

ORIGINAL

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April 24, 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED

APR 25 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Attention: Video Services Division

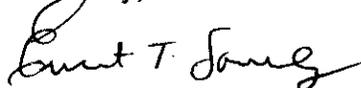
Re: Petition for Rulemaking
The Matter of Amendment of Section 73.622(b), Table of Allotments, Digital Television
Broadcast Stations (Belton, TX)

Dear Ms. Dortch:

Enclosed on behalf of Central Texas College, are an original and four copies of a Petition for Rulemaking in connection with the above referenced proceeding.

Please let me know if you have any questions about this filing.

Sincerely,



Ernest T. Sanchez

Counsel for Central Texas College

cc: Mr. Max Rudolph, Central Texas College
Barbara A. Kreisman, Chief, Video Services Division
Mass Media Bureau - Via Facsimile No. (202) 418-2827

ETS/ad

Enclosures

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02-120

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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APR 25 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.622)
of the Commission's Rules)
Table of Allotments,)
Digital Television Stations)
)
Belton, Texas)
)
To: Chief, Video Division)
Media Bureau)

RM- _____

MM Docket No. _____

PETITION FOR RULE MAKING

Central Texas College, licensee of television broadcast station KNCT-TV and permittee of KNCT-DT, Belton, Texas, by its attorneys and pursuant to Sections 1.401 and 73.623 of the Commission's Rules, hereby petitions the Commission to amend Section 73.622 of its rules - the Digital Television Table of Allotments - by substituting Channel 38 for Channel 47c, Belton, Texas.

The requested amendment will comply with Commission Rules and further the public interest. The proposed Channel 38 allotment will result in an increase in the area and population served over the Channel 47c allotment. As demonstrated in the attached Engineering Statement at page 2, the population served from the proposed Channel 38 allotment will increase by over 21 percent for interference-free service, nearly 35 percent for terrain-limited service, and nearly 36 percent for noise-limited service over the population served by the original Channel

47c allotment based on the Longley-Rice method of signal level prediction. The Engineering Statement shows similar increases in coverage area.

The substitution of DTV Channel 38 for Channel 47c is also in the public interest because of interference issues and technical restraints related to KNCT's current allotments. Central Texas College operates KNCT-TV with an NTSC signal on Channel 46. There is an increased risk of interference from the currently allotted DTV Channel 47c to NTSC Channel 46 if the antenna patterns are not precisely matched. Moreover, there are significant technical requirements for combining NTSC Channel 46 and DTV Channel 47c. This "upper-adjacent DTV" is technically demanding because the aural carrier of the NTSC 46 signal is extremely close in frequency to the currently allotted DTV Channel 47c signal. This situation requires relatively complex combining equipment that must be meticulously adjusted to remain stable, and is not desirable for a college station with limited resources.

As noted in the Engineering Statement, allotment of DTV Channel 38 would comply with all community coverage and interference requirements contained in the Commission's Rules. Section 73.623(c)(2) of the Rules provides that a petition to modify a channel allotment included in the initial DTV Table of Allotments must demonstrate that the requested change will not result in more than an additional 2 percent of the population served by another station being subject to interference; provided, however, that that no new interference may be caused to any station that already experiences interference to 10 percent or more of its population or that would result in a station receiving interference in excess of 10 percent of its population. *See Amendment of Section 73.622(b) (Charleston, South Carolina)*, Report and Order, MM Docket No. 01-222 (released March 6, 2002). As demonstrated in the Engineering

Statement, the predicted interference from the proposed DTV Channel 38 allotment is in full compliance with the 2 percent/10 percent interference criteria.

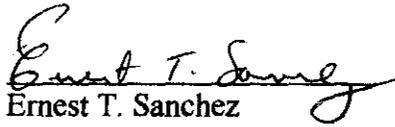
In sum, the proposed Channel 38 DTV allotment will result in an increase in the area and population served over the original Channel 47c allotment. The channel substitution will also eliminate potential interference issues and technical restraints associated with the current allotment. Therefore, the change to the DTV Table of Allotments proposed in this Petition will result in a preferential arrangement of allotments and a more equitable distribution of broadcast stations among the various communities as contemplated by Section 307(b) of the Communications Act of 1934, as amended. For the Commission's convenience, a draft Notice of Proposed Rule Making is attached.

