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May 22, 2002

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
ATTN: Allocations Branch

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MAY 22 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Supplement to Request to Petition for Rulemaking
Board of Trustees, The California State University for San Diego State University
Petition for Rulemaking Filed July 17, 2000; RM # Not Yet Assigned
FRN: 0002-9683-60

Dear Ms. Dortch:

On behalf of the Board of Trustees, The California State University for San Diego State University ("the University"), we supplement the Petition for Rulemaking filed on July 17, 2000.

The Petition for Rulemaking requested amendment of Section 73.606 of the FCC Rules to substitute NTSC Channel *43 in lieu of NTSC Channel *26 at Brawley, California. At the suggestion of FCC staff, the University supplements its Petition with this explicit request for a waiver to allow the University to demonstrate interference protection to Class A Station K43DM, San Marcos, California. Page 6 of the Engineering Statement appended to the July 17, 2000 Petition provides the relevant OET-69 results (*see* enclosed excerpts from Petition).

Should any questions arise concerning this matter, kindly contact this office.

Very truly yours,



Barry S. Persh

Enclosures

cc (w/encl.): Nazifa Naim (FCC) (via fax)

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San Diego State University
San Diego, CA 92182-5400

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission



Re: Supplement to Petition for Rulemaking
Petition Filed July 17, 2000
To Substitute TV Channel *43 in Lieu of TV Channel *26, Brawley, CA
RM # Not Yet Assigned

Dear Ms. Dortch:

The Board of Trustees, The California State University for San Diego State University hereby supplements the above-referenced Petition to include the enclosed material.

Respectfully submitted,

BOARD OF TRUSTEES, THE
CALIFORNIA STATE UNIVERSITY
FOR SAN DIEGO STATE UNIVERSITY

By: 

Title: GENARO MANABEA, K13S

Date: 5/21/02



affect DTV. Accordingly, based on the results of this study, it is believed that there will be no impact to domestic DTV assignments as a result of the instant proposal. If a waiver of the Commission's 1987 Freeze Order is required, then one is respectfully requested on behalf of *Trustees*.

Class A Television

An allocation study of possible conflicts was conducted with respect to LPTV / translator stations that may be eligible for Class A status.⁶ The study determined that the LPTV / translator stations listed in the attached **Table 3** are close enough to the proposed NTSC Channel 43 allotment facility to warrant detailed review.

Of the stations listed in **Table 3**, contour overlap (or insufficient distance spacing) exists between *Trustee's* proposed NTSC Channel 43 allotment and each of the facilities listed below, under Section 73.613 and/or 74.705 of the Commission's Rules. A description of how the overlap (or spacing) does not create a conflict with Class A television is also provided below.

<u>Station</u>	<u>Channel</u>	<u>Disposition</u>
K22FJ (APP)	36	See Note 1
K43DM (LIC)	43	See text below
K43EE (LIC)	43	See Note 1
K62BN (CP)	43	See Notes 1, 2

Note 1: Station is not on the Commission's June 2, 2000 list of stations deemed eligible to file an application for Class A station status, and protection is therefore not required.⁷

Note 2: Station is on the Commission's June 7, 2000 list of stations that are or were licensees of television translator broadcast stations during the 90-day period ending November 28, 1999. Since Class A eligibility is limited only to low power television licensees, its statement of eligibility was deemed materially deficient and dismissed.⁸ Thus, protection is not required.

⁶The Commission recently created a new class of television stations. See *Establishment of a Class A Television Service*, MM Docket 00-10, FCC 00-115, released April 4, 2000.

⁷See June 2, 2000 Public Notice *Certificates of Eligibility for Class A Television Station Status*, DA 00-1224.

⁸See June 7, 2000 Public Notice *Dismissal of TV Translator Licensee Certificates of Eligibility for Class A Television Station Status*, DA 00-1227.

Station K43DM is on the Commission's June 2, 2000 list of stations deemed eligible to file an application for Class A station status. Contour overlap with K43DM (that would be prohibited under §73.613 and §74.705) would occur with respect to the proposed Channel 43 facility. However, there is terrain blockage between the K43DM service area and the proposed Channel 43 facility. A study using the terrain dependent Longley-Rice point-to-point propagation model of OET Bulletin 69 showed that no interference is expected to occur to K43DM from the proposed Channel 43 facility. Further, the study showed that interference is not expected to occur to the proposed Channel 43 facility from K43DM. Thus, on the basis of an OET Bulletin 69 analysis, there will be no interference between these facilities. If a waiver of the Commission's contour overlap rules is required (§73.613 and/or §74.705), then one is respectfully requested on behalf of the applicant for the reasons stated above.

No other LPTV stations listed in **Table 3** would experience or cause interference with respect to the proposed Channel 43 facility.

International Considerations

The site is 47 km from the common border between the U.S. and Mexico, within the 275 kilometer coordination zone. Accordingly, pertinent Mexican DTV and NTSC allotments are listed in the attached **Table 4**. The Mexican assignments and required distances to DTV stations are from the July 22, 1998 memorandum between the Commission and Mexican counterparts;⁹ minimum distances to NTSC assignments are obtained from the 1980 U.S. - Mexican agreement, as modified.¹⁰ As shown in **Table 4**, the distances are satisfied with respect to all Mexican assignments. Coordination with Mexican authorities is requested, as required.

⁹See Footnote 2.

¹⁰Agreement relating to Assignments and Usage of Television Broadcasting Channels in the Frequency Range 470-806 MHz (Channels 14-69) Along the United States - Mexico Border.

Table 3
LPTV / TRANSLATOR STATION ALLOCATION STUDY
 prepared for
The Board of Trustees
The California State University for San Diego State University
 Brawley, California
 Ch. 43 5000 kW 295 m

Channel	Call		City		State	Lat	Distance
Applicant/Licensee						Long	Bearing
28N	K28FM	CP	Zn: YUMA		AZ	32-40-22	120.87
SARA DIAZ WARREN				4.90 kW	OM	114-20-13	111.81
28Z	K28FM	APP	Zn: YUMA		AZ	32-40-25	120.83
SARA DIAZ WARREN				0.99 kW	OM	114-20-13	111.77
28-	K28ET	CP MOD	Zn: PALM SPRINGS		CA	33-51-56	120.48
ENTRAVISION HOLDINGS, LLC				1.31 kW	OM	116-25-58	316.31
28+	K28EU	LIC	Zn: LAUGHLIN, ETC.		NV	35-14-50	250.84
KVVU BROADCASTING CORP.				1.12 kW	OM	114-44-35	16.67
28-	K28ET	CP	Zn: PALM SPRINGS		CA	33-52- 3	120.64
ENTRAVISION HOLDINGS, LLC				1.31 kW	OM	116-25-58	316.38
29Z	K65CP	CP	Zn: BLYTHE		CA	33-34-12	122.78
PALO VERDE VALLEY TV CLUB, INC.				0.99 kW	OM	114-20-56	63.60
29N	K29DX	CP	Zn: SAN DIEGO		CA	32-41-52	137.85
KRCA LICENSE CORP.				10.00 kW	OM	116-56- 2	252.31
36N	K36DU	LIC	Zn: LAKE HAVASU CITY, ET,		AZ	34-36-11	199.99
RICHARD D. TATHAM				1.53 kW	OM	114-22-14	32.24
36Z	K65AR	APP	Zn: TWENTYNINE PALMS, ETC,		CA	34- 4-32	116.80
COUNTY OF SAN BERNARDINO AREA 70				2.62 kW	OM	115-57-18	340.53
36N	K67BH	APP	Zn: MORONGO VALLEY		CA	34- 3-54	143.79
COUNTY OF SAN BERNARDINO AREA 70				1.08 kW	OM	116-32-42	319.49
36+	K22FJ	APP	Zn: CALEXICO		CA	32-57-12	14.71
SARA DIAZ WARREN				76.00 kW	OM	115-30- 8	168.59
36-	KDIG-LP	APP	Zn: ENCINITAS		CA	33- 6-39	151.21
BRIMARC COMMUNICATIONS				25.10 kW	OM	117- 9-10	271.60
42N	K42CP	LIC	Zn: PEACH SPRINGS		AZ	35-32-10	333.87
MOHAVE COUNTY BOARD OF SUPERVISORS				0.07 kW	OM	113-25-52	34.84
42N	K42CQ	LIC	Zn: CHLORIDE		AZ	35-23-49	285.68
MOHAVE COUNTY BOARD OF SUPERVISORS				0.07 kW	OM	114-10-16	25.68
42+	K42EU	CP	Zn: TOPOCK, ETC.		AZ	35- 2- 9	241.72
MOHAVE COUNTY BOARD OF SUPERVISORS				0.92 kW	OM	114-22-14	26.04
42N	K42AA	LIC	Zn: PAHRUMP		NV	35-58- 4	319.98
MOUNTAIN UNION TELECOM, INC.				0.28 kW	OM	115-30- 3	0.53

Table 3
LPTV / TRANSLATOR STATION ALLOCATION STUDY
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Channel	Call	City	State	Lat	Distance
Applicant/Licensee				Long	Bearing
43+	K24DK	CP	Zn: BULLHEAD CITY	, AZ 35- 2- 9	241.72
KUSK, INC.			0.96 kW	OM 114-22-14	26.04
43-	K43CO	LIC	Zn: CASA GRANDE	, AZ 33- 0- 5	360.55
WILLIAM L. OLSON			53.30 kW	OM 111-40-29	90.40
43+	K43EE	LIC	Zn: LUCERNE VALLEY	, CA 34-27-47	197.37
COUNTY OF SAN BERNARDINO AREA 29			0.90 kW	OM 116-52-44	321.21
43N	K43AG	LIC	Zn: RIDGECREST	, CA 35-34- 3	338.42
KERN EDUCATIONAL TELECOMMUNICATIONS			2.27 kW	OM 117-40- 5	325.11
43Z	K43DM	LIC	Zn: SAN MARCOS	, CA 33- 0-34	134.42
SAN YSIDRO BROADCASTING CORPORATION			3.15 kW	OM 116-58-11	266.89
43N	K43CC	LIC	Zn: SANTA CLARA	, UT 37- 9-30	476.28
FOX TELEVISION STATIONS INC.			3.97 kW	OM 113-53-20	17.88
43Z	K43FO	LIC	Zn: LAS VEGAS	, NV 35-56-46	320.74
THREE ANGELS B/CING. NETWORK, INC.			5.10 kW	OM 115- 2-34	7.94
43+	KTSB-LP	LIC	Zn: SANTA BARBARA	, CA 34-27-55	413.32
J B BROADCASTING, INC.			10.00 kW	OM 119-40-38	292.91
43+	K62BN	CP	Zn: LAKE HAVASU CITY	, AZ 34-36- 9	199.92
MOHAVE COUNTY BOARD OF SUPERVISORS			2.21 kW	OM 114-22-15	32.24
43Z	K43CW	LIC	Zn: TUCSON	, AZ 32-24-55	457.66
POLAR BROADCASTING OF ARIZONA, INC.			10.00 kW	OM 110-42-52	98.01
43+	K43FT	CP	Zn: WILLIAMS, ETC.	, AZ 35-12- 1	386.59
KSAZ LICENSE, INC.			1.62 kW	OM 112-12-13	51.68
44Z	K44DT	CP	Zn: SIMI VALLEY	, CA 34-19-41	315.76
COSTA DE ORO TELEVISION, INC.			10.60 kW	OM 118-35-48	296.77
44N	K44DJ	LIC	Zn: YUCCA VALLEY	, CA 34- 8-56	145.34
FRANCES H. GRAY, EXECUTOR			0.59 kW	OM 116-26-42	324.65
44N	K44AA	LIC	Zn: PAHRUMP	, NV 35-58- 4	319.98
MOUNTAIN UNION TELECOM, INC.			7.12 kW	OM 115-30- 3	0.53
44-	K44DV	LIC	Zn: DAGGETT, ETC.	, CA 34-53- 7	236.22
COUNTY OF SAN BERNARDINO AREA 40			0.92 kW	OM 116-53-45	328.17
44N	K44DK	LIC	Zn: KINGMAN	, AZ 35- 4-53	267.84
MOHAVE COUNTY BOARD OF SUPERVISORS			0.65 kW	OM 113-54-14	33.71
44Z	K44DT	LIC	Zn: SIMI VALLEY	, CA 34-19-41	315.76
COSTA DE ORO TELEVISION, INC.			10.70 kW	OM 118-35-48	296.77
50+	KPSE-LP	LIC	Zn: PALM SPRINGS	, CA 33-52- 3	120.66
MIRAGE MEDIA, LLC			5.20 kW	OM 116-25-59	316.37

Table 3
LPTV / TRANSLATOR STATION ALLOCATION STUDY
 (page 3 of 3)

Channel	Call		City		State	Lat	Distance
Applicant/Licensee						Long	Bearing
50Z	K50EW	LIC	Zn: LUCERNE VALLEY		CA	34-27-47	197.37
	COUNTY OF SAN BERNARDINO AREA 29		1.06 kW		OM	116-52-44	321.21
50Z	K53DU	APP	Zn: HEMET		CA	33-41-17	145.87
	LA VERTA W. AND VICTOR W. PAGE		2.30 kW		OM	116-55-32	297.75
57N	K57EV	LIC	Zn: JOSHUA TREE		CA	34- 9-18	134.07
	COUNTY OF SAN BERNARDINO AREA 70		0.21 kW		OM	116-12- 6	332.63
57N	K57HM	CP	Zn: YUMA		AZ	32-40-24	120.84
	RONALD AMODIA		14.70 kW		OM	114-20-13	111.78
58+	KPSP-LP	CP	Zn: CATHEDRAL CITY, ETC.,		CA	33-51-58	120.65
	PALM SPRINGS TV STUDIOS, INC.		10.00 kW		OM	116-26- 5	316.27
58+	KPSP-LP	LIC	Zn: CATHEDRAL CITY-PALM		CA	33-51-58	120.65
	PALM SPRINGS TV STUDIOS, INC.		10.30 kW		OM	116-26- 5	316.27
58N	K58DU	LIC	Zn: BULLHEAD CITY, ETC.		AZ	35- 2- 9	241.72
	MOHAVE COUNTY BOARD OF SUPERVISORS		1.10 kW		OM	114-22-14	26.04
58N	K58BJ	LIC	Zn: LAKE HAVASU CITY		AZ	34-36- 9	199.95
	MOHAVE COUNTY BOARD OF SUPERVISORS		2.20 kW		OM	114-22-13	32.25