

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),)
Table of Allotments,)
Television Broadcast Stations)
(Scottsbluff, Nebraska and Laramie, Wyoming))

MB Docket No. _____
RM No. _____

To: Marlene Dortch, Office of the Secretary
Attn: Chief, Video Division

PETITION FOR RULE MAKING

Equity Broadcasting Corporation ("EBC"), permittee of Station KTUW(TV), Scottsbluff, Nebraska, by its counsel, and pursuant to Section 1.420(i) of the Commission's Rules, hereby request that the Commission amend the NTSC Table of Allotments, 47 C.F.R. § 73.606(b), by deleting Channel 16 at Scottsbluff, Nebraska, and allotting Channel 16 at Laramie, Wyoming as its first commercial television service. EBC requests that the Commission modify the license of KTUW(TV) to reflect the new community of license.

1. In *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990), the Commission stated that a permittee could change its community of license without subjecting the allotment to competing applications if (i) the proposed allotment is mutually exclusive with the existing allotment; (ii) the proposal would result in a favorable arrangement of allotments; and (iii) the community would not be deprived of its sole existing local transmission service. These three criteria are met here.

2. First, as demonstrated in the Engineering Statement, Exhibit B, the proposed allotment of Channel 16 at Laramie is mutually exclusive with the existing allotment of Channel

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16 at Scottsbluff. Second, the relocation of Channel 16 to Laramie furthers the Commission's television allotment priorities. *See Sixth Report and Order on Television Allocations*, 41 F.C.C. 148, 167 (1952).¹ The comparison here is between a first commercial television service at Laramie (Priority 4), versus the retention of three television services at Scottsbluff (Priority 5).² Moreover, the relocation will leave no area with fewer than two TV reception signals, and Channel 16 at Laramie will provide a first TV reception service to 26 sq. km (Priority 1), and a second TV reception service to 994 persons and 3,182 sq. km (Priority 3). *See Engineering Statement*, Exhibit F-1. Third, Scottsbluff will not be deprived of its only local television transmission service because Stations KSTF and KDUH-TV will remain in Scottsbluff. KTUW has never been on the air at Scottsbluff, so no residents will be deprived of existing service as a result of the relocation.

3. Laramie is a clearly a community for allotment purposes. According to the 2000 U.S. Census, Laramie has a population of 27,204, and there are 6 FM stations and 2 AM stations allotted to Laramie. Laramie has its own local government which provides the following services: law enforcement, emergency services, animal control, code inspections and enforcement, building permits, local licensing, parking enforcement, planning and zoning regulation, street maintenance, mosquito control, water, sewer, and garbage collection and disposal. The Laramie Chamber of Commerce provides listings of hundreds of business located

¹ The television allotment priorities are to: (1) provide at least one television service to all parts of the United States, (2) provide each community with at least one television broadcast station; (3) provide a choice of at least two television services to all parts of the United States; (4) provide each community with at least two television broadcast stations; and (5) assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities. *Id.*

² Channels 4, 10- and 16 are currently allotted to Scottsbluff. The TV Table of Allotments lists Channel 4 in the hyphenated market of Hay Springs-Scottsbluff. However, the station operating on Channel 4, KDUH-TV, had its community of license changed to Scottsbluff effective February 2, 1982. *See Community Tele-Communications, Inc.*, 95 FCC 2d 239, 241 (1983).

in Laramie. The University of Wyoming has a campus in Laramie, and Ivinson Memorial Hospital is located in Laramie.

4. Channel 16 can be allotted to Laramie, Wyoming in compliance with the Commission's spacing rules. See Engineering Statement, Exhibit B. With respect to analog TV allotments, Channel 16 at Laramie would be short spaced only to vacant allotments at Craig (Channel 16+) and Cheyenne (Channel 17). EBC requests that those unused allotments be deleted, or in the alternative, not considered as an impediment to a Channel 16 allotment at Laramie. See *Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations. (Kansas City, Missouri)*, 14 FCC Rcd 3487, 3488 n.3 (1999).³

5. With respect to DTV allotments, Channel 16 at Laramie would be short-spaced to KUSA-DT. However, Longley-Rice interference studies demonstrate that the proposed facilities would meet the FCC's interference criteria to KUSA-DT. See Engineering Statement, Exhibit D.⁴ Similarly, all other digital television stations and Class A LPTV stations would be afforded protection. *Id.* There are no UHF land mobile assignments in the area.

6. The proposed facility would place an 80 dBu contour over 100 percent of the community of license. See Exhibit E. As discussed above, it would also place a Grade B signal over certain current "white" and "gray" areas, thus providing a first or second television reception service to 994 people. See Exhibit F. At the same time, the entire loss area would continue to be served by at least two reception services.

³ The modification requested by the petitioner in *Kansas City, MO* required a change in the coordinates of a vacant channel. However, the Commission held that because vacant analog allotments are considered deleted pursuant to the *Sixth Report and Order* in MM Docket No. 87-268, 12 FCC Rcd 14588, 14639 (1997), they will not be considered an impediment to the reallocation of an existing analog channel. See *Kansas City, MO*, 14 FCC Rcd 3487, 3488 n.3.

⁴ EBC would be willing to construct and operate KTUW as a digital facility if the Commission determines that the proffered protection to KUSA-DT is inadequate. As a digital allotment, Channel 16 at Laramie would meet the Commission's interference requirements with respect to KUSA-DT. See Exhibit A.

WHEREFORE, for the foregoing reasons, the Commission should delete Channel 16 at Scottsbluff, Nebraska, allot Channel 16 to Laramie, Wyoming, and modify the license of KTUW to specify operation on Channel 16 at Laramie. EBC hereby states that should the Commission approve the reallocation of Channel 16 from Scottsbluff, NE to Laramie, WY, it will file an application for Channel 16 at Laramie and if authorized, it will construct the facility.

Respectfully submitted,

EQUITY BROADCASTING CORPORATION

By: 

Mark N. Lipp
J. Thomas Nolan
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Washington, D.C. 20004
(202) 639-6500

Its Counsel

April 1, 2004

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ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of EQUITY BROADCASTING CORPORATION, permittee of KTUW(TV), Channel 16 in Scottsbluff, Nebraska, in support of its Petition for Rulemaking to change the station's city of license to Laramie, Wyoming. This change would create the first commercial television allotment in Laramie.

The use of Channel 16 in Laramie, at reference coordinates 41-18-41N, 105-35-26W, meets the FCC's mileage separation requirements to all analog full-power co-channel, adjacent-channel, and taboo-channel stations, authorizations and applications, as shown in Exhibit B. In addition, the new Laramie allotment will not interfere with any UHF land mobile assignments. As shown in Exhibit B, Laramie is within the co-channel spacing requirement to the authorized KTUW facility, a requirement for changes in city of license. It is important to note that implementation of this proposal requires the deletion of unused and unapplied-for NTSC allotments on Channel 16 in Craig, Colorado, and Channel 17 in Cheyenne, Wyoming.

Since the proposed Laramie allotment does not meet the FCC's spacing requirements to KUSA-DT, Channel 16 in Denver, Colorado, we then conducted Longley-Rice-based interference studies with regard to KUSA-DT, as well as to all potentially affected digital television stations and Class A low power television stations. These studies were based on the operation of a hypothetical Channel 16 facility in Laramie, the operating

EXHIBIT A

parameters of which are listed in Exhibit C. A description of the methodology used in the interference studies and the results of those analyses are provided in Exhibit D. They conclude that the hypothetical facility would meet the FCC's interference criteria to KUSA-DT, as well as to all other DTV and Class-A LPTV stations, authorizations and applications. Should the Commission determine that the Longley-Rice interference studies do not adequately address the short-spacing issue with regard to KUSA-DT, the proponent is prepared to operate KTUW as a digital facility. We have determined that a KTUW-DT facility could be specified that meets the Commission's interference Rules with respect to KUSA-DT.

Exhibit E is a map upon which the predicted service contours of the hypothetical facility are plotted. As shown, the station would place the requisite 80 dBu contour over the entirety of Laramie.

In support of the change in city of license for KTUW, we looked at other television stations providing service to the Scottsbluff and Laramie areas. The results of that study, provided in Exhibit F, indicate that the move to Laramie would provide a first or second service to 994 people in the Laramie area, and would not create any "white" or "gray" areas (underserved areas) in Scottsbluff. Therefore, the change in KTUW's city of license would serve the public interest in this regard.

EXHIBIT A

It is thus requested that the FCC delete analog Channel 16 in Scottsbluff, Nebraska, by changing Section 73.606(b) of its Table of [NTSC] Allotments, as follows:

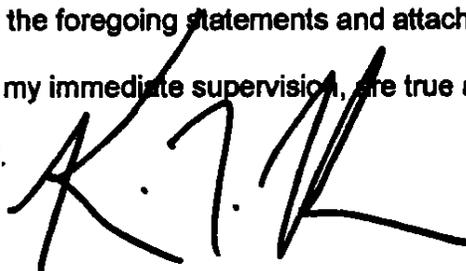
<u>Community</u>	<u>Present Allotments</u>	<u>Proposed Allotments</u>
Scottsbluff, Nebraska	10-, 16	10-

Further, we request that the Commission add Channel 16 in Laramie, Wyoming, to its Section 73.606(b) Table of [NTSC] Allotments, as follows:

<u>Community</u>	<u>Present Allotments</u>	<u>Proposed Allotments</u>
Laramie, Wyoming	*8+	*8+, 16

In addition, the petitioner requests the deletion of unused commercial television allotments on Channel 16 in Craig, Colorado, and Channel 17 in Cheyenne, Wyoming.

I declare, under penalty of perjury, that the foregoing statements and attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.



KEVIN T. FISHER

March 12, 2004

SMITH AND FISHER

EXHIBIT B

PROPOSED KTUW(TV)
CH. 16 - LARAMIE WY

REFERENCE
41 18 41 N
105 35 26 W

ZONE = 2C

DISPLAY DATES
DATA 03-06-04
SEARCH 03-12-04

..... Channel 16Z, 482 MHz

Call	Channel	Location	Dist	Azi	FCC	Margin
KTUW	CP 16Z	Scottsbluff	NE 158.40	67.6	> 280.80	-122.40
AL532	AL 16+	Craig	CO 186.99	242.3	> 280.80	-93.81
KUSA-D	CPM 16	Denver	CO 178.14	170.1	> 244.60	-66.46
KUSATV	ALD 16	DENVER	CO 178.22	170.2	> 244.60	-66.38
KUSA-D	ST 16	Denver	CO 181.42	163.5	> 244.60	-63.18
AL9404	AL 17Z	Cheyenne	WY 67.60	106.6	> 087.70	-20.10
KTFD-D	ST 15	Boulder	CO 153.40	167.9	<12.0 >106.0	47.40
KDVR	LI 31Z	Denver	CO 178.24	170.2	> 119.90	58.34
KTWOTV	ALD 17	CASPER	WY 169.58	339.1	<12.0 >106.0	63.58
KTWO-D	LI 17	Casper	WY 169.58	339.1	<12.0 >106.0	63.58
KTWO-D	ST 17	Casper	WY 169.83	339.8	<12.0 >106.0	63.83
KGWC-D	CPM 15	Casper	WY 169.83	339.8	<12.0 >106.0	63.83
KGWCTV	ALD 15	CASPER	WY 171.04	338.5	<12.0 >106.0	65.04
KMGH-D	CPM 17	Denver	CO 178.14	170.1	<12.0 >106.0	72.14
KMGHTV	ALD 17	DENVER	CO 178.21	170.2	<12.0 >106.0	72.21

HYPOTHETICAL OPERATING PARAMETERS

PROPOSED KTUW(TV) ALLOTMENT
CHANNEL 16 - LARAMIE, WYOMING

Channel Number: 16
Zone: 2
Site Coordinates: 41-17-17 N
105-26-42 W

Antenna Structure Registration Number: 1011587
Tower Site Elevation (AMSL): 2,688.6 meters
Overall Tower Height Above Ground: 53.9 meters
Overall Tower Height Above (AMSL): 2,742.5 meters
Effective Antenna Height Above Ground: 44 meters
Effective Antenna Height (AMSL): 2,733 meters
Average Terrain Elevation (2-10 miles): 2,486 meters
Effective Antenna Height Above
Average Terrain: 247 meters

Antenna

Make and Model: Andrew ATW15HS3-HSC2-16H
Orientation: 0° T
Electrical Beam Tilt: 0.75°
Polarization: Horizontal

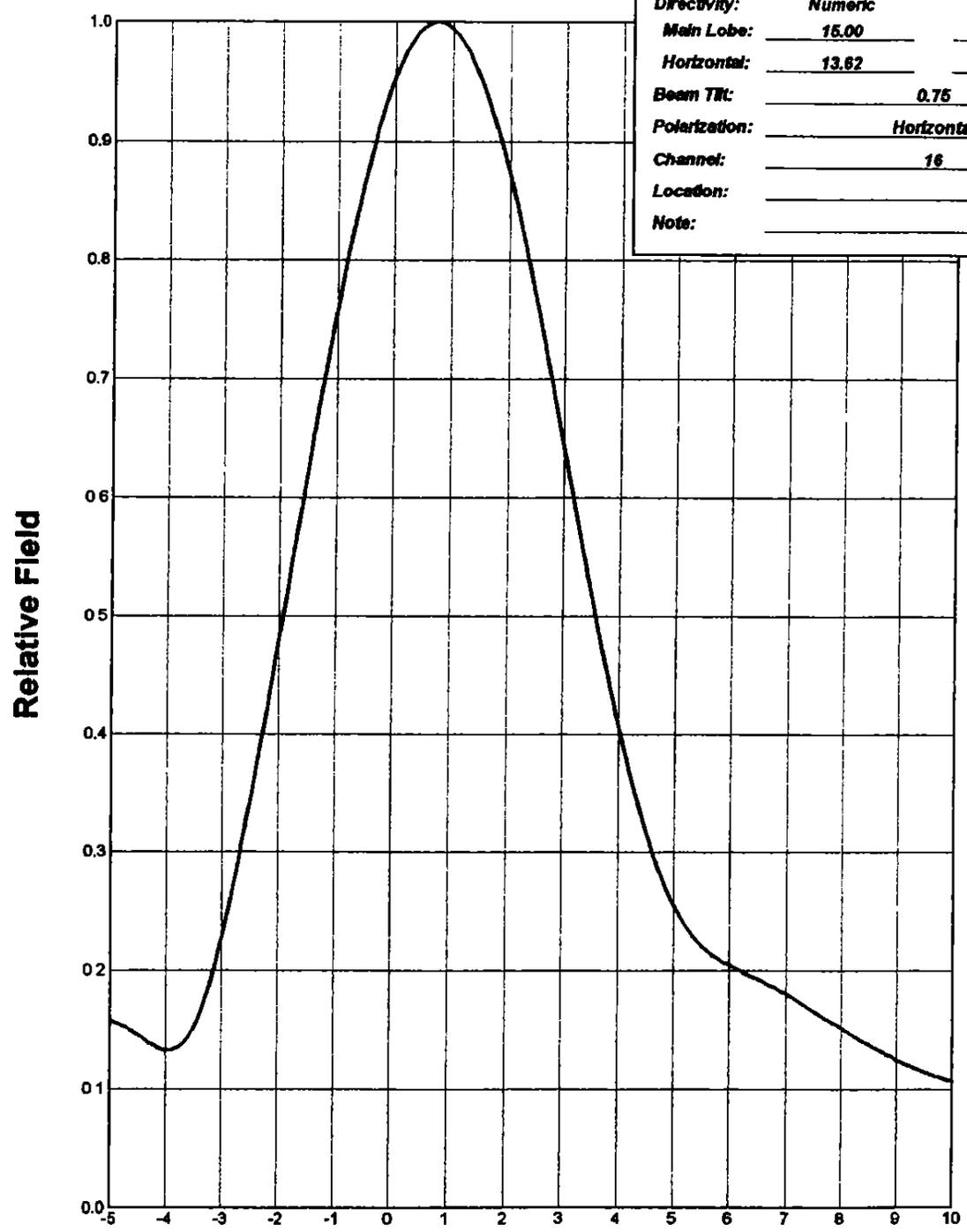
Effective Radiated Power
(main-lobe, maximum): 200 kw



ANDREW.

ELEVATION PATTERN

Type:	ATW15HS3H	
Directivity:	Numeric	dBd
Main Lobe:	15.00	11.76
Horizontal:	13.62	11.34
Beam Tilt:	0.75	
Polarization:	Horizontal	
Channel:	16	
Location:		
Note:		



ANDREW.

ANDREW CORPORATION
10500 W. 153rd Street
Orland Park, Illinois U.S.A 60462

EXHIBIT C-2

**ANTENNA ELEVATION PATTERN
(HYPOTHETICAL FACILITY)**

**PROPOSED KTUW(TV)
CHANNEL 16 - LARAMIE, WYOMING**

SMITH AND FISHER

EXHIBIT C-3

**ANTENNA AZIMUTH PATTERN
(HYPOTHETICAL FACILITY)**

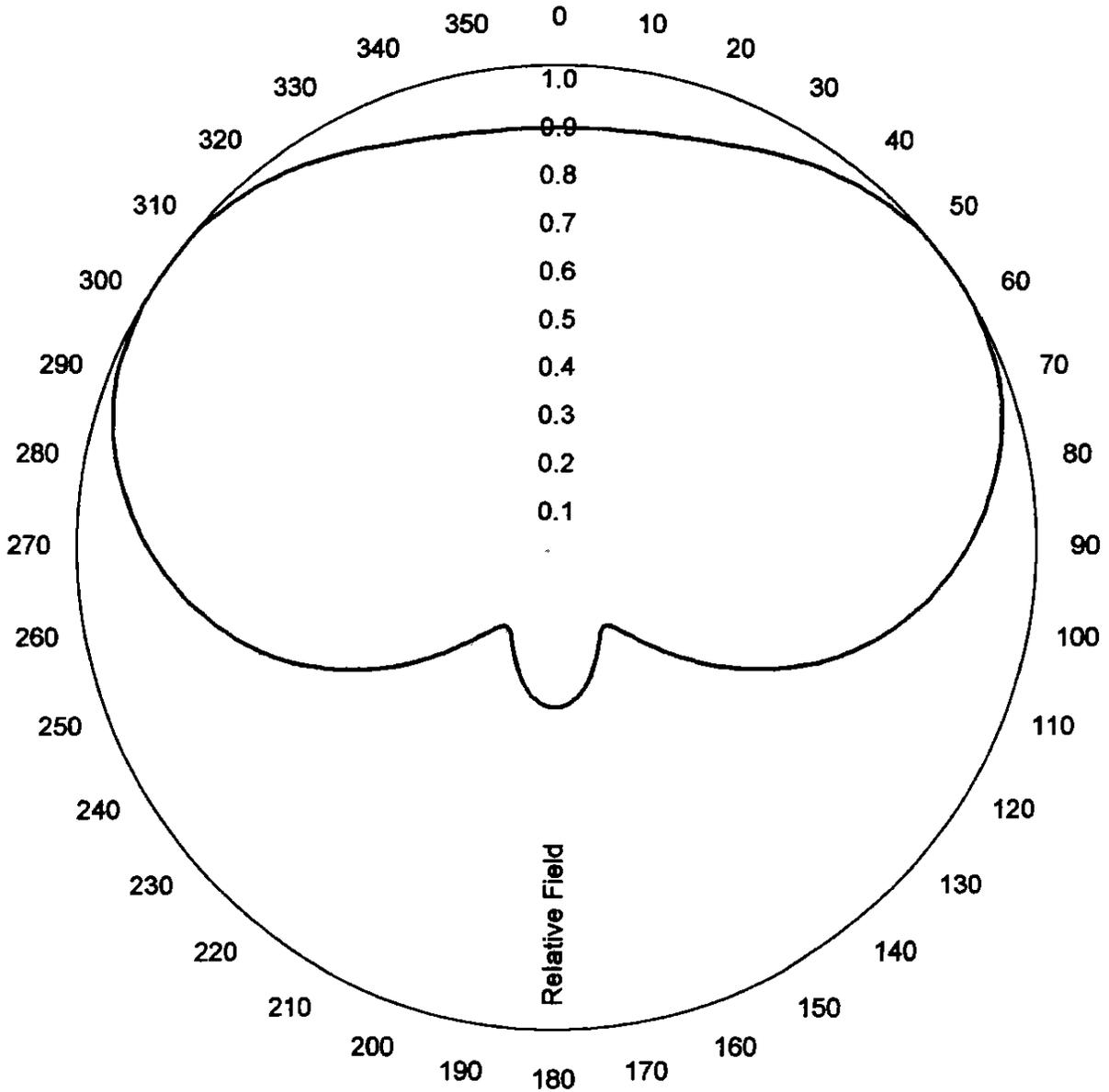
**PROPOSED KTUW(TV)
CHANNEL 16 - LARAMIE, WYOMING**

SMITH AND FISHER



**ANDREW.
AZIMUTH PATTERN**

Type:	ATW-C2	
	Numeric	dBd
Directivity:	1.80	2.55
Peak(s) at:		
Polarization:	Horizontal	
Channel:	16	
Location:		
Note:		



ANDREW CORPORATION
10500 W. 153rd Street
Orland Park, Illinois U.S.A 60462



ANDREW.

**AZIMUTH PATTERN
FCC FILING FORMAT**

Type: ATW-C2
Polarization: Horizontal

Angle	Field	ERP (kW)	ERP (dBk)
0	0.869	151.031	21.791
10	0.874	152.774	21.840
20	0.895	160.203	22.047
30	0.935	174.843	22.426
40	0.974	189.733	22.781
50	0.998	199.199	22.993
60	0.999	199.598	23.002
70	0.979	191.686	22.826
80	0.929	172.606	22.371
90	0.856	146.546	21.660
100	0.763	116.433	20.661
110	0.651	84.759	19.282
120	0.516	53.251	17.263
130	0.377	28.425	14.537
140	0.249	12.400	10.934
160	0.197	7.762	8.900
180	0.246	12.103	10.829
170	0.310	19.220	12.837
180	0.336	22.579	13.537
190	0.310	19.220	12.837
200	0.246	12.103	10.829
210	0.197	7.762	8.900
220	0.249	12.400	10.934
230	0.377	28.425	14.537
240	0.516	53.251	17.263
250	0.651	84.759	19.282
260	0.763	116.433	20.661
270	0.856	146.546	21.660
280	0.929	172.606	22.371
290	0.979	191.686	22.826
300	0.999	199.598	23.002
310	0.998	199.199	22.993
320	0.974	189.733	22.781
330	0.935	174.843	22.426
340	0.895	160.203	22.047
360	0.874	152.774	21.840



ANDREW CORPORATION
10500 W. 153rd Street
Orland Park, Illinois U.S.A 60442

EXHIBIT C-4

**HORIZONTAL RELATIVE FIELD PATTERN
(HYPOTHETICAL FACILITY)**

**PROPOSED KTUW(TV)
CHANNEL 16 - LARAMIE, WYOMING**

SMITH AND FISHER

INTERFERENCE STUDY

PROPOSED KTUW(TV) ALLOTMENT
CHANNEL 16 – LARAMIE, WYOMING

An interference study was conducted using the operating parameters of the facility described in Exhibit C to determine if it meets the FCC's interference requirements to digital television (DTV) stations and Class A low power television (LPTV) facilities. Specifically, the proposed Laramie facility may not cause 0.5 percent interference to the service population of any DTV or Class-A LPTV facility.

The service area of a DTV station is defined as that which is calculated using the Longley-Rice propagation model to receive a signal of 41 db μ or greater and lies within the predicted 41 db μ contour of the station using the FCC's (50, 90) propagation curves, the station's effective radiated power, and the antenna's height above the 2-10 mile terrain averages along each radial. A Class-A LPTV station's 74 dBu signal and its 74 dBu protected contour (F, 50, 50) are similarly applied.

In evaluating the interference effect of this proposal, we have relied upon the V-Soft Communications "Probe" computer program, a Longley-Rice based algorithm which has been found generally to mimic the FCC's OET Bulletin No. 69 software. Changes in interference caused by the proposed Laramie allotment facility to other pertinent stations are tabulated in Exhibit D-2.

As indicated, the proposed allotment contributes less than 0.5 percent interference to the service population of all potentially affected DTV and Class-A LPTV stations.

Therefore, this proposal meets the Commission's interference standards for new NTSC allotments.

INTERFERENCE SUMMARY

PROPOSED KTUW(TV) ALLTOMENT
CHANNEL 16 – LARAMIE, WYOMING

<u>Call Sign</u>	<u>Status</u>	<u>City, State</u>	<u>Ch.</u>	<u>Longley-Rice Service Population</u>	<u>Unmasked Interference From Proposed Facility</u>	<u>%</u>
KUSA-DT BMPCDT-20000501ADN	CP	Denver, CO	16	2,257,069	5,266	0.2
KUSA-DT BDSTA-20020926ACZ	STA	Denver, CO	16	1,872,250	1,510	<0.1
KUSA-DT	Allot.	Denver, CO	16	2,243,608	3,477	0.2
KFNE-DT BPCDT-20000110AAF	CP	Riverton, WY	16	48,009	34	<0.1
KFNE-DT BDSTA-200212ABC	STA	Riverton, WY	16	43,923	0	0
KFNE-DT	Allot.	Riverton, WY	16	48,554	34	<0.1
KPNE-DT	Allot.	North Platte, NE	16	65,833	0	0
KPAH-CA BMPTTL-20020806AAJ	Appl.	Laramie, WY	24	28,323	0	0
KPAH-CA BLTTA-20030519ACB	Lic.	Laramie, WY	24	28,323	0	0

Smith and Fisher

Wheatland

Medicine Bow

GRADE B

Rock River

GRADE A

Chugwater

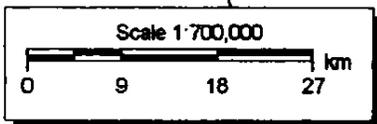
Albany

CITY-GRADE

Laramie Proposed Site

Cheyenne

en



La

EXHIBIT E

**PREDICTED SERVICE CONTOURS
(HYPOTHETICAL FACILITY)**

**PROPOSED KTUW(TV)
CHANNEL 16 - LARAMIE, WYOMING**

SMITH AND FISHER

Fort Collins

April

EXHIBIT F-1

STUDY OF OTHER TELEVISION SERVICES
IN SCOTTSBLUFF AND LARAMIE

PROPOSED KTUW(TV) ALLOTMENT
CHANNEL 16 – LARAMIE, WYOMING

We have studied the gain and loss of KTUW(TV) service areas to the communities of Laramie and Scottsbluff, respectively, with regard to other television services in these areas.

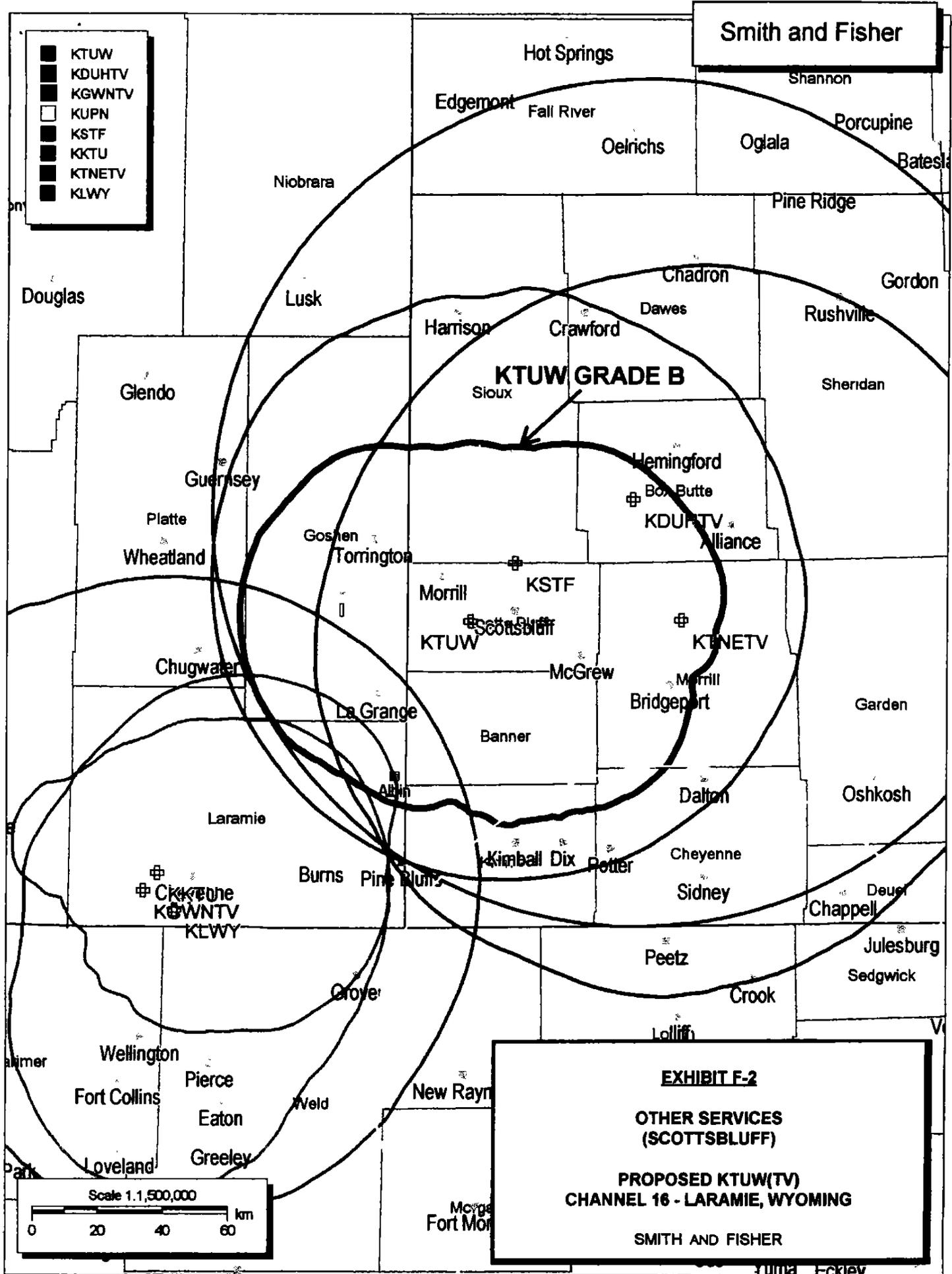
Exhibit F-2 is a map upon which the Grade B contour of authorized KTUW in Scottsbluff is plotted along with the contours of other stations in the market. The Commission defines "white" areas as those which lie within the Grade B contour of no authorized television station. "Gray" areas are those that lie within the Grade B contour of only one television service. From this map, it is clear that all of the area served by KTUW in Scottsbluff is located entirely within the contours of KSTF(TV) and KDUH-TV. Therefore, no white or gray areas would be created by the removal of KTUW from the Scottsbluff market.

Exhibit F-3 is a map upon which the hypothetical KTUW facility in Laramie is plotted. To this map, we have added the Grade B contours of other television stations in the area. As shown, the new KTUW facility would serve a small amount of area that presently lies within no Grade B service contour (white area), and a larger area that presently lies within the Grade B contour of only one station (gray area). The following tabulation summarizes these findings:

<u>KTUW(TV) Location</u>	<u>White Area (sq. km.)</u>	<u>Pop.</u>	<u>Gray Area (sq. km.)</u>	<u>Pop.</u>	<u>Total Area (sq. km.)</u>	<u>Total Pop.</u>
Scottsbluff	0	0	0	0	13,639	55,926
Laramie	26	0	3,182	994	9,214	58,682

EXHIBIT F-1

Accordingly, with the move to Laramie, KTUW can place a Grade B signal over a significant amount of underserved area, without causing white or gray area to be formed by its removal from the Scottsbluff market.



- Proposed Laramie Allot.
- KWYP-TV
- KGWN-TV
- KLWY
- KFCT
- KKTU

- WHITE AREA
- GRAY AREA

EXHIBIT F-3
OTHER SERVICES
(LARAMIE)
PROPOSED KTUW(TV)
CHANNEL 16 - LARAMIE, WYOMING
SMITH AND FISHER

Carbon

WHITE AREA

Albany

Laramie

KWYP-TV
 Proposed Laramie Allot.

Laramie

KGWN-TV

KKTU

Choyenne

KLWY

Jackson

Larmer

Fort Collins

KFCT

Weid