Accordingly, Central Texas College respectfully requests that the Commission accept this Petition for Rule Making, issue a Notice of Proposed Rule Making proposing the requested change, and after requisite notice and comment, amend the Digital TV Table of Allotments as follows:

<u>CITY</u>	<u>Present</u>	<u>Proposed</u>
Belton, TX	47c	38

Respectfully submitted,

CENTRAL TEXAS COLLEGE

By: 
Ernest T. Sanchez

The Sanchez Law Firm
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Washington, DC 20036
Phone (202) 237-2814
Fax (202) 237-5614

Its Attorney

April 24, 2002



ENGINEERING STATEMENT

In support of a Petition for Rulemaking for

Central Texas College

KNCT-DT Belton, TX

PURPOSE

MARSAND, INC. has been retained by Central Texas College (CTC), KNCT-DT Belton, TX, to prepare this engineering statement in support of a Petition for Rulemaking. The Federal Communications Commission (FCC) allotted Channel 47 with an Effective Radiated Power (ERP) of 50kW as the paired digital television (DTV) channel for KNCT analog channel 46. It is proposed herein to substitute a DTV channel 38 with an ERP of 200kW for KNCT-DT.

HISTORY

The digital channel 47 allotment, assigned by the Federal Communications Commission (Commission), Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders on Advanced Television, specified an Effective Radiated Power (ERP) of 50 kW. An application was made to raise this ERP to 200 kW and was granted Construction Permit (CP) BPEDT-20000420AAD.

DISCUSSION

An engineering interference study was performed under the guidelines of OET 69 for DTV channel 38 at the height and location used in the CP granted above and specified in the technical data below. A directional horizontal antenna pattern was used and is shown in **Figure 1**. The proposed F(50,90) 48dBu coverage contour would encompass the principal community, Belton, TX, entirely as shown in **Figure 2**.

The results of the study are included in **Table 1** below. A more detailed analysis was performed in determining interference to KXAN analog CH36 in Austin, TX. Again, the guidelines of OET 69 were followed with the addition of taking terrain data at the interval of

0.1km instead of 1km in order to account for the hilly terrain. The results are listed in **Table 1** under Station #4. The proposed substitution would not exceed the 2% de minimis requirement set forth in OET 69. In fact, in all but one case the predicted interference falls under 0.5%

The proposed substitution will increase the population and area served. Using the Longley-Rice method of signal level prediction and data from the 2000 Census, the following table of population and areas served was generated:

	Population (persons)	Area (km ²)
CH47 Baseline:		
Noise Limited	611,147	15,546.4
Terrain Limited	610,722	15,417.2
IX Free	610,722	15,417.2
CH38 Substitution:		
Noise Limited	828,942	23,305.9
Terrain Limited	823,398	22,721.0
IX Free	740,357	21,853.8

CONCLUSION

It is respectfully requested that the Commission grant the proposed substitute DTV channel 38 in place of the allotted DTV channel 47.

The proposed technical data is shown below.

SUMMARY OF TECHNICAL DATA

DTV Channel 38 (Paired to KNCT analog channel 46)
Maximum ERP 200 kW (Directional)
Antenna Height 623.1 m AMSL (392.9 m HAAT)
Coordinates 30° 59' 08" North Latitude
(NAD-27) 97° 37' 51" West Longitude

DECLARATION

Matthew A. Sanderford, Jr., P.E., declares and states that he is a graduate Electrical Engineer with a Bachelor of Science Degree in Electrical Engineering from the University of Texas at El Paso, a Licensed Professional Engineer in the State of Texas, and his qualifications are known to the Federal Communications Commission, and that he is President of MARSAND, INC., a Registered Professional Engineering firm in the State of Texas, and that firm has been retained by Central Texas College (CTC), to perform the engineering support as contained in this report.

All facts contained herein are true of his own knowledge except where stated to be on information or belief provided by CTC, and as to those facts, he believes them to be true.

I declare under penalty of perjury that the foregoing is true and correct.



Matthew A. Sanderford, Jr., P.E.
President - MARSAND, INC.



Executed this 19th day of April, 2002
State of Texas



MARSAND, INC.

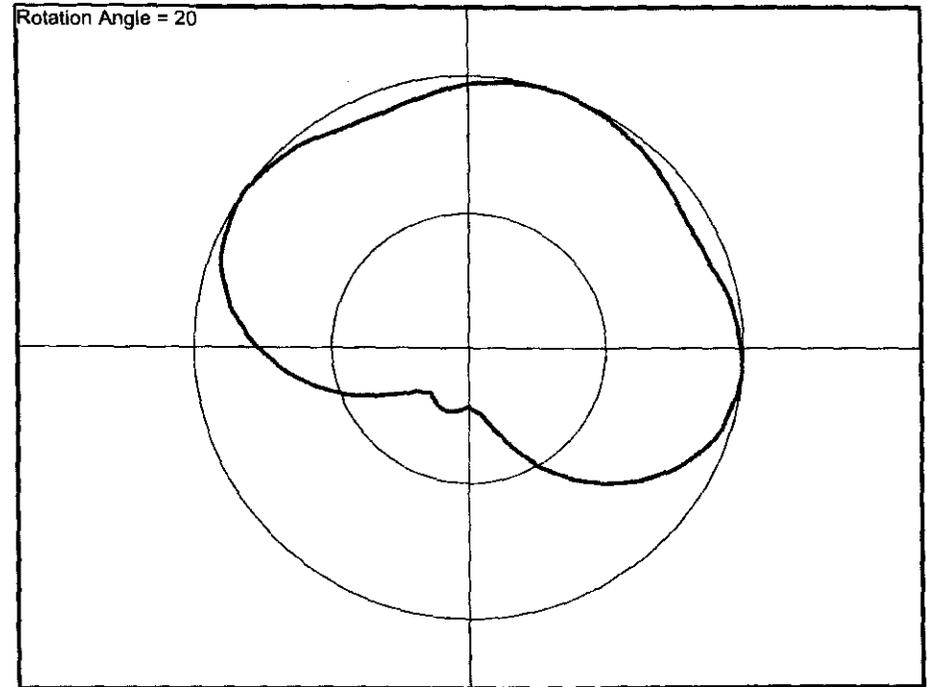
Matthew A. Sanderford, Jr., P.E.

Figure 1

Antenna Pattern

Pre-Rotation Antenna Pattern....

Azimuth (deg)	Effective Field
0.0	1.000
10.0	0.990
20.0	0.970
30.0	0.940
40.0	0.920
50.0	0.930
60.0	0.970
70.0	0.990
75.0	1.000
80.0	0.990
90.0	0.960
100.0	0.880
110.0	0.770
120.0	0.640
130.0	0.500
140.0	0.350
150.0	0.250
160.0	0.220
170.0	0.240
180.0	0.250
190.0	0.240
200.0	0.220
210.0	0.250
220.0	0.350
230.0	0.500
240.0	0.640
250.0	0.770
260.0	0.880
270.0	0.960
280.0	0.990
285.0	1.000
290.0	0.990
300.0	0.970
310.0	0.930
320.0	0.920
330.0	0.940
340.0	0.970
350.0	0.990



Note:
Tabulated data to the left is "Pre-Rotation". Actual pattern used is rotated 20 degrees true as shown above.

Figure 2

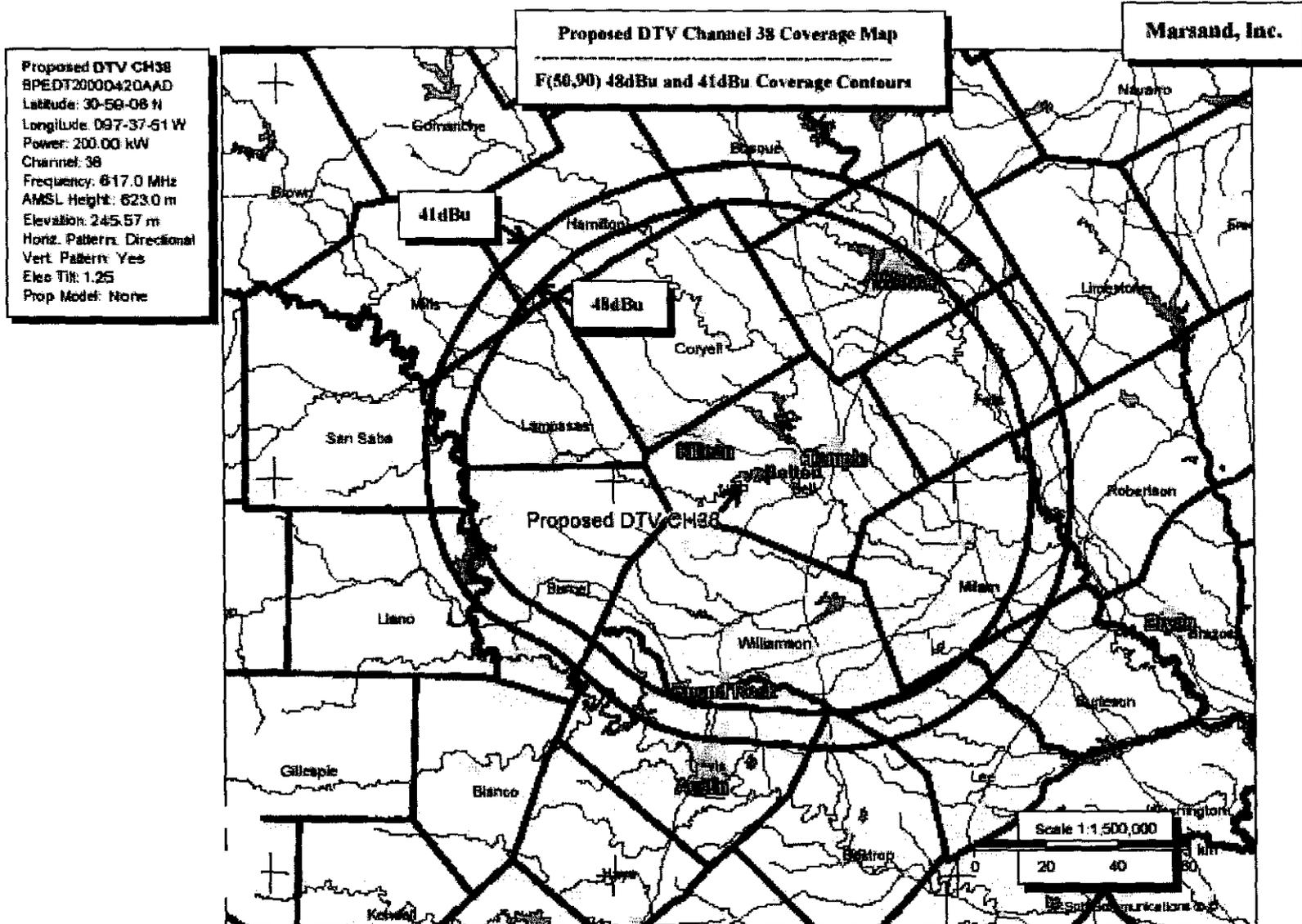


Table 1

Station #	Channel	Call Letters	City	Stat	Distance (k)	Status	Baseline Population	Initial		KNCT-DT CH38 200kW RFS A	
								Interference Population	Interference Percentage	New Interference Population	New Interference Percentage
1	24	KVUE-TV	AUSTIN	TX	75.5	LIC	99581	33434	33.57%	0	0.00%
2	34	KCTF	WACO	TX	46.2	CP	201413	155	0.08%	986	0.49%
3	34	KCTF	WACO	TX	72.9	LIC	No Predicted IX				
*4	36	KXAN-TV	AUSTIN	TX	75.1	LIC	1106237	70127	6.34%	6171	0.56%
5	38	960111LP	CORPUS CHRISTI	TX	398.9	APP	N/A - Beyond Evaluation Distance				
6	38	960920ID	CORPUS CHRISTI	TX	355.1	APP	No Predicted IX				
7	38	960920IF	CORPUS CHRISTI	TX	384.3	APP	N/A - Beyond Evaluation Distance				
8	38	960920LM	CORPUS CHRISTI	TX	370.4	APP	No Predicted IX				
9	38	960920YW	CORPUS CHRISTI	TX	364.3	APP	No Predicted IX				
10	38	960920YH	CORPUS CHRISTI	TX	359.8	APP	N/A - Beyond Evaluation Distance				
11	38	960920IH	CORPUS CHRISTI	TX	370.2	APP	N/A - Beyond Evaluation Distance				
12	38	960206KH	CORPUS CHRISTI	TX	355.5	APP	No Predicted IX				
13	38	KHWB	HOUSTON	TX	258.2	CP MOD	3779622	670	0.02%	432	0.01%
14	38	KVDA	SAN ANTONIO	TX	197.4	APP	1468597	26	0.00%	6772	0.46%
15	38	KVDA-DT	SAN ANTONIO	TX	197.4	PLN	1468597	220	0.01%	68	0.00%
16	38	KLTV-DT	TYLER	TX	285.8	PLN	705245	392	0.06%	390	0.06%
17	39	KXTX-TV	DALLAS	TX	188.5	LIC	No Predicted IX				
18	39	KWEX-DT	SAN ANTONIO	TX	197.5	CP	No Predicted IX				
19	39	KWEX-DT	SAN ANTONIO	TX	197.4	PLN	No Predicted IX				
20	39	KWEX-DT	SAN ANTONIO	TX	197.5	APP	No Predicted IX				
21	42	KEYE-TV	AUSTIN	TX	75.8	LIC	No Predicted IX				
22	42	KEYE-TV	AUSTIN	TX	75.8	CP	No Predicted IX				
23	46	KNCT	BELTON	TX	0.2	LIC	No Predicted IX				

Notes: *4 - The interference study for station #4 was run using 2km/side cells and 0.1km terrain extraction.

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Section 73.622,)	MM Docket No. _____
Table of Allotments)	RM- _____
Digital Television Broadcast Stations.)	
(Belton, Texas))	
)	

NOTICE OF PROPOSED RULE MAKING

Adopted: _____ Released: _____

Comment Date: _____
Reply Comment Date: _____

By the Chief, Video Division:

1. The Commission has before it a petition for rule making filed by Central Texas College ("Central Texas"), licensee of station KNCT-TV, NTSC Channel 46, Belton, Texas. Central Texas requests substitution of DTV Channel 38 for station KNCT-TV's assigned DTV Channel 47.

