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February 13, 2003

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

By Hand Delivery

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

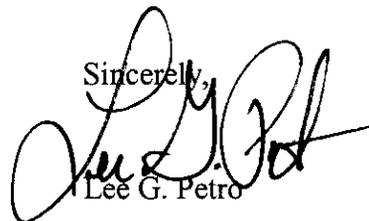
Re: Petition for Rulemaking
Amendment of Section 73.606(b) of the TV Table of Allotments - Longview, TX
Estes Broadcasting, Inc.

Dear Ms. Dortch:

Transmitted herewith is an original and four copies of a Petition for Rulemaking, filed on behalf of Estes Broadcasting, Inc., for the amendment of the TV Table of Allotments, 47 C.F.R. Section 73.606(b), at Longview, Texas.

Should any questions arise concerning this application, please communicate with this office.

Sincerely,



Lee G. Petro

Enclosures

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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 73.606(b) }
TV Table of Allotments }
TV Broadcast Stations }
(Longview, Texas) }

**TO: Chief, Policy and Rules Division
Media Bureau**

PETITION FOR RULEMAKING

Estes Broadcasting, Inc. ("Estes"), by and through its counsel, hereby submits a "Petition for Rulemaking" to amend the TV Table of Allotments, 47 C.F.R. § 73.606(b) (2001), and allot Channel 38 at Longview, Texas. Estes holds a construction permit (BPCT-1996092011) for NTSC Channel 54 at Longview, Texas, and wishes to specify a channel within the television "core" channel group (2-51). As discussed in more detail below, Channel 38 can be allotted at Longview, Texas in compliance with the Commission's rules.

DISCUSSION

Estes was granted a construction permit to operation on Channel 54 on July 21, 2000. However, because Estes' application for Channel 54 was pending at the time of the adoption of the DTV Table of Allotments (47 C.F.R. § 73.622(b)), a separate DTV channel was not reserved. As such, in order for Estes to operate in the "core" channel group, and eventually to construct and

operate a digital facility, it must seek the allotment of a new channel at Longview, Texas.

Estes proposes to amend Section 73.606(b) of the Commission's rules as follows:

| <u>City</u> | <u>Present</u> | <u>Proposed</u> |
|-----------------|----------------|--------------------|
| Longview, Texas | 16, 51, 54 | 16, <u>38</u> , 51 |

Attached as Exhibit One is an Engineering Statement from Cavell, Mertz and Davis, Inc., demonstrating that the proposed facilities on Channel 38 at Longview will comply with the Commission's rules, and will not cause any prohibited interference to any NTSC or DTV facility.

Should the petition for rulemaking be granted, and Channel 38 be allocated at Longview, Texas, then Estes will promptly apply for, and if granted the construction permit authorization, construct the facility as authorized.

CONCLUSION

WHEREFORE, in light of the foregoing, Estes Broadcasting, Inc. respectfully requests that the Commission grant the petition for rulemaking and allot Channel 38 at Longview Texas.

The allotment would permit Estes to construct its unpaired NTSC facility, and eventually its DTV facility within the "core" channel group, and bring a third local commercial television service to the community. Moreover, it would serve

the Commission's goals for clearing the 52-59 Channel Band. As such, the proposed allotment would best serve the public interest.

Respectfully submitted,

ESTES BROADCASTING, INC.

By:  _____

Howard M. Weiss
Lee G. Petro

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Its Attorneys

February 13, 2003

Engineering Statement
prepared for
Estes Broadcasting, Inc.
New(TV) Longview, Texas
Ch. 38 5000 kW 600 m

This engineering statement has been prepared on behalf of *Estes Broadcasting, Inc. (Estes)*, in support of a *Petition for Rulemaking*. *Estes* is the permittee of a construction permit (BPCT-19960920II), which authorizes construction of a new NTSC (analog) television Channel 54, Longview, Texas. The Channel 54 facility would operate outside of the “core” channels (2-51).

Consistent with the voluntary band-clearing goals advanced in GN Docket 01-74, the Commission’s proceeding regarding the reallocation of TV Channels 52-59, *Estes* herein proposes to substitute operation on a “core” NTSC channel in lieu of the authorized Channel 54. This engineering statement and related exhibits have been prepared to support a *Petition for Rulemaking* to change the television allotment at Longview, Texas from NTSC Channel 54 to NTSC Channel 38.

Discussion

An engineering review of the NTSC, DTV, and Class A stations in the region surrounding Longview showed that Channel 38 could be used as a substitute for the existing Channel 54 NTSC allotment. The minimum distance separation requirements of 573.610 and 573.698 were applied to NTSC assignments. With respect to DTV allotments and facilities, detailed interference studies were conducted in accordance with §73.623(c). Standard protection to Class A stations following the requirements of 573.613 was observed, provided that the “minus” offset specified herein is employed. The studies showed that Channel 38 could be used at Longview at 5000 kW effective radiated power and an antenna height above average terrain of 600 meters.

In particular, MM Docket 01-244,² the Commission recently changed the DTV assignment for station KLTU-DT (Tyler, TX) from Channel 38 to Channel 10, effective November 25, 2002.

¹See *Reallocation and Service Rules for the 698-746 MHz Spectrum Band Television Channels 52-59*, GN Docket 01-74, FCC 01-364, *Report and Order*, released January 18, 2002.

²See *Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Tyler, Texas)*, MM Docket No. 01-244, RM 10234, released October 9, 2002.

Engineering Statement
(page 2 of 4)

KLTV-DT is located 16.9 km from the reference point specified herein, and KLTV-DT's vacating of DTV Channel 38 provides a channel allocation opportunity to employ Channel 38 as an NTSC (analog) channel at Longview. The use of NTSC Channel 38 at Longview, Texas as specified herein complies with pertinent Commission allocation requirements, considering **the** change in **the** KLTV-DT channel assignment to Channel 10.

The technical data and allotment point location for the proposed Channel **38** allotment **are** summarized below. A predicted coverage contour map is provided as **Figure 1** which shows that Longview would be fully encompassed by the standard City Grade (80 dB μ) contour from the allotment point.

Summary Technical Data for Proposed NTSC Channel 38

| | |
|--------------------------|--|
| Coordinates (NAD-27) | 32° 35' 23" N-Lat 95° 23' 27" W-Lon |
| Channel | 38- ("minus" offset) |
| Effective Radiated Power | 5000 kW (non-directional) |
| Antenna Height | 727 m AMSL 600 m HAAT |

NTSC Allocation Considerations

An allocation study of distances to **other** NTSC facilities from the proposed transmitter site is supplied as **Table 1**. As shown thereon, the minimum distance separation requirements of §73.610 and §73.698 (Table II) are met.

DTV Allocation Considerations

The channel change proposed herein requires that the Commission's interference criteria (as described in §73.623(c)) be utilized to evaluate the **new** channel facility's impact on DTV. Accordingly, a study was conducted to evaluate the change in interference to pertinent DTV

Engineering Statement

(page 3 of 4)

assignments that may be attributed to the proposed Channel 38 substitution. A detailed interference study was conducted in accordance with the terrain dependent Longley-Rice point-to-point propagation model, per the Commission's Office of Engineering and Technology Bulletin number 69, *Longley-Rice Methodology for Evaluating TV Coverage and Interference*, July 2, 1997 ("OET-69").³ The interference study examined the net change in interference as experienced by DTV stations that would result from the Channel 38 allotment.

All stations considered in this study are listed in **Table 2**. As shown in **Table 2**, any increase in interference to DTV facilities is zero, when rounded to the nearest whole percent (per Commission policy). No interference is predicted to any other DTV station or allotment. Thus, this proposal is believed to be in compliance with Commission policy regarding NTSC channel changes from Channel 52-59 as they may affect DTV. Accordingly, based on the results of this study, it is believed that there will be no impact to DTV assignments as a result of the instant proposal.

Class A Television

An allocation study was conducted regarding protection to Class A stations and Low Power Television (LPTV) stations that are eligible for Class A status. The study showed that the standard requirements (separation and contour protection) of §73.613 regarding Class A station protection are met.

Summary

It is proposed that NTSC Channel 38 be substituted for NTSC Channel **54** at Longview, Texas. The proposed allotment point complies with minimum distance spacing requirements with respect to other NTSC facilities. The substitution complies with the Commission's interference requirements regarding DTV facilities. Standard protection to Class A facilities is provided.

³The implementation of OET-69 for this study followed the guidelines of OET-69 as specified therein. A standard cell size of 2 km was used. Comparisons of various results of this computer program (run on a Sun processor) to the Commission's implementation of OET-69 show excellent correlation.

Engineering Statement

(page 4 of 4)

Longview would be within the principal community contour. The use of NTSC Channel 38 would permit *Estes* to employ a “core” channel for its facility.

Certification

The undersigned hereby certifies that the foregoing statement was prepared by him **or** under his direction, and that it is true and correct to the best of his knowledge and belief. Mr. Davis is a principal in the firm of *Cavell, Mertz & Davis, Inc.*, is a Registered Professional Engineer in Virginia, holds a Bachelor of Science degree from Old Dominion University in Electrical Engineering Technology, and has submitted numerous engineering exhibits to various local governmental authorities and the Federal Communications Commission. His qualifications are a matter of record with that entity.

Joseph M. Davis, P.E.

January 13, 2003

Cavell, **Mertz** & Davis, Inc.
7839 Ashton Avenue
Manassas, VA 20109
(703) 392-9090

List of Attachments

- | | |
|----------|---|
| Figure 1 | Predicted Coverage Contours |
| Table 1 | NTSC Facility Spacing Study |
| Table 2 | DTV Interference Analysis Results Summary |

FIGURE 1
PREDICTED COVERAGE CONTOURS
PROPOSED CHANNEL CHANGE
NEW(TV) LONGVIEW, TEXAS
Ch. 38 5000 kW 600 m

prepared January 2003 for
Estes Broadcasting, Inc.

Cavell, Murtz & Davis, Inc.
 Manassas, Virginia

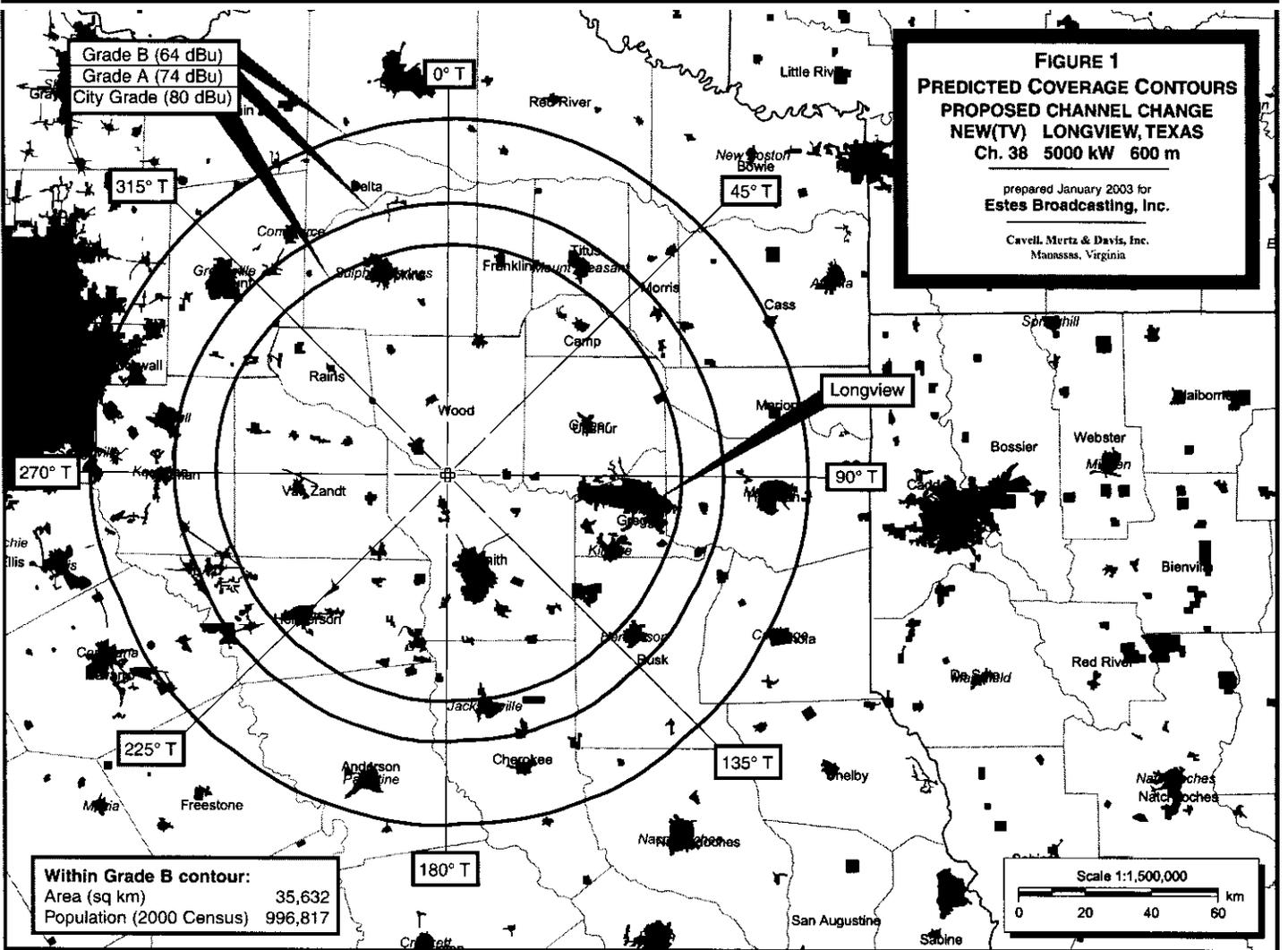


Table 1
NTSC FACILITY SPACING STUDY
 prepared for
Estes Broadcasting, Inc.
New(TV) Longview, Texas
Ch.38 5000 kW 600m

| Channel | Call | | City | | State | Lat | Distance | Reqr'd |
|--------------------|--------------------------------------|--------|---------|-------------|-------|----------|-----------------|--------|
| Applicant/Licensee | | | | | | Long | Bearing | Clear |
| ===== | | | | | | | | |
| 232 | KUVN | LIC | TV Zn:2 | GARLAND | , TX | 32-54- | 4 126.31 | 119.9 |
| | KUVN LICENSE PARTNERSHIP, G.P. | | | | | 207M | 96-41-14 286.21 | 6.41 |
| 232 | KUVN | CP MOD | TV Zn:2 | GARLAND | , TX | 32-35-21 | 148.26 | 119.9 |
| | KUVN LICENSE PARTNERSHIP, G.P. | | | | | 517M | 96-58-12 270.40 | 28.36 |
| 24- | KLTS-TV | LIC | TV Zn:2 | SHREVEPORT | , LA | 32-40-41 | 137.77 | 95.7 |
| | LOUISIANA EDUCATIONAL TV AUTHORITY | | | | | 326M | 93-55-35 85.53 | 42.07 |
| 31+ | 960920WF | APP | TV Zn:2 | FORT WORTH | , TX | 32-45- | 1 177.04 | 95.7 |
| | ON-LINE PUBLIC ED. NETWORK | | | | | 252M | 97-16- 7 276.28 | 81.34 |
| 35+ | 960723KZ | APP | TV Zn:2 | MARSHALL | , TX | 32-19-13 | 102.52 | 31.4 |
| | FANT B/C DEVELOPEMENT, LLC | | | | | 578M | 94-20-52 106.67 | 71.12 |
| 38- | KASN | CP | TV Zn:2 | PINE BLUFF | , AR | 34-26-31 | 359.34 | 280.8 |
| | CLEAR CHANNEL BROADCASTING LICENSES, | | | | | 590M | 92-13- 3 54.27 | 78.54 |
| 38- | KASN | LIC | TV Zn:2 | PINE BLUFF | , AR | 34-26-31 | 359.34 | 280.8 |
| | CLEAR CHANNEL BROADCASTING LICENSES, | | | | | 593M | 92-13- 3 54.27 | 78.54 |
| 39+ | KMCT-TV | LIC | TV Zn:2 | WEST MONROE | , LA | 32-30-21 | 304.71 | 87.7 |
| | LOUISIANA CHRISTIAN B/CASTING, INC. | | | | | 152M | 92- 8-54 90.88 | 217.01 |
| 392 | KXTX-TV | LIC | TV Zn:2 | DALLAS | , TX | 32-35- | 7 148.11 | 87.7 |
| | TELEMUNDO OF DALLAS LICENSE CORP. | | | | | 512M | 96-58- 6 270.23 | 60.41 |
| 45+ | KSHV | LIC | TV Zn:3 | SHREVEPORT | , LA | 32-40- | 0 136.99 | 95.7 |
| | WHITE KNIGHT BROADCASTING OF SHREVEP | | | | | 507M | 93-56- 2 86.04 | 41.29 |
| 522 | KFWD | LIC | TV Zn:2 | FORT WORTH | , TX | 32-35-19 | 148.08 | 95.7 |
| | HIC BROADCAST, INC. | | | | | 545M | 96-58- 5 270.38 | 52.38 |

Table 2
DTV INTERFERENCE ANALYSIS RESULTS SUMMARY

prepared for
Estes Broadcasting, Inc.
New(TV) Longview, Texas
Ch.38 5000 kW 600m

| <u>Stations Considered</u> | <u>City, State Channel</u> | <u>Distance (km)</u> | <u>Baseline Population (1)</u> | <u>Service Population (2)</u> | <i>---- Unique Interference ----</i> <i>from proposal</i> | |
|----------------------------|----------------------------|----------------------|--|-------------------------------|--|-----------------------|
| | | | | | <u>Population (3)</u> | <u>Percentage (4)</u> |
| KLTV-DT (Ref) | Tyler, TX 38 | 16.9 | | | <i>evaluation not required, KLTV-DT was ordered to DTV Channel 10 (MM Docket 01-244)</i> | |
| KLTV-DT (CP) | Tyler, TX 38 | 17.0 | | | <i>evaluation not required, KLTV-DT was ordered to DTV Channel 10 (MM Docket 01-244)</i> | |
| KNCT-DT (Ref) | Belton, TX 38 | 216.9 | 735,000 | 763,981 | 440 | 0.06 |
| KMCT-DT (CP) | West Monroe, LA 38 | 304.7 | 261,000 | 348,777 | 100 | 0.04 |
| KMCT-DT (Ref) | West Monroe, LA 38 | 304.7 | ----- no interference predicted from proposal ----- | | | |
| KHWB-DT (Ref) | Houston, TX 38 | 335.1 | 3,779,000 | 3,779,309 | 148 | 0.00 |
| KHWB-DT (Lic) | Houston, TX 38 | 335.1 | 3,779,000 | 3,863,665 | 210 | 0.01 |
| KOED-DT (CP) | Tulsa, OK 38 | 381.5 | ----- "checklist like" facility, evaluation not required ----- | | | |
| KOED-DT (Ref) | Tulsa, OK 38 | 381.5 | 1,140,000 | 1,139,047 | 92 | 0.01 |

Notes:

- (1) For DTV Stations: Greater of NTSC or DTV Service Population, from FCC Table
- (2) Interference-free service population per OET-69 before consideration of proposal
- (3) Net change in population receiving interference resulting from proposal
- (4) Proposal's impact in terms of percentage, equals (3)/(1) times 100 percent: not to exceed zero when rounded to the nearest whole percent

The determination of stations for consideration and the determination of baseline population and interference percentages were made as described in the Commission's August 10, 1998 Public Notice **"Additional Application Processing Guidelines for Digital Television"**

KNCT-DT, as shown above, was changed to Channel 38 in MB Docket 02-271