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July 2, 2006

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: MB Docket No. 03-15
Request for Waiver of July 1, 2006 Replication/Maximization
Interference Protection Deadline
Noncommercial Educational Television Station KRCB-DT,
Channel 23, Cotati, California
Facility ID No. 57945

Dear Ms. Dortch:

Pursuant to the Commission's Public Notice, DA 06-1255 (released June 14, 2006), and on behalf of Rural California Broadcasting Corporation (*RCBC*), the licensee of Noncommercial Educational Television Station KRCB(TV), Channel 22, Cotati, California, and Noncommercial Educational Digital Television Station KRCB-DT, Channel 23, Cotati, California, Facility ID No. 57945, I hereby request a waiver of the July 1, 2006 deadline for the construction and operation of digital facilities sufficient to allow RCBC to retain full interference protection within its certified service area.

As an NCE Television Station licensee, pursuant to Paragraph 78 of the Second DTV Periodic Review Report and Order, 19 FCC Rcd 18279 (2004), RCBC faces a July 1, 2006 "use it or lose it" deadline by which RCBC must, absent a waiver, construct and to place into operation the full, authorized DTV facilities that were the subject of RCBC's FCC Form 381 Digital Channel Election Pre-Election Certification Form, FCC File No. BCERET-20041105AYP, or face losing interference protection for those facilities.

As RCBC will show below, RCBC has not been able to construct such facilities and to place them into operation. However, RCBC has diligently attempted to do so, only to be

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delayed by circumstances beyond its control. RCBC pledges to continue its diligent efforts to expeditiously move toward the initiation of full authorized Digital Television service to replicate the analog service of station KRCB's collocated NTSC facilities.

Because circumstances beyond RCBC's control have delayed the onset of full authorized Digital Television service, and because RCBC has diligently attempted to resolve the impediments that RCBC has faced, a waiver of the July 1, 2006 deadline is fully warranted.

The factual setting of this request is as follows:

1. Station KRCB is an affiliate of the Public Broadcasting System operated by a nonprofit corporation (RCBC) that was the result of a grass-roots effort to bring quality Public Television service to the rural area north of the San Francisco Metroplex (portions of Marin County, Sonoma County, Napa County, Lake County, and Mendocino County). The station is heavily dependent upon viewer contributions and underwriting grants by the small, local businesses that operate in its rural service area to defray operating expenses.

2. Capital improvements such as the construction of Digital Television facilities place a severe financial burden on a small, rural Public Television station such as KRCB. The Commission has been mindful of this, and for this reason, has subjected noncommercial educational stations to a more liberal construction deadline than the one applicable to commercial licensees serving major markets.

3. Indeed, even for major-market commercial operators, the Commission has been mindful of the financial burden that DTV conversion entails and has, pursuant to the policy enunciated in the Memorandum Opinion and Order on Reconsideration, Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television, 16 FCC Rcd 20594 (2001), to consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, 12 FCC Rcd 12809 whether a broadcaster should be afforded additional time to construct its DTV facilities due to the financial strain of meeting the minimum build-out requirements, especially broadcasters with fewer resources.

4. For RCBC, the cost of full conversion to DTV operations approaches 1.4 million dollars. That is an extremely heavy burden for a small, viewer-supported entity such as RCBC. Nonetheless, RCBC has proceeded and has made substantial progress in the conversion effort, thanks in major part to grants from the Public Broadcasting System and the Corporation for Public Broadcasting, and to donations from public-spirited viewers and members of RCBC.

5. RCBC timely applied for its initial DTV construction permit, File No. BPEDT-2000501AGU. The Commission granted that application on February 1, 2001. Both the application and the resulting Construction Permit specified the use of a Dielectric Model TFU-10DSC C170 antenna and an Effective Radiated Power of 306 kW. Because Sonoma County is a rural and picturesque area, it is extremely difficult to construct new towers there. For this reason, and due to the heavy economic burden that would flow from providing NTSC and DTV services from two different sites, RCBC was effectively forced to specify as the DTV transmitter location the transmitter site of the existing KRCB NTSC facility. The tower specified is an existing tower owned by the Sonoma County Government. Also, due to limited space on the tower, RCBC was forced to specify the use of a new antenna (the Dielectric model), also to be shared by KRCB's NTSC facilities.

6. On February 26, 2003, RCBC filed an FCC Form 337 application for extension of its DTV construction permit. See File No. BEPEDT-20030226AAW. The application was necessary for the following reasons:

a. RCBC's initial plans for the project envisioned the installation of overhead electrical power lines to provide the additional energy that the KRCB-DT transmitter would require. However, two weeks before RCBC filed the extension application, the County government informed RCBC that it had adopted a new policy requiring all new electrical service at the transmitter site to be placed in underground conduits. The County Government had also adopted a requirement that all existing overhead electrical services be integrated into the underground system. This newly adopted requirement necessitated a substantial redesign of the utility infrastructure, and much more involved physical construction. RCBC had to coordinate this with the County Government, which in turn dealt with the local power utility.

b. RCBC had scheduled the installation of the DTV transmitter by a crew supplied by the Harris Corporation, the transmitter manufacturer, for April 1, 2003. RCBC had selected that date partially as the result of a November 2002 conversation with an official of the County Government agency that oversees construction at the transmitter site (part of the County office that issues building permits). The official with whom RCBC had conferred had indicated that an "Over-The-Counter" application for a building permit would be sufficient for planned changes to the existing transmitter shelter. That type of permit application would *not* require either a complete set of construction drawings and review, or approval of same by the agency. Also, OTC application are typically granted the same day they are filed.

However, upon submission of the OTC building-permit application, a different agency official rejected RCBC's application on the grounds that the proposed modifications to the

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transmitter shelter would require both a full set of construction drawings and a more detailed review. These more exacting requirements compelled RCBC to ask its electrical and HVAC contractor to generate the required drawings. RCBC's contractor did prepare new drawings in a timely manner, and RCBC did in fact submit the more detailed building-permit application as quickly as circumstances allowed. Nonetheless, both the need for new drawings and the more detailed level of review caused unanticipated delay in obtaining the legally required permit.

c. The delay in obtaining the building permit had a snowball effect and forced RCBC to reschedule the visit to the site by the transmitter manufacturer's installation crew. The transmitter manufacturer indicated that the first possible date for installation would be eight weeks later.

The Commission granted this first extension application on May 7, 2003.

7. In light of the delays that RCBC was encountering in implementing a full build-out of DTV facilities, but to allow RCBC to begin providing DTV service to at least part of its ultimate DTV viewership, on July 16, 2003, RCBC filed a request for a Special Temporary Authority to operate with lesser technical parameters. See File No. BEPEDT-20030716AEB. The Commission granted this first STA request on August 6, 2003.

8. On September 24, 2003, RCBC filed a second FCC Form 337 application for extension of its DTV construction permit. See File No. BEPEDT-20030924AJZ. The application was necessary for the following reasons:

a. The design for the new buried utility system had been completed, but it did not appear that the County and Utility would have completed the necessary construction by the expiration date of the DTV construction permit.

b. Because of the delay, RCBC applied for and obtained a building permit for the installation of a temporary electrical feeder system. Upon receiving the permit, RCBC had the temporary system constructed so that DTV construction could proceed.

c. The transmitter installation crew was scheduled to arrive on October 14, 2003, the earliest available date. Transmitter installation was expected to take one week. Because that schedule would leave little margin for any unexpected complications that often occur on such projects, RCBC sought an extension of the DTV construction permit.

The Commission granted this second extension application on February 2, 2004.

9. In November of 2003, KRCB-DT began operating with its STA facilities of 500 watts of transmitter power output into the licensed KRCB(TV) Bogner Model B8U-188M antenna mounted with its radiation center 57 meters above ground level..

10. On January 21, 2004, RCBC filed a request for extension of its STA. See File No. BEDSTA-20040121AED. The Commission granted this extension on February 12, 2004. The grant of STA also carried with it an automatic extension of the KRCB-DT Construction Permit< ... until further notice.”

11. On July 19, 2004, RCBC filed a request for further extension of its STA. See File No. BEDSTA-20040719AFC. The Commission granted this extension on August 9, 2004.¹

12. On August 3, 2004, RCBC filed an application for modification of its DTV Construction Permit. The application, File No. BMPEDT-20040803AAY, proposed a slightly different Dielectric Antenna (Model TFU-8GTH C200SP DC) than the one originally authorized. The reason for the change in antenna was that the pattern of the originally authorized antenna (a Dielectric Model TFU-10DSC C170) essentially replicated the pattern of the licensed Bogner antenna. That pattern, however, wasted a great deal of signal power over the Pacific Ocean. The Dielectric TFU-8GTH C200SP which the DTV CP Modification application proposed would result in much more effective use of transmitter output power.

13. On the same day, RCBC filed an application for a construction permit for KRCB's analog facilities. The analog application, File No. BPET-20040803AAZ, specified the same antenna and the same antenna heights as the DTV CP Modification application did, because the analog and digital facilities would share the same antenna.

14. The FCC staff granted the DTV CP Modification application on November 12, 2004. However, the analog application languished. Ultimately, RCBC contacted the staff to determine when an analog grant might occur. RCBC did so because RCBC had to have both grants in hand before RCBC could lawfully replace the existing, licensed Bogner antenna with the Dielectric model. (The Sonoma County tower could not accommodate both the Bogner and Dielectric antennas.) In response to RCBC's enquiry, the staff informed RCBC that the analog application proposed facilities that would create a slight but impermissible amount of overlap involving cochannel station KAXT-CA, Santa Clara, California, FCC Facility ID No. 37689.

¹RCBC has since timely requested and obtained several further extensions of its DTV STA. See FCC File Nos. BEDSTA-20050129AAA, BEDSTA-20050920AGM, BEDSTA-20060511ABZ, and BEDSTA-20060619AC.

15. RCBC contacted the licensee of KAXT-CA and agreed with the licensee that the stations would employ precision frequency offsets to prevent interference. RCBC amended the analog application to supply KAXT-CA's letter consenting to the grant of RCBC's analog application. The Commission granted the analog application on April 5, 2005.

16. RCBC based its August 2004 applications on tower data contained in a structural study of the Sonoma County tower that the County had commissioned. In preparation for construction, due to the substantially greater weight of the proposed Dielectric antenna relative to the licensed Bogner unit, in June 2005, RCBC commissioned a new structural study of the Sonoma County tower from the same structural engineer who had previously analyzed the tower on behalf of Sonoma County. Upon receiving the structural study, RCBC discovered that the structural engineer had performed an analysis of the wrong tower. He also used an incorrect antenna weight... the 520-lb value associated with the licensed Bogner antenna, rather than the 1900-lb weight of the Dielectric unit that RCBC had planned to use. RCBC brought this to the structural engineer's attention and requested a corrected study.

17. When RCBC received a study for the correct tower, RCBC saw that the study specified the height of the tower as 185 feet tall (not including its concrete pedestal). However, the earlier study done on behalf of Sonoma County had specified that the tower was 177 feet tall. Between the time of the first study and June of 2005, the time of the second study, the physical tower height had not changed. The tower had not been extended either directly or via appurtenances. One of the studies was clearly wrong in specifying the tower height.

18. To answer the question definitively, RCBC had a surveyor measure the height of the tower. Winter weather delayed the survey, but when the survey was finally completed, the surveyor determined that the top of the tower is 186.2 feet AGL. The survey also determined that the coordinates of the Sonoma County tower were slightly different than those that all parties had previously used in FCC filings.

19. The surveyor's results raised a serious complication. Sonoma County has a standing ban on any construction that would result in the tower's total height exceeding 200 feet AGL, because such a height would necessitate obstruction marking and lighting. RCBC's proposed Dielectric antenna, with its associated lightning rod, would be 22 feet long. Atop a 177-foot tower, the total height (including all appurtenances) would have been 199 feet... one foot less than the threshold for marking and lighting. However, because the tower turned out to be 185 feet tall, a 22-foot antenna/lightning-rod combination would result in an Overall Height Above Ground Level of 207 feet... seven feet over the 200-foot marking-and-lighting threshold.

20. RCBC now faced the need to reengineer the antenna system to keep the total structure under 200 feet, if at all possible. In light of the increased tower height, to keep tower loading within reasonable limits, and to keep the profile of the antenna as low as possible, RCBC has decided to employ a Jampro antenna. The Jampro antenna is shorter and lighter than the Dielectric unit specified in the August 2004 DTV CP Modification and analog CP applications. The cumulative changes forced RCBC to commission yet another structural study for the re-engineered antenna system, to obtain a modified letter of consent from the licensee of station KAXT-CA, and to seek both a further modification of its DTV Construction Permit as well as a modification of its analog Construction Permit. Also, Sonoma County needs to obtain a modified Antenna Structure Registration for its tower.² RCBC expects that Sonoma County will file the necessary FCC Form 854R very soon. Had the original structural study done years ago listed the correct tower height and coordinates, RCBC would not have faced any of this additional work, expense, and delays.

21. RCBC has obtained a modified consent letter from station KAXT-CA and has obtained a revised structural study. RCBC has largely completed the required applications for modification of the DTV and NTSC construction permits. RCBC expects to file those applications in the very near future... as soon as RCBC's consulting engineer has completed the technical portions of the two applications. RCBC is also finