

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Second Periodic Review of the	)	MB Docket No. 03-15
Commission's Rules and Policies	)	
Affecting the Conversion	)	
to Digital Television	)	
	)	
Negotiated Channel Arrangement	)	
	)	
Station KFTY, Santa Rosa, CA	)	FCC File No. 20051028ACZ
Station KRON-TV, San Francisco, CA	)	FCC File No. 20051031AAW
Station KTFK-TV, Stockton, CA	)	FCC File No. 20051031ADV
Station KTVU(TV), Oakland, CA	)	FCC File No. 20051031ABN
Station KTNC-TV, Concord, CA	)	FCC File No. 20051031ABG
Station KVIE(TV), Sacramento, CA	)	FCC File No. 20051020AAA

To: The Commission

Attn: Marlene Dortch, Secretary  
Federal Communications Commission

**COMMENTS OF THE NORTHERN CALIFORNIA EDUCATIONAL  
TELEVISION ASSOCIATION**

The Northern California Educational Television Association (Association), through its attorneys, hereby files its Comments in the above-referenced proceeding in response to the Commission's Public Notice, "Second Round DTV Channel Election Issues – Proposed Negotiated Channel Arrangements and Procedures for Filing Associated Pleadings," DA 05-3031, released November 23, 2005 (Public Notice). In particular, the Association opposes the above-referenced Negotiated Channel Arrangement (NCA) insofar as it proposes allotment of DTV Channel 9 to KVIE, Inc.

(KVIE), licensee of noncommercial educational television Station KVIE, Sacramento, California.

The Association is the licensee of noncommercial educational television Station KIXE-TV, Channel 9, Redding, California. It elected its analog channel as its permanent DTV channel in the first round election (FCC File No. BFREET-20050208AAI). By letter dated June 7, 2005, the FCC notified the Association that its proposed election would result in a slight degree (0.2%, or 0.1% over the FCC's threshold) of predicted interference to Station KUNO, Channel 8, Fort Bragg, California, licensed to Concord License, LLC (Concord). On August 2, 2005, the Association entered into a Conflict Resolution Agreement with Concord under which Concord inter alia agreed to the Association's proposed operation on DTV Channel 9 in light of Concord's determination "through an engineering study that in view of intervening terrain no interference is likely to occur to reception of its signal. . . ." This agreement was filed with the Commission on August 11, 2005 together with the Association's Digital Channel Election Form First Round Conflict Decision (FCC Form 383). The proposal has "tendered for filing" status, and approval of the CRA appears entirely routine.

Review of KVIE's proposal reveals that it will cause objectionable interference to KIXE-DT on the order of 1.12%, well in excess of that permitted by the rules (see the attached OET Channel Election Interference Study). The Association will not accept this substantial incursion into its authorized service area. In this regard, the Association has obtained a copy of the NCA from KVIE and notes that each of the parties thereto agrees to the channel election scheme therein only "so long as the predicted interference from the elected facilities is caused to no greater than 0.1% of the service

area population of the elected facilities of the other Parties.” See NCA, para. 7.

Moreover, it appears that all of the parties’ DTV channel elections other than that of KVIE may be approved notwithstanding the rejection of KVIE’s election of Channel 9, and that KVIE may be allotted Channel 6 for DTV operations consistent with the FCC’s rules. Under these circumstances, there is no reason at all why the non-party Association should be required to accept a level of interference of any kind, let alone a level more than ten times greater than that which the parties to the NCA are willing to accept from each other.

**WHEREFORE**, for the foregoing reasons, the Association respectfully urges the Commission to disapprove the election of Channel 9 by KVIE for Station KVIE-DT, Sacramento, California.

**NORTHERN CALIFORNIA EDUCATIONAL  
TELEVISION ASSOCIATION**

By:   
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Its Attorneys  
December 7, 2005

**Station KVIE-DT • as DTV Channel 9 • Sacramento, California**

**OET-69 Channel Election Interference Study  
Replicating KIXE-TV, N09, Licensed Facilities**

OET-69 Interference Analysis, 2000 Census  
tvstudy v3.2.3

Channel-election conflict study, in-core only, DTV protection only

This interference study is based on 1.00 x 1.00 kilometer cells and terrain profiles with 10.0 points per kilometer. FCC processing using these finer-resolution parameters is hereby requested, pursuant to the Commission's August 10, 1998, Public Notice, "Additional Applications Processing Guidelines for DTV."

Before case parameters:  
(same as original below)

After case parameters:

	--Modified-----	--Original-----
Station:	D09 KVIE LIC	N06z KVIE LIC
City:	SACRAMENTO, CA	SACRAMENTO, CA
Facility ID:	35855	35855
Coordinates:	N 38-16-18.0	N 38-16-18.0
	W 121-30-22.0	W 121-30-22.0
Height AMSL:	553.0 m	553.0 m
Maximum ERP:	40.0 kW	100 kW
Azimuth pattern:	omnidirectional	omnidirectional
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	36.0 dBu	47.0 dBu

Warning - some records had missing or bad data:

N09nL K09MG LIC Below-ground AGL height, adjusted to 2m AGL

Protected station	Base Pop	Before		After		%Chng
		IX Change	%Base	IX Change	%Base	
D08 KSBW LIC* SALINAS, CA	2,790,689	-43,679	-1.6	-43,679	-1.6	0.00
D09 KIXE-TV LIC* REDDING, CA	375,579	-154	-0.0	4,047	1.1	1.12
D09 KOLO-TV GNT RENO, NV	660,580	-48,848	-7.4	-48,837	-7.4	0.00
D09 KOLO-TV LIC RENO, NV	660,580	-48,848	-7.4	-48,837	-7.4	0.00
D10 KSBW GNT SALINAS, CA	2,592,985	-50,047	-1.9	-50,047	-1.9	0.00
N08-A KBTW-CA LIC SACRAMENTO, CA	601,486	0	0.0	0	0.0	0.00
N09-A K09UF CP MORRO BAY, CA	171,287	0	0.0	0	0.0	0.00

\* Record parameters modified

[Continued on attached page]



## Station KVIE-DT • as DTV Channel 9 • Sacramento, California

### OET-69 Channel Election Interference Study Replicating KIXE-TV, N09, Licensed Facilities

Modified record parameters:

--Modified-----	--Original-----
Station: D09 KIXE-TV LIC	N09z KIXE-TV LIC
City: REDDING, CA	REDDING, CA
Facility ID: 47285	47285
Coordinates: N 40-36-09.0	N 40-36-09.0
W 122-39-01.0	W 122-39-01.0
Height AMSL: 1910.0 m	1910.0 m
Maximum ERP: 9.78 kW	115 kW
Azimuth pattern: replication	omnidirectional
Orientation: 0.0	
Elevation pattern: OET-69 generic	OET-69 generic
Service level: 36.0 dBu	56.0 dBu

Modified record parameters:

--Modified-----	--Original-----
Station: D30 KFSN-TV LIC	D09 KFSN-TV LIC
City: FRESNO, CA	FRESNO, CA
Facility ID: 8620	8620
Coordinates: N 37-04-37.0	N 37-04-37.0
W 119-26-01.0	W 119-26-01.0
Height AMSL: 1439.9 m	1439.9 m
Maximum ERP: 8.70 kW	8.70 kW
Azimuth pattern: DIE-THA-C2-1/2C-1-R	DIE-THA-C2-1/2C-1-R
Orientation: 0.0	0.0
Elevation pattern: OET-69 generic	OET-69 generic
Service level: 40.3 dBu	36.0 dBu

Modified record parameters:

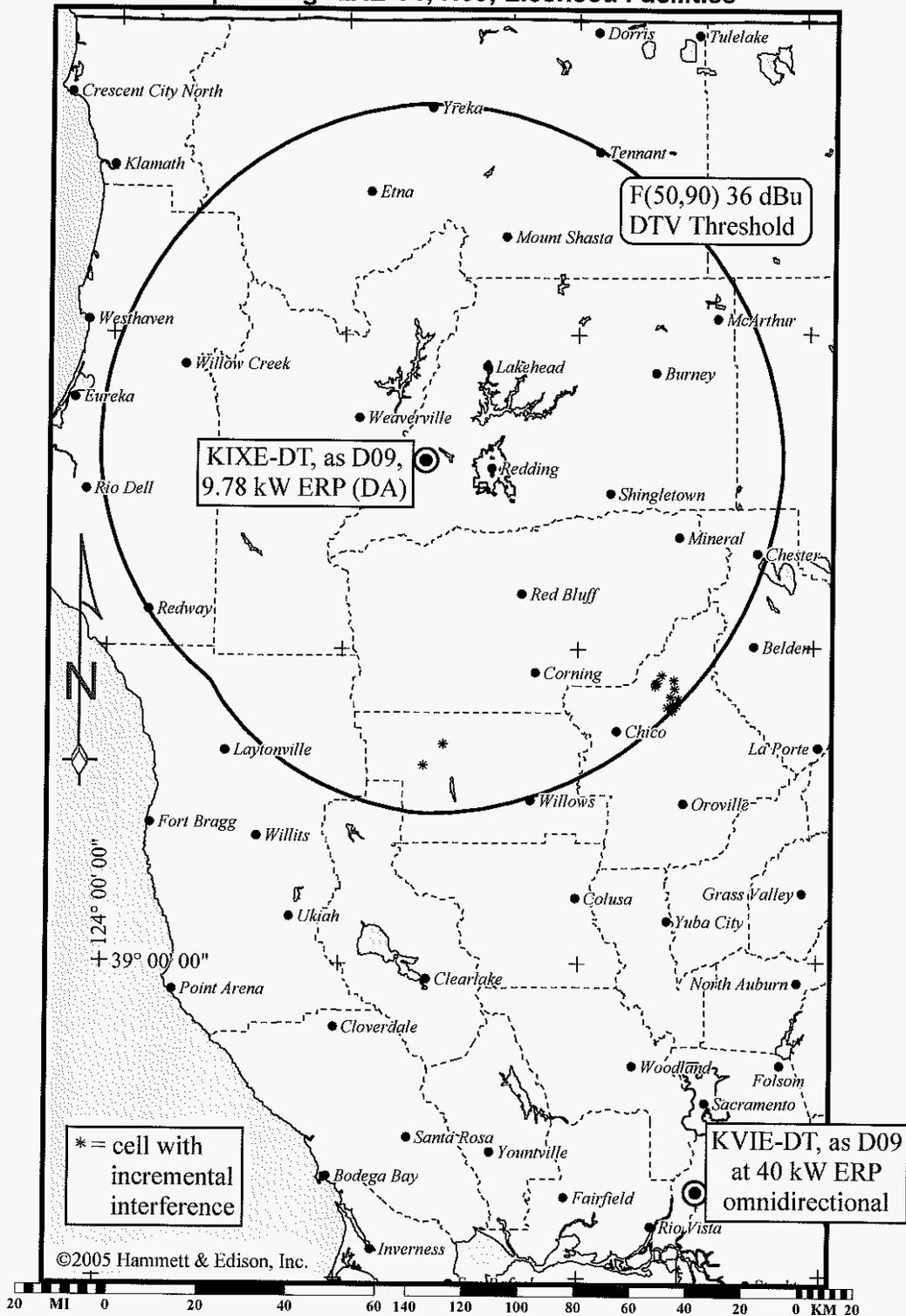
--Modified-----	--Original-----
Station: D08 KSBW LIC	D10 KSBW LIC
City: SALINAS, CA	SALINAS, CA
Facility ID: 19653	19653
Coordinates: N 36-45-23.0	N 36-45-23.0
W 121-30-05.0	W 121-30-05.0
Height AMSL: 1034.0 m	1034.0 m
Maximum ERP: 21.4 kW	21.4 kW
Azimuth pattern: DIE-THA-SP4-4H/16H-1-R	DIE-THA-SP4-4H/16H-1-R
Orientation: 0.0	0.0
Elevation pattern: OET-69 generic	OET-69 generic
Service level: 36.0 dBu	36.0 dBu

Note: The results of the OET-69 algorithm are dependent on the use of computer databases and complex software algorithms, which may vary between computer platforms and installations. Also, while Hammett & Edison, Inc. endeavors to follow official releases and established precedents on the matter, FCC policy on DTV analysis methods changes from time to time. Thus, the results of OET-69 interference and coverage studies are subject to change and may differ from FCC results.



Station KVIE-DT • as DTV Channel 9 • Sacramento, California

OET-69 Channel Election Interference Study  
Replicating KIXE-TV, N09, Licensed Facilities



Albers equal area map projection. Map data taken from Sectional Aeronautical Charts, published by the National Ocean Survey. Geographic coordinate marks shown at 60-minute increments. City limits shown taken from 2000 U.S. Census Bureau TIGER data.

## CERTIFICATE OF SERVICE

I, Mary Kay McMahon, Secretary in the law offices of Schwartz, Woods & Miller, do hereby certify that I have on this 7<sup>th</sup> day of December, 2005, sent by United States Express mail, postage prepaid, copies of the foregoing **COMMENTS OF THE NORTHERN CALIFORNIA EDUCATIONAL TELEVISION ASSOCIATION** to:

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\*By Hand