AKIN GUMP
STRAUSS HAUER & FELD LLP
Attorneys at Law

TOM W. DAVIDSON
202.887.4011/fax: 2023887.7719
tdavidson@akingump.com

July 1, 2005

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (MB Docket No. 03-15)
Waiver of July 1, 2005 Digital Replication Deadline
KABC-TV, Los Angeles, California, Facility ID No. 282

Dear Ms. Dortch:

ABC Holding Company, Inc. ("ABC Holding"), the licensee of KABC-TV and KABC-DT, Los Angeles, California, Facility ID No. 282, by its attorneys, hereby submits this request for a waiver and six month extension of the July 1, 2005 deadline by which a station licensee affiliated with a top-four network in a top-100 market must replicate or lose interference protection ("Replication Deadline").[1] As further set forth herein, KABC-DT cannot fully replicate because: (i) its digital antenna is side-mounted below its top-mounted analog antenna; and (ii) it will use its current analog antenna as its digital antenna post transition. For these and other reasons set forth herein, ABC Holding submits that grant of a waiver and extension would be in the public interest.

In a June 15, 2005 Public Notice, the Federal Communications Commission ("Commission") stated five factors that stations like KABC-DT should address in their requests for waivers and extensions.[2] Each of these factors is addressed in turn below.

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[1] *See* Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *Order*, 19 FCC Rcd 18,279 (rel. Sept. 7, 2004) ("*Second Periodic Review Order*").

[2] *See* DTV Channel Election Issues – Compliance with the July 1, 2005 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline, DA 05-1636, *Public Notice*, at 3 (rel. June 15, 2005).

(1) How close to full replication/ maximization the station will be as of the deadline;

KABC-DT has elected to use its current NTSC channel 7 as its post-transition DTV channel.[3] The Commission tentatively assigned channel 7 to KABC-DT in its June 23, 2005 public notice.[4] In its *Second Periodic Review Order*, the Commission stated that "licensees that receive a tentative DTV channel designation on a channel that is not their current DTV channel must serve at least 100 percent of the number of viewers served by the 1997 facility on which their replication coverage was based."[5] According to the Commission table designated for use in replication calculations, the population served by KABC-DT's initial DTV allotment is 14,703,770.[6] As shown in the attached Engineering Statement, KABC's licensed DTV facility serves 14,472,769 persons.[7] Thus, KABC's replication percentage is 98.43%.

(2) The reason the station is unable to fully comply;

KABC-DT is unable to fully comply with the 100% replication standard at this time because of the current position of its antenna. In order to attempt to replicate, ABC Holding would need to both change its antenna type and mount the new KABC-DT antenna near the top of its tower mast; however, this is not possible because all tower mast positions are occupied, primarily by the KABC-TV antennas.[8] As a result, ABC Holding had to side-mount KABC-DT's antenna on the tower's lower and wider base. Unfortunately, the width of the tower at this base position partially impedes KABC-DT's signal, and thus reduces the number of viewers that KABC-DT can reach.[9] The tower does not similarly impede the signal of KABC-TV because the KABC-TV antennas are attached to a narrower mast extending from the tower's base,

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[3] KABC's original DTV channel 53 was out-of-core.

[4] DTV Tentative Channel Designations for 1,554 Stations Participating in the First Round of DTV Channel Elections, DA 05-1743, *Public Notice* (rel. June 23, 2005)

[5] *Second Periodic Review Order* at ¶ 3.

[6] *See* Table II of 1998 Station NTSC and DTV Replication Information, at 5 (rel. Dec. 21, 2004).

[7] *See* Engineering Statement (attached hereto as Exhibit A).

[8] KABC-TV currently has both a visual and aural antenna.

[9] The position of the KABC-DT antenna also precludes many possible modifications to the antenna that could be made if the antenna was positioned on the narrower tower mast.

approximately 130 feet above the KABC-DT side-mounted antenna. In sum, KABC-DT is not able to replicate because: (i) the large size of the tower at lower levels where the KABC-DT antenna is mounted causes signal blockage; and (ii) KABC-DT cannot move its antenna to a higher mast section of the tower to avoid these signal blockage problems. Thus, the fact that its antenna must be side-mounted is one reason that KABC-DT is unable to fully replicate at this time.

Another reason why KABC-DT cannot modify its operations to fully replicate at this time is that it will use its current NTSC antenna as its DTV antenna post-transition. Specifically, because KABC elected to use its current NTSC channel as its post-transition DTV channel, it will be able to use the current KABC-TV antenna as its antenna for KABC-DT. However, KABC-DT must wait until KABC-TV ceases operation before it can assume use of the KABC-TV antenna. Therefore, another reason that KABC-DT cannot fully replicate KABC-TV at this time is because KABC-DT needs to use the same antenna currently being used by KABC-TV in order to do so.

(3) The cost to the station and the impact on viewers if the station were required to fully comply;

ABC Holding believes that it currently is impossible for it to comply with the 100% replication standard using KABC-DT's current DTV antenna and still maintain current levels of service to its analog viewers. In order to attempt to fully replicate at this time, KABC-DT first would have to switch the positions of its analog and DTV antennas. Even if physically possible, however, this switch likely would not result in full replication and would result in a loss of service to analog viewers, who far outnumber digital viewers at this time. ABC Holding also examined possible ways to increase KABC-DT's coverage, aside from a switch of antenna positions. However, these studies found no viable solution. The only potential solution identified, which would require adding new radiating elements to the backside of the existing DTV antenna and increasing KABC-DT's power three-fold, still would require moving the KABC-DT antenna to the tower mast, which currently is not possible.[10] In sum, ABC Holding does not believe that it currently could replicate by moving its side-mounted antenna to a higher position or by any other modifications to its side-mounted operations.

[10] The projected cost of these modifications would exceed $2.5 million plus the associated increase in monthly power costs.

(4) Whether the station will be able to modify its operation to fully comply after analog operation terminates (*e.g.*, relocate their DTV antenna to the top of the tower); and

ABC Holding will be able to modify its operations to fully comply after analog operation terminates. Replication will be accomplished by KABC-DT's eventual use of the current KABC-TV antenna and installation of a digital-capable transmitter.[11] The antenna will remain top-mounted on the tower, and thus will not face the problems currently affecting the side-mounted KABC-DT antenna. From this position, the KABC-TV antenna has proven quite capable of serving the station's analog viewers and will continue to capably serve these viewers as the antenna for KABC-DT.[12]

(5) Any other relevant factors.

KABC-DT, an early adopter of DTV, has been on the air with a full-power DTV signal since November 1998. KABC-DT is committed to fully replicating but is unable to do so at this time due to its side-mounted antenna and its need to use its current NTSC antenna as its DTV antenna post-transition. As demonstrated above, KABC-DT will be able to fully replicate using its current NTSC antenna. For these and other reasons set forth herein, ABC Holding submits that grant of the instant waiver request is in the public interest.

Please direct any questions or inquiries regarding this matter to the undersigned.

Respectfully submitted,

/s/

Tom W. Davidson, Esq.

cc: Shaun Maher, Esq. (via e-mail)

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[11] Installation of this dual digital/analog transmitter is scheduled to be complete by year-end 2005.

[12] In fact, the channel 7 antenna that KABC-DT will use to replicate is the very same antenna on which the station's replication pattern is based.

EXHIBIT A

ENGINEERING STATEMENT

CARL T. JONES
CORPORATION

ENGINEERING STATEMENT
OF ALFRED E. RESNICK

CALCULATION OF
PERCENTAGE OF REPLICATION
ON BEHALF OF THE
ABC OWNED TELEVISION STATIONS

I am a consulting engineer, an employee of the Carl. T. Jones Corporation, with offices in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission. I am a Registered Professional Engineer in the Commonwealth of Pennsylvania, Registration Number PE-027589E.

The ABC Owned Television Station Group has authorized this office to calculate the percentage of replication of service as required by the Commission on July 1, 2005. For each station studied, the FCC database was used to obtain the operating parameters of presently licensed facilities. These licensed facilities parameters were entered into a data input file and the FCC program TV_Process was then used to calculate the population receiving service, based on year 2000 US Census data.

The FCC Public Notice of December 21, 2004 instructed those desiring to calculate the percentage replication to use 'the attached Table II' as the basis for determining compliance with the Commission's 100 percent replication requirements discussed in paragraphs 78 through 87 of the Second DTV

Periodic Review Report and Order, released September 7, 2004 (19FCC Rcd 18,279)("Order").

The numbers that were taken from the December 21, 2004 Table II as instructed above, are shown in Figure 1. Figure 1 contains the call signs of the stations studied, and its Initial Allotment Facilities, and the population receiving service from this facility, and additionally shows the parameters of the licensed operation or those parameters that are contained in a pending application for license for the same station.

The last entry in the Table of the attached Figure 1 is the percentage of replication, determined by dividing the population served (within the noise limited contour not affected by terrain) by the population from the December 21, 2004 Table II DTV population entry (the digital replication facility population was used in order to precisely follow the informal instructions provided by FCC OET staff), and the resulting quotient, expressed as a percentage. This percentage value, was shown in the extreme right column.

Several entries in the December 21, 2004 Table II may contain typographical errors. One entry is the subject of its own statement. Others may be found that do not appear to be proper without consideration of the proper antenna patterns.

In each case studied where presently licensed facilities were the subject, a TV_Process input file was checked to determine the contents of the input data for the Initial Allotment parameters as well as the licensed parameters. In two cases

in particular, the replication antenna pattern and licensed antenna pattern were checked to determine if they were correctly represented. No changes were required to either licensed or replication antenna patterns.

The results of the calculations are contained in Figure 1, which is a tabulation of the DTV channel Number, the representation of the Initial Allotment Facilities from Table II, and the associated population count that would receive service from such a facility. The licensed facilities are shown next, with an FCC File Number and an abbreviated description of the facilities for reference, and the population that is predicted to receive service from this facility is shown in a manner to be easily associated with its facility.

The arithmetic was performed and the answer which was obtained by dividing the number of persons that are predicted to receive service from the presently operating facility by the number of persons predicted to receive service from the Initial Allotment as shown in the December 21, 2004 Table II, is shown as a percentage. From this table, one can determine, strictly based on the population numbers contained in Table II, whether the replication percentage is met or not.

Conclusion

A Table of Replication Percentages has been constructed. From this Table, which is attached as Figure 1, the Replication Percentages of the facilities in the table can be determined. These Percentages are believed to be correctly

obtained, following the instructions of the Commission's staff, the Public Notice of December 21, 2004 (DA 04-3922), the public Notice of June 15, 2005 (DA 05-1636), and through use of the Commission's TV_Process program.

This statement and the population numbers it contains were obtained directly by me or under my immediate supervision. The TV_Process runs and input data file construction were performed by Mr. Zar B. Aung (EIT). I verily believe the results shown herein to be true and correct.

Dated: July 1, 2005

Alfred E. Resnick, P. E.

Figure 1
July 2005

Channel	Facility	Table II Population	Existing Facility Population	Replication (%)
45	WABC-DT TABLE II (164 kW @ 491 m HAAT) WABC-DT BXPCDT-20040803ACD (219 kW @ 397 m HAAT)	19346711	19219970	99.34
53	KABC-DT TABLE II (456 kW @ 978 m HAAT) KABC-DT BLCDT-19981112KF (182 kW @ 924 m HAAT)	14703770	14472769	98.43
52	WLS-DT TABLE II (154 kW @ 515 m HAAT) WLS-DT BLCDT-20010109AAV (153.6 kW @ 514 m HAAT)	9388346	9388159	100.00
64	WPVI-DT TABLE II (1000 kW @ 332 m HAAT) WPVI-DT BLCDT-19981112KE (500 kW @ 390 m HAAT)	9907662	9072936	91.57
24	KGO-DT TABLE II (621 kW @ 509 m HAAT) KGO-DT BLCDT-19981216KF (561 kW @ 437 m HAAT)	6138724	6460542	105.24
32	KTRK-DT TABLE II (797 kW @ 588 m HAAT) KTRK-DT BLCDT-20000215AAP (796.8 kW @ 562 m HAAT)	4847945	4795562	98.92
52	WTVD-DT TABLE II (1000 kW @ 607 m HAAT) WTVD-DT BLCDT-19991117ABU (1000 kW @ 599 m HAAT)	2874074	2945440	102.48
09	KFSN-DT TABLE II (8.7 kW @ 614 m HAAT) KFSN-DT BLCDT-20010531ACX (8.7 kW @ 614 m HAAT)	1357550	1444030	106.37
36	WJRT-DT TABLE II (1000 kW @ 287 m HAAT) WJRT-DT BLCDT-20020429AAZ (860 kW @ 248 m HAAT)	2077486	2013105	96.90
19	WTVG-DT TABLE II (559 kW @ 305 m HAAT) WTVG-DT BLCDT-20040225ABA (795 kW @ 221.5 m HAAT)	2520993	2063181	81.84