2. Central Texas states that, as a result of the substitution, operation at the proposed allotment will increase the population served by the station and also increase the area of coverage over the original Channel 47c allotment. Central Texas also states that the substitution will eliminate interference issues and technical restraints related to the Station's current NTSC and DTV allotments.

3. We believe Central Texas' proposal warrants consideration. DTV Channel 38 can be substituted for DTV Channel 47 at Belton, Texas, as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates 30-59-08 N. and 97-37-51 W. In addition, we find that this channel change is acceptable under the 2 percent criterion for de minimis impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2). We propose to substitute DTV Channel 38 for DTV Channel 47 for station KNCT-TV with the following specifications:

State & City	DTV Channel	DTV power (kW)	Antenna HAAT (m)
TX Belton	38	200	392.9

4. Accordingly, we seek comments on the proposed amendment of the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, for the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Belton, Texas	47c	38

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

6. Interested parties may file comments on or before _____, and reply comments on or before _____, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Secretary, Federal Communications Commission, Washington, DC 20554. Additionally, a copy of such comments should be served on the petitioner, or its counsel or consultant, as follows:

Ernest T. Sanchez, Esq.
Sanchez Law Firm
2000 L Street, NW
Suite 200
Washington, DC 20036

7. The Commission has determined that the relevant provision of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Allotments, Section 73.606(b) and 73.622(b) of the Commission's Rules. See Certification That Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981. The Regulatory Flexibility Act of 1980 would also not apply to rule making proceedings to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules.

8. For further information concerning this proceeding, contact _____, Media Bureau, (202) 418-1600. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making

the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION