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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.622(b) )  
Digital Television Table of Allotments )  
(Tonopah, Nevada) )

RM - \_\_\_\_\_

To: Chief, Video Division  
Media Bureau

PETITION FOR RULEMAKING

Landmark Communications, Inc. ("Petitioner"), hereby requests that the Commission promptly institute a rulemaking proceeding pursuant to Section 73.623(d) of the Commission's rules to amend Section 73.622(b), the DTV Table of Allotments to add Channel 10 as a new, commercial DTV channel allotted to Tonopah, Nevada. Bringing new television service to the underserved Tonopah community in compliance with the Commission's requirements for new DTV allotments will serve the public interest by promoting the Commission's goals to assure a fair distribution of television service and the full migration to DTV. Prompt action on this Petition will allow the public to realize those benefits all the more quickly.

First, as shown in the Technical Exhibit,<sup>1</sup> allotting DTV Channel 10 to Tonopah complies with all of the Commission's technical and service requirements. The proposed allotment will ensure the requisite level of DTV service to the entire Tonopah community in compliance with the principal community coverage requirements of Section 73.625(a). (Technical Exhibit, p. 1,

<sup>1</sup> *New DTV Allotment DTV Channel 10 Tonopah, Nevada, Engineering Exhibit in Support of Petition for Rulemaking*, prepared by Dane E. Ericksen of Hammett & Edison, Inc., for Landmark Communications, Inc. ["Technical Exhibit"].

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Figure 2.) The proposed DTV Channel 10 allotment would have reference coordinates at a tower site on Brock Mountain (38-03-03 N, 117-13-30 W), 2.1 km south of Tonopah. It would operate at a height of 448.5 meters HAAT, with an omnidirectional effective radiated power of 67.9 kW, as permitted under Section 73.622(f)(7)(i) of the Commission's rules. (Technical Exhibit, p. 1.)

The proposed Channel 10 allotment also would meet the minimum geographic spacing requirements of Section 73.623(d). As shown in the Technical Exhibit, this proposed allotment is more than the requisite 273.6 km from the nearest DTV co-channel station, KRKI-DT, Reno, Nevada (290.2 km actual separation), and from the nearest NTSC co-channel station, KLVX(TV), Las Vegas, Nevada (300.7 km actual separation). The proposed Channel 10 allotment meets the applicable mileage separation requirements for DTV and NTSC adjacent channel stations. (Technical Exhibit, p. 2.) In addition, the proposed allotment will not have prohibited contour overlap with any Class A stations. The nearest Class A television station, K10MG, Lompoc, California, is 467.4 km distant. (Technical Exhibit, p. 2.)

Second, allotting DTV Channel 10 to Tonopah will serve the public interest. The Commission has made clear in many contexts its longstanding commitment to preserving and promoting universal, free, over-the-air television service.<sup>2</sup> Similarly, the Commission has recognized that it is in the public interest to have a fair distribution of commercial television stations to serve large and small communities across the country. These goals were reflected in

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<sup>2</sup> See, e.g., *In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Fifth Report and Order, MM Docket No. 87-268, FCC 97-116 at 9 (1997).

the FCC's decision to bring local television to the Tonopah community by allotting both a commercial analog television channel and a reserved noncommercial channel to Tonopah.<sup>3</sup>

With the expiration of the construction permit for its analog commercial television allotment, however, Tonopah lost its only commercial allotment. An application to build a noncommercial station on the reserved channel \*17 allotment in Tonopah remains pending. To date, no full power commercial or noncommercial television station is licensed to serve the Tonopah community. As a result, the public interest identified in establishing a local, commercial allotment to serve the Tonopah community has not been fulfilled. Thus, the construction of a new commercial station in Tonopah serves the public interest because it will provide a local television station to serve that community's local interests.

Further, the addition of a new DTV allotment in Tonopah will bring a new DTV-only station on the air. This new station will provide digital programming from its inception. As a result, adding a new digital allotment in Tonopah advances Congress' and the Commission's goal of promoting DTV. As more digital television stations go on the air, consumers will have an incentive to invest in digital television technology. Thus, because it will accomplish the Commission's goals of achieving a fair distribution of broadcast stations and achieving a national DTV transition, adding a new, DTV Channel 10 allotment for Tonopah serves the public interest.

Finally, if the Commission allots Channel 10 to Tonopah, Petitioner intends to file an application for a construction permit to build and operate a digital television station that will

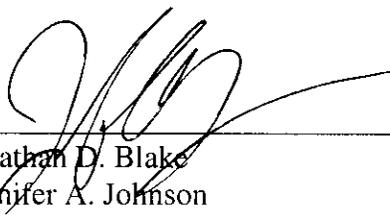
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<sup>3</sup> We note that the Commission allotted analog Channel 9 to Tonopah, and the analog Channel 9 construction permit expired on February 23, 2002. Because DTV Channel 9 would have been short-spaced and would not have met the Commission's mileage separation requirements, we propose the allotment of DTV Channel 10, which is fully spaced.

bring new, high-quality service to the Tonopah community. Petitioner recognizes that if there are other interested applicants, it will need to compete in an auction in order to obtain a license to operate on this new digital channel. Nevertheless, Petitioner believes that allotting a new digital channel to serve the Tonopah community would advance the public interest and thus is a worthy endeavor to pursue, even if Petitioner is not ultimately the licensee of the new digital allotment.

WHEREFORE, Petitioner hereby respectfully requests that the Commission expeditiously issue a notice of proposed rulemaking incorporating the proposal set forth in this petition and, promptly after receiving comments and reply comments, adopt the proposed amendment to Section 73.622(b), the DTV Table of Allotments, by adding Channel 10 as a commercial DTV channel allotted to Tonopah, Nevada.

Respectfully Submitted,



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Jonathan D. Blake  
Jennifer A. Johnson  
1201 Pennsylvania Ave. N.W.  
Washington, D.C. 20004  
(202) 662-6000 (telephone)  
(202) 662-6291 (facsimile)

April 30, 2002

*Attorneys for Landmark Communications, Inc.*

**New DTV Allotment  
DTV Channel 10  
Tonopah, Nevada**

**Engineering Exhibit  
in Support of Petition for  
Rulemaking**

April 18, 2002

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 **HAMMETT & EDISON, INC.**  
CONSULTING ENGINEERS  
SAN FRANCISCO

**Statement of Hammett & Edison, Inc., Consulting Engineers**

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Landmark Communications to prepare this engineering exhibit in support of a Petition for Rulemaking for a new DTV Channel 10 allotment for Tonopah, Nevada.

**Proposal for New Commercial DTV Channel 10 Allotment for Tonopah**

There is one NTSC television allotment at Tonopah, Nevada, for noncommercial Channel 17.\* This allotment is vacant,† and Tonopah presently has no DTV allotments. At the request of Landmark Communications (“Landmark”), allocation studies have been conducted and it has been determined that a DTV Channel 10 allotment at Tonopah would meet the FCC’s spacing requirements to all full-service NTSC TV stations, all DTV allotments and stations, and all Class A TV stations.

**Proposed DTV Channel 10 Facilities**

The geographic coordinates for the proposed DTV Channel 10 allotment are 38° 03' 05" N, 117° 13' 30" W, NAD27, at Brock Mountain, 2.1 kilometers south of Tonopah. A center-of-radiation height of 21.0 meters AGL, 2,182.0 meters AMSL, and 448.5 meters HAAT, is proposed. For this effective height, Section 73.622(f)(7)(i) of the FCC Rules allows an effective radiated power (“ERP”) of 67.9 kW, and that omnidirectional ERP is therefore proposed. As shown by the attached OET-69 coverage study, Figure 1, this combination of height and power would give a noise-limited, interference-limited population of 8,702 persons (intentionally still 1990 Census), so that population is proposed for the “baseline” population. As shown by the attached Figure 2, the community of Tonopah would be completely encompassed by the F(50,90) 43 dBu VHF highband DTV city grade contour.

The proposed site is 611 kilometers from the Mexican border and is 1,217 kilometers from the Canadian border; therefore, no allocation issues are raised with Mexico or Canada.

There are no full-service NTSC Channel 9 stations or allotments within 88 kilometers; therefore, there is no need for a “c” suffix to the proposed DTV Channel 10 allotment (indicating that the

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\* The Tonopah NTSC Channel 9 commercial allotment automatically disappeared when the construction permit (“CP”) issued to Sunbelt Communications Company, with now deleted call letters KBMO-TV, was allowed to expire, on February 23, 2002. Pursuant to Footnote 192 to Paragraph 112 of the MM Docket 87-268 Sixth Report & Order, this effectively deleted the Tonopah NTSC Channel 9 allotment.

† Although there is a pending noncommercial application for Channel 17, on behalf of Nevada Public Television, FCC File No. BPET-1996KN, the Commission’s engineering database does not show that it has been granted.

## Petition for Rulemaking • New DTV Channel 10 Allotment • Tonopah, Nevada

DTV Channel 10 pilot frequency must be maintained 5.082138 MHz  $\pm$ 3 Hz above a nearby NTSC Channel 9's visual carrier frequency, pursuant to Section 73.622(g)(1) of the FCC Rules).

### Allocation Conditions

The allotment of DTV Channel 10 at the proposed Brock Mountain site meets all of the spacing requirements set forth in Section 73.623(d) of the FCC Rules. The closest co-channel and first-adjacent channel stations are as follows:

<u>Station</u>	<u>Location</u>	<u>Channel</u>	<u>Actual Separation</u>	<u>Required Separation</u>
KFSN-DT	Fresno, CA	D09	223.1 km	110.0 km
KOLO-DT	Reno, NV	D09	270.4	110.0
KVVU-DT	Henderson, NV	D09	300.7	110.0
KRXI-DT	Reno, NV	D10	290.2	273.6
KLVX	Las Vegas, NV	N10	300.7	273.6
KERO-DT	Bakersfield, CA	D10	313.1	273.6
KENV	Elko, NV	N10	315.1	273.6
KXTV	Sacramento, CA	N10	375.4	273.6
KSBW-DT	Salinas, CA	D10	405.0	273.6
K10MG	Lompoc, CA	N10A	467.4	273.6 <sup>‡</sup>
KRXI	Reno, NV	N11	290.2	125.0
KLVX-DT	Las Vegas, NV	D11	300.7	110.0

### List of Figures

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

1. OET-69 coverage study for proposed new Tonopah DTV Channel 10 allotment
2. FCC DTV city grade and DTV threshold contours for proposed Tonopah DTV Channel 10 allotment.

April 18, 2002



Dane E. Ericksen, P.E.

<sup>‡</sup> Because there are no published DTV-to-Class A TV spacing requirements, but rather only Class A protected contours and required desired-to-undesired protection ratios, the spacing requirement for an NTSC full service-to-DTV station has conservatively been used.

Petition for Rulemaking • New DTV Channel 10 Allotment • Tonopah, Nevada

OET-69 Coverage Study for Maximum-Power DTV Facilities  
67.9 kW ERP Omnidirectional at 21.0 m AGL/2,182.0 m AMSL/448.5 m HAAT

Coverage analysis  
tvcovstudy 2.3.13

Station parameters:

Station: New DTV Channel 10  
City: TONOPAH, NV  
Coordinates: N 38-03-05.0  
W 117-13-30.0  
Height AMSL: 2182.0 m  
Maximum ERP: 67.9 kW  
Azimuth pattern: omnidirectional  
Orientation:  
Elevation pattern: OET-69 generic  
Service level: 36.0 dBu

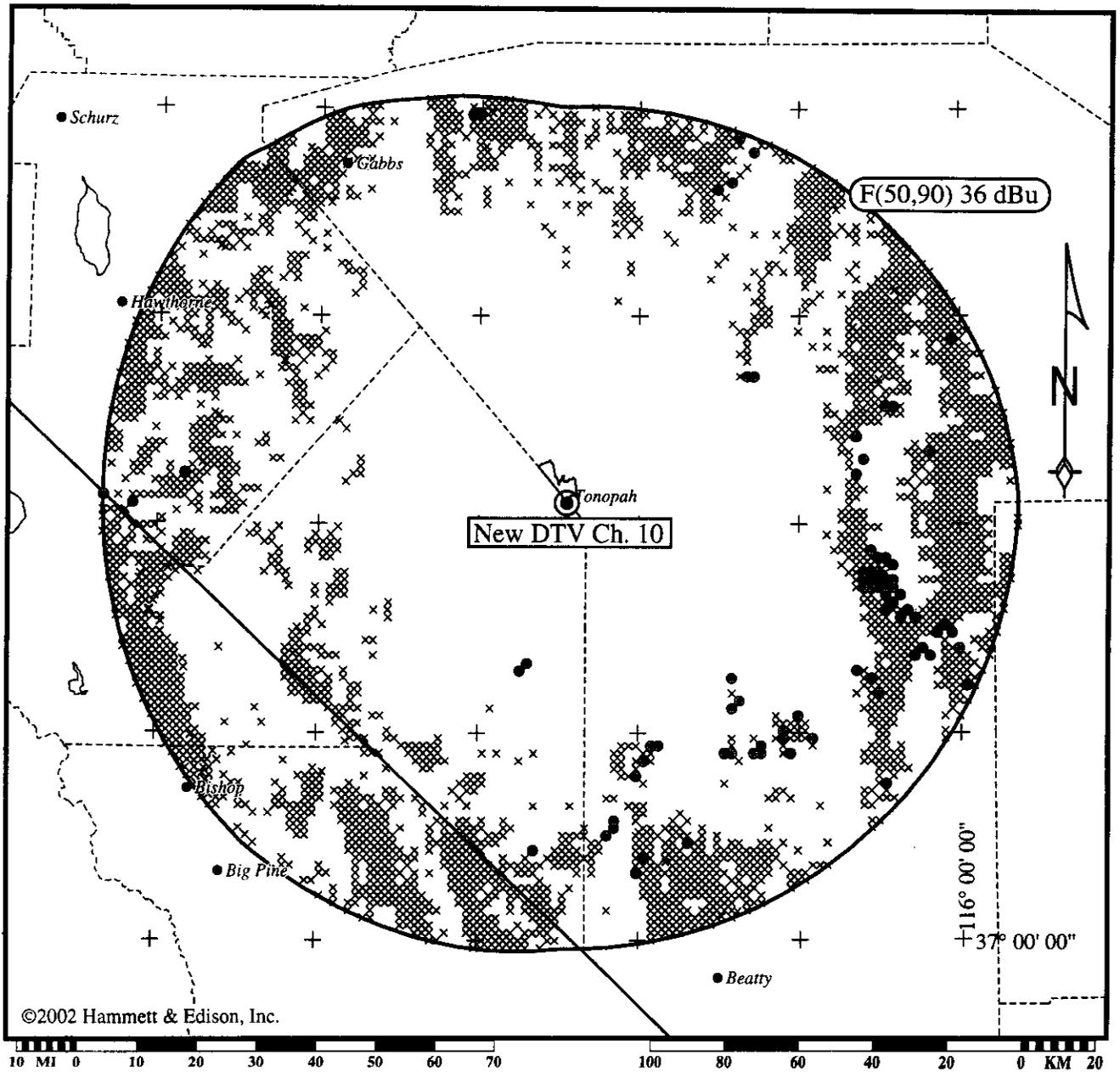
Interfering station	Total IX		Unique IX	
	Area, km2	Population	Area, km2	Population
N10 KENV LIC ELKO, NV	28.0	0	28.0	0
N10 KLVX LIC LAS VEGAS, NV	276.3	0	276.3	0
D10 KERO-DT CP BAKERSFIELD, CA	0.0	0	0.0	0
N10 KXTV LIC SACRAMENTO, CA	12.0	0	12.0	0
D09 KFSN-DT LIC FRESNO, CA	0.0	0	0.0	0
D10 KSBW-DT CP SALINAS, CA	0.0	0	0.0	0

Service conditions	Area, km2	Population
Noise-limited service	45818.3	10,409
Terrain-limited service	33987.4	8,702
Interference-free service	33671.1	8,702
Longley-Rice errors	15530.4	1,952

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.

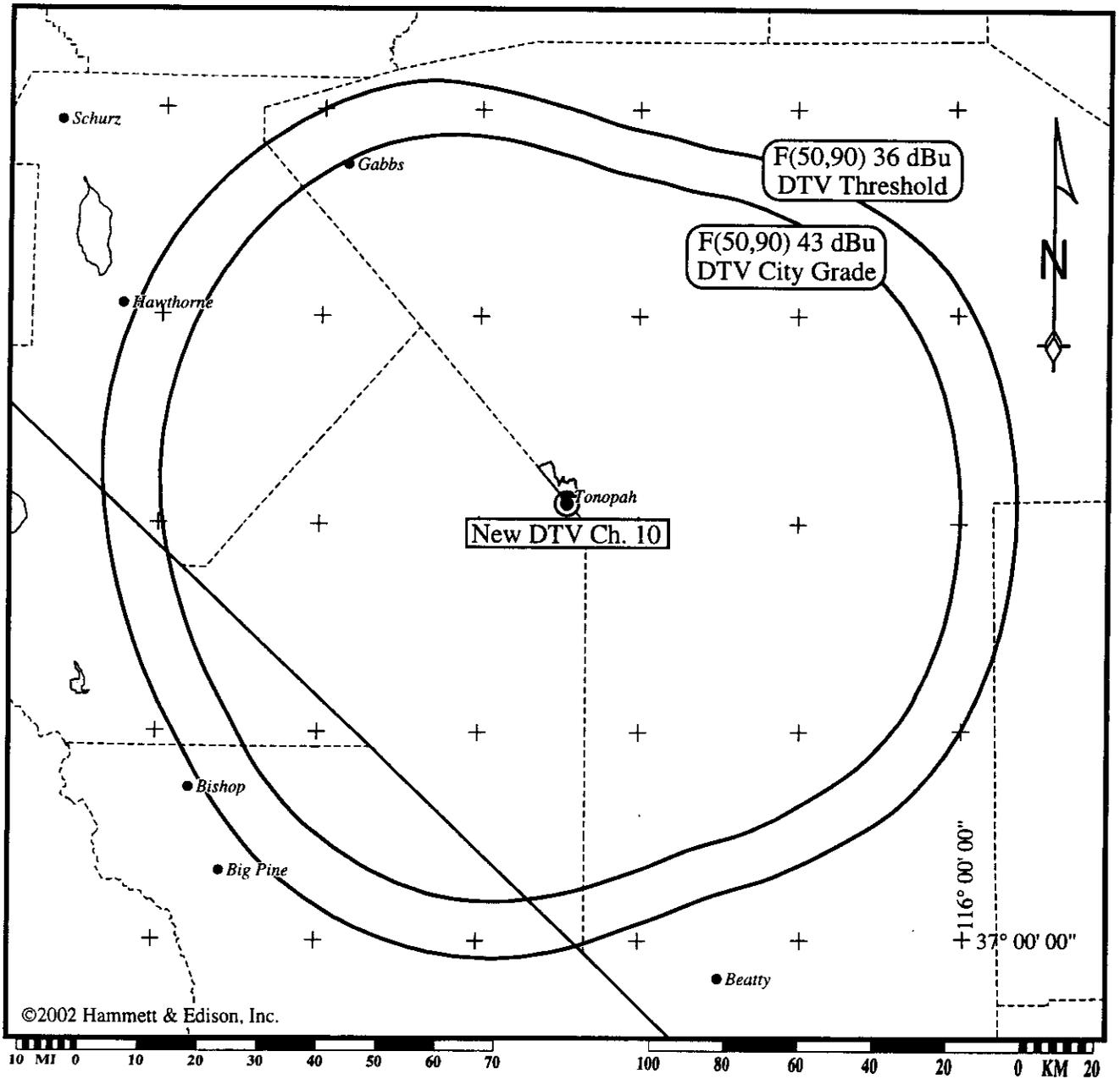
OET-69 Coverage Map for Maximum-Power DTV Facility  
67.9 kW ERP Omnidirectional  
21.0 m AGL, 2,182.0 m AMSL, 448.5 m HAAT



×= No Signal (below threshold)  
\*= Interference (with population in cell)  
●= Interference (without population in cell)

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 30-minute increments.

FCC Contours for Maximum-Power DTV Facility  
67.9 kW ERP Omnidirectional  
21.0 m AGL, 2,182.0 m AMSL, 448.5 m HAAT



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 30-minute increments.