 714	47°30'17" 121°58'06"	24.1-96.6	0.0 146°	0.0%
KWOG-TV Bellevue, WA	51	3800	952 719	47°30'17" 121°58'04"	24.1-96.6	0.0 105°	0.0%
CIVI-TV** Victoria, BC	53	23	99.6	48°25'31" 123°20'08"	244.6 59%	144.6 315.7°	
Allot. TV** Victoria, BC	53	0	0	48°25'07" 123°30'36"	244.6 63%	153.6 312.1°	
KWDK-TV Tacoma, WA	56	3980	927 695	47°30'17" 121°58'06"	24.1-96.6	0.0 0°	0.0%

Notes

- * (a) Seattle Ch. 53 to Chilliwack Ch. 53 = 184.8 km.
- (b) Victoria Ch. 53 to Chilliwack Ch. 53 = 131.0 km.

- ** (a) PRM suggested alternate Ch. 59 at Victoria. In July 2000, Ch. 53 at Victoria was an unused allotment.
- (b) Final application for Ch. 53 DTV in Seattle may employ mechanical and electrical beam tilt, possibly with directional antenna to meet Canadian concerns.

EXHIBIT C
Petition of KCTS Television dated
July 17, 2000

STAMP & RETURN
RETURN TO SALLY TUCKER

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In re:

Amendment of Section 73.606
Table of Allotments
TV Broadcast Stations
Seattle, Washington

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MM Docket No.

RECEIVED

JUL 17 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch
Policy and Rules Division

PETITION FOR RULEMAKING

KCTS Television ("KCTS"), by its counsel and pursuant to the *Public Notice*, in DA 99-2605, dated November 22, 1999 ("*Public Notice*"), hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.606 of its Rules to substitute TV Channel *53 in lieu of TV Channel *62 at Seattle, Washington, and to continue to reserve the allocation for noncommercial educational use.¹ This substitution would serve the public interest because it would bring the second full service public television broadcasting service to Seattle, Washington. In addition, as the attached technical documentation demonstrates, KCTS's proposal on Channel *53 will not cause impermissible interference to any other stations.

Background

KCTS is a nonprofit 501(c)(3) corporation that serves as the community licensee of KCTS(TV), Seattle, Washington and KYVE(TV), Yakima, Washington. KCTS's mission

¹ By this *Public Notice*, the Mass Media Bureau announced a window filing opportunity to allow applicants with certain pending requests for new analog (NTSC) television stations on Channels 60-69 to file petitions for rule making to change allotments to a channel below Channel 60. On December 7, 1995, KCTS filed an application to construct a full service NTSC TV station on Channel *62. This application remains pending at the Commission in FCC File No. BPET-19951207KJ.

includes K-12 curriculum-oriented activities and “cradle to grave” learning services centered around continuing, informal skills-building educational activities. Facing what was probably its last opportunity to activate a second public television station in Seattle, KCTS on December 7, 1995, filed an application for a construction permit for a full service station on Channel *62 at Seattle, Washington. (See FCC File No. BPET-19951207KJ.) The application was accompanied by a request for waiver of the TV freeze. However, due to the reallocation of Channels 60-69, KCTS’s full service NTSC public television application can not now be processed for that channel. Consequently, KCTS has located a new channel below Channel 60 for its new full service station at Seattle to avoid dismissal of its pending Seattle TV application. Accordingly, KCTS now seeks to substitute Channel *53 in lieu of Channel *62.

As it stands, the KCTS Channel 62 application is mutually exclusive with an application filed by Washington Family Broadcasting Association (“WFBA”) for a new TV station at Seattle on Channel 62. Pursuant to the *Public Notice*, KCTS has contacted WFBA regarding these applications so that KCTS and WFBA could decide, collectively, which channel below Channel 60 to request. WFBA has indicated its interest in joining this petition, as demonstrated by the attached consent letter from WFBA.

Accordingly, in support of its petition, KCTS submits the following:

The Substitution of TV Channel *53 at Seattle, Washington Satisfies Technical and Regulatory Requirements

The present proposal satisfies the minimum geographic spacing requirements with regard to all other U.S. analog TV stations and DTV stations, including DTV authorizations, applications, allotments and pending rule making proposals. See Engineering Statement. This proposal, however, requires a swap of Canadian allotments for a vacant channel at Victoria, BC. Specifically, the attached Engineering Statement demonstrates that if Channel *59 were allocated

to Victoria instead of Channel *53, all separation requirements would be met. Thus, to the extent necessary, KCTS requests coordination with Canada. See Engineering Statement.

The substitution of TV Channel *53 at Seattle complies with the requirements of Section 73.606 of the Commission's Rules.

Substitution of TV Channel *53 at Seattle, Washington, Would Provide Seattle with a Valuable Source of Noncommercial Educational Programming.

The FCC decision in the *Report in Order*, in ET Docket No. 97-157 (released January 6, 1998) to reallocate Channels 60-69 for other services will result in the dismissal of KCTS's pending full service TV Channel *62 application, resulting in the loss of a TV channel specifically reserved for noncommercial educational use in Seattle. The deletion of Seattle's reserved TV channel without a replacement allotment would contradict long-standing Commission policy favoring development of telecommunications services. For example, Commission policy has mandated the preservation of educational channels for their intended use. See, e.g., *Television Channel Assignments*, 60 RR 2nd 784 (1986). Absent an alternative channel, the Commission has been particularly reluctant to delete or reallocate a reserved channel. *Id.* Accordingly, substitution of TV Channel *53 in lieu of TV Channel *62 in Seattle would serve the Commission's long-standing policy while also providing the city with its second full service noncommercial educational television facility. Clearly, this channel substitution is in the public interest.

The Commission recognizes the value of local programming, especially in noncommercial, educational broadcasting. See, e.g., Educational TV Assignment at Terre Haute, Indiana, 19 RR 2d 1850, 1853 (1970) ("We have repeatedly announced our policy to further local programming in the broadcast services. Local programming is essential particularly in the

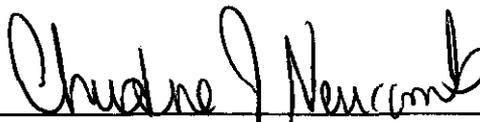
field of education in that local programming can most effectively deal with the specific problems, needs, and interests in the community being served.”).

CONCLUSION

For all of these reasons, KCTS requests that the Commission institute a rulemaking proceeding to amend Section 73.606 of its Rules to substitute TV Channel *53 for TV Channel *62 at Seattle, Washington. If the Commission grants this petition and modifies the TV Table of Allotments accordingly, KCTS is committed to amending its pending application and constructing its TV station on Channel *53.

Respectfully submitted,

KCTS TELEVISION

By: 

Todd D. Gray
Margaret L. Miller
Christine J. Newcomb

Attorneys for Petitioner

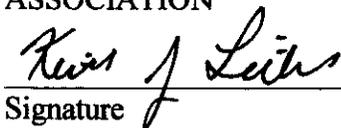
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036
(202) 776-2000

July 17, 2000

AGREEMENT TO JOIN IN PETITION FOR RULEMAKING
TO SELECT ALTERNATE CHANNEL 53

I hereby agree to and approve a Petition for Rulemaking by KCTS Television to allot NTSC Channel 53 in lieu of Channel 62 in the Table of Allotments. This channel substitution is for the benefit of the currently pending applications, in FCC File Numbers BPET-19951207KJ and BPET-19960726KO, for a new full-service NTSC television station on Channel 62, Seattle, Washington.

WASHINGTON FAMILY BROADCASTING
ASSOCIATION


Signature

Keith J. Leitch
Name

Vice-President
Title

1570 North Street

Apt #14

Santa Rosa, CA 95404
Address

July 14, 2000
Date

**ENGINEERING REPORT
PETITION FOR RULE MAKING
TO AMEND SECTION 73.606(b)
OF THE FCC RULES BY SUBSTITUTING
UHF-TV CHANNEL 53 FOR CHANNEL 62
AT SEATTLE, WASHINGTON**

JULY 2000

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

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

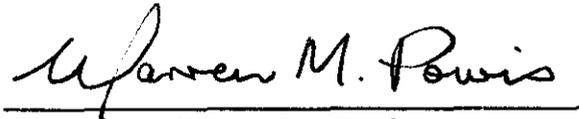
Warren M. Powis, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer of the University of Canterbury, New Zealand, a Registered Professional Engineer in the District of Columbia, the State of Virginia, the State of South Carolina, and Vice 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; previously employed for 15 years with the New Zealand Broadcasting Corporation; a member of the Institution of Professional Engineers New Zealand (IPENZ), the Association of Federal Communications Consulting Engineers (AFCCE), and the National Society of Professional Engineers (NSPE).

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

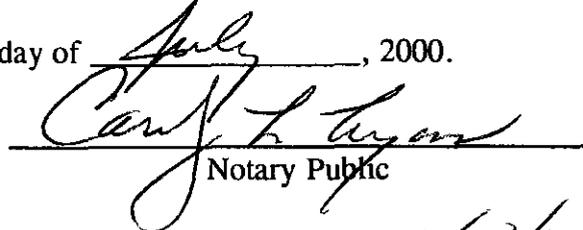
That the attached engineering report was prepared by him or under his supervision and direction and,

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.



Warren M. Powis
District of Columbia
Professional Engineer
Registration No. 8339

Subscribed and sworn to before me this 12th day of July, 2000.


Notary Public

My Commission Expires: 2/28/2013

This engineering report has been prepared on behalf of KCTS Television, applicant for a new non-commercial educational television station on Channel 62* at Seattle, Washington, in support of its petition for rule making to amend Section 73.606(b) of the FCC Rules and Regulations to specify Channel 53. In ET Docket No. 97-157, the Commission reallocated TV channels 60-69 for public safety and commercial fixed/mobile services. Accordingly, KCTS Television proposes to amend FCC Rule Section 73.606(b) as follows:

Seattle, Washington

Section 73.606(b) Substitute NTSC Channel 53* for Channel 62*

The reference coordinates for the proposed new allotments are at the KOMO-TV Channel 4 site:

NAD-27

North Latitude: 47° 37' 55"

West Longitude: 122° 21' 09"

Seattle, Washington, Allocation Situation

Tables I and II show the allocation situation for the proposed NTSC Channel 53 allotment.

It is proposed to operate the Channel 53 allotment with a non-directional ERP of 1000 kW with a radiation center of 270 meters AMSL.

Channel 53 was the only available alternate channel that would meet allocation criteria for the Seattle Market. Review of the Industry Canada DTV Transition Allotment Plan, Issue 2, April 1999 found that an unused Victoria, BC, Channel 40 NTSC allotment was moved to Channel 53.

This fact is not reflected in the Commission's CDBS data base which only lists the pre-1999

Canadian allotments. Accordingly, a search was undertaken to determine if a feasible alternate channel for Victoria, BC would be found.

Victoria, British Columbia, Allocation Situation

Tables III and IV show the allocation situation for an alternate Channel 59 allotment at Victoria, BC. KCTS Television requests that the Commission undertakes coordination with Canadian authorities in support of this request.

Favorable consideration will enable activation of a second non-commercial television service at Seattle, Washington, and will improve the spacing situation to two Canadian Channel 53 DTV allotments at Chilliwack, BC and Port Alberni, BC as shown in Table II-A.

Impact on DTV

There are no DTV allotments within 450 km on Channels 52, 53, or 54 (see Tables I and II). The proposed Channel 53 NTSC operation will, therefore, have no impact on DTV allotments or stations.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE I
NTSC TO NTSC UHF-TV ALLOCATION SITUATION*
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 53 FOR CHANNEL 62 AT
SEATTLE, WASHINGTON
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	53	Prop.	Seattle, WA	47°37'55" 122°21'09"	-	-
N-15	38	None within 200 km			-	119.9
N-14	39	None within 200 km			-	95.7
N-8	45	KHCV CP	Seattle, WA	47°30'17" 121°06'32"	32.2	31.4
N-8	45	KHCV Lic.	Seattle, WA	47°32'39" 122°06'32"	20.8	31.4
N-7	46	None within 200 km			-	95.7
N-5	48	None within 100 km			-	31.4
N-4	49	None within 100 km			-	31.4
N-3	50	None within 100 km			-	31.4
N-2	51	KBEH	Bellevue, WA	47°30'17" 121°58'04"	32.2	31.4
N-1	52	None within 450 km			-	87.7
N	53	None within 450 km			-	280.8
N+1	54	None within 450 km			-	87.7
N+2	55	None within 100 km			-	31.4
N+4	56	KWDK	Takoma, WA	47°30'17" 121°58'06"	32.2	31.4
N+4	57	None within 100 km			-	31.4
N+5	58	None within 100 km			-	31.4

COHEN, DIPPELL AND EVERIST, P. C.

TABLE I
NTSC TO NTSC UHF-TV ALLOCATION SITUATION*
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 53 FOR CHANNEL 62 AT
SEATTLE, WASHINGTON
JULY 2000
(continued)

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N+7	60	None within 200 km			—	95.7
N+8	61	None within 100 km			—	31.4
N+14**	67	NEW	Olympia, WA	47°02'42" 122°53'24"	76.9	95.7
N+15	68	None within 200 km			—	119.9

Data Source: FCC CDBS Data Base

*Reference Site: N 47° 37' 55", W 122° 21'09" (KOMO-TV, Channel 4)

**Pending application cannot be granted on Channels 60-69.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE I-A
NTSC TO NTSC UHF-TV ALLOCATION SITUATION
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 53 FOR CHANNEL 62 AT
SEATTLE, WASHINGTON
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	53	Prop.	Seattle, WA	47°37'55" 122°21'09"	-	-
N-15	38	None within 200 km			-	120
N-14	39	Class B Allot.	from CH.15 Vancouver	49°16'00" 123°07'00"	190.4	95
N-8	45	Class A Allot.	from CH.58 Vancouver	49°16'00" 123°07'00"	190.4	30
N-7	46	Class A Allot.	Victoria, BC	48°25'00" 123°22'00"	115.5	95
N-5	48	None within 200 km			-	
N-4	49	None within 200 km			-	
N-3	40	None within 200 km			-	
N-2	51	None within 200 km			-	
N-1	52	Class A Allot.	Nanaimo, BC	49°10'00" 123°56'00"	206.9	90
N	53	Class B Allot.	from CH.40 Victoria, BC	48°25'00" 123°22'00"	115.5	280
N+1	54	Class B Allot.	Nanaimo, BC	49°10'00" 123°56'00"	206.9	90
N+2	55	None within 200 km			-	
N+3	56	None within 200 km			-	
N+4	57	None within 200 km			-	
N+5	58	None within 200 km			-	

COHEN, DIPPELL AND EVERIST, P. C.

TABLE I-A
NTSC TO NTSC UHF-TV ALLOCATION SITUATION
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 53 FOR CHANNEL 62 AT
SEATTLE, WASHINGTON
JULY 2000
(continued)

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic</u> <u>Coordinates</u>	<u>Separation</u>	
					<u>Actual</u> km	<u>Required</u> km
N+7	60	None within 200 km			—	
N+8	61	None within 200 km			—	
N+14	67	None within 200 km			—	
N+15	68	None within 200 km			—	

Data Source: Industry Canada DTV Transition Allotment Plan, Issue 2, April 1999.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE II
NTSC TO DTV UHF-TV ALLOCATION SITUATION*
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 53 FOR CHANNEL 62 AT
SEATTLE, WASHINGTON
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	53	Prop.	Seattle, WA	47°37'55" 122°21'09"	-	-
N-1	52	None within 450 km			-	-
N	53	None within 450 km			-	-
N+1	54	None within 450 km			-	-

Data Source: FCC CDBS Data Base

*Reference Sites: N 47° 37' 55", W 122° 21'09" (KOMO-TV, Channel 4)

COHEN, DIPPELL AND EVERIST, P. C.

TABLE II-A
NTSC TO DTV UHF-TV ALLOCATION SITUATION
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 53 FOR CHANNEL 62 AT
SEATTLE, WASHINGTON
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic</u> <u>Coordinates</u>	<u>Separation</u>		<u>Separation</u> <u>from</u> <u>Victoria</u> <u>CH.53</u> <u>Allotment</u> <u>km</u>
					<u>Actual</u> <u>km</u>	<u>Required</u> <u>km</u>	
N	53	Prop.	Seattle, WA	47°37'55" 122°21'09"	-	-	
N-1	52	None within 200 km			-	-	
N	53	Allot.	Chilliwack, BC	49°10'00" 121°57'00"	173.2	-	133.4
N	53	Allot.	Port Alberni, BC	49°14'00" 124°48'00"	254.0	-	139.0
N	53	CHKL-DT	Vernon, BC	50°16'58" 119°19'09"	369.1	-	
N+1	54	CIYV-DT	Victoria, BC	48°25'31" 123°20'08"	114.7	-	

Data Source: Industry Canada DTV Transition Allotment Plan, Issue 2, April 1999.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE III
NTSC TO NTSC UHF-TV ALLOCATION SITUATION
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 59 FOR CHANNEL 53 AT
VICTORIA, BRITISH COLUMBIA, CANADA
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	53	Prop.	Victoria, BC	48°25'00" 123°22'00"	--	--
N-15	44	None within 200 km			--	--
N-14	45	KHCV Lic.	Seattle, WA	47°32'39" 122°06'32"	135	--
N-14	45	KHCV CP	Seattle, WA	47°30'17" 121°58'06"	145.6	--
N-8	51	KBEH CP	Bellevue, WA	47°30'17" 122°06'32"	135	--
N-7	52	None within 200 km			--	--
N-5	54	None within 200 km			--	--
N-4	55	None within 200 km			--	--
N-3	56	KWDK CP	Tacoma, WA	47°32'53" 122°48'22"	105.3	--
N-3	56	KWDK Lic.	Tacoma, WA	47°30'17" 121°58'06"	145.6	--
N-2	57	None within 200 km			--	--
N-1	58	App.	Vancouver, WA	49°07'07" 122°07'32"	119.8	--
N	59	None within 450 km			--	--
N+1	60	None within 200 km			--	--
N+2	61	None within 200 km			--	--

COHEN, DIPPELL AND EVERIST, P. C.

TABLE III
NTSC TO NTSC UHF-TV ALLOCATION SITUATION
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 59 FOR CHANNEL 53 AT
VICTORIA, BRITISH COLUMBIA, CANADA
JULY 2000
(continued)

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N+3	62	App.	Seattle, WA	47°36'58" 122°18'28"	119	-
N+4	63	None within 200 km			-	-
N+5	64	None within 200 km			-	-
N+7	66	None within 200 km			-	-
N+8	67	App.	Olympia, WA	47°02'42" 122°53'24"	156.6	-

Data Source: FCC CDBS Data Base

COHEN, DIPPELL AND EVERIST, P. C.

TABLE III-A
NTSC TO NTSC UHF-TV ALLOCATION SITUATION
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 59 FOR CHANNEL 53 AT
VICTORIA, BRITISH COLUMBIA, CANADA
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	59	Prop.	Victoria, BC	48°25'00" 123°22'00"	-	-
N-15	44	Class A Allot.	Parksville, BC	49°19'00" 124°19'00"	122	-
N-14	45	Class A Allot.	Vancouver, WA	49°16'00" 123°07'00"	96.3	-
N-8	51	None within 200 km			-	-
N-7	52	Class A Allot.	Nanaimo, BC	49°10'00" 123°56'00"	93.2	-
N-5	55	Class A Allot.	Nanaimo, BC	49°10'00" 123°56'00"	93.2	-
N-4	55	Class B Allot.	Squamish, BC	49°42'00" 123°09'00"	143.6	-
N-3	56	None within 200 km			-	-
N-2	57	None within 200 km			-	-
N-1	58	None within 200 km			-	-
N	59	None within 200 km			-	-
N+1	60	None within 200 km			-	-
N+2	61	None within 200 km			-	-
N+3	62	None within 200 km			-	-
N+4	63	None within 200 km			-	-
N+5	64	None within 200 km			-	-

COHEN, DIPPELL AND EVERIST, P. C.

TABLE III-A
NTSC TO NTSC UHF-TV ALLOCATION SITUATION
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 59 FOR CHANNEL 53 AT
VICTORIA, BRITISH COLUMBIA, CANADA
JULY 2000
(continued)

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic</u> <u>Coordinates</u>	<u>Separation</u>	
					<u>Actual</u> km	<u>Required</u> km
N+7	66	None within 200 km			-	-
N+8	67	None within 200 km			-	-

Data Source: Industry Canada DTV Transition Allotment Plan, Issue 2, April 1999.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE IV
NTSC TO DTV UHF-TV ALLOCATION SITUATION
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 59 FOR CHANNEL 53 AT
VICTORIA, BRITISH COLUMBIA, CANADA
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	59	Prop.	Victoria, BC	48°25'00" 123°22'00"	--	--
N-1	58	None within 200 km			--	--
N	59	None within 450 km			--	--
N+1	60	None within 200 km			--	--

Data Source: FCC CDBS Data Base

COHEN, DIPPELL AND EVERIST, P. C.

TABLE IV-A
NTSC TO DTV UHF-TV ALLOCATION SITUATION
FOR THE PROPOSED SUBSTITUTION OF NTSC
CHANNEL 59 FOR CHANNEL 53 AT
VICTORIA, BRITISH COLUMBIA, CANADA
JULY 2000

<u>Channel</u>	<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates</u>	<u>Separation</u>	
					<u>Actual km</u>	<u>Required km</u>
N	59	Prop.	Victoria, BC	48°25'00" 123°22'00"	-	-
N	58	CBUT-DT	Vancouver, WA	49°21'12" 122°57'18"	108.5	-
N	59	CHBC-DT	Kelowna, BC	49°58'00" 119°31'40"	328.7	-
N	59	Class B Allot-DT	Comox, BC	49°40'00" 124°55'00"	179.4	-
N	60	None within 200 km			-	-

Data Source: Industry Canada DTV Transition Allotment Plan, Issue 2, April 1999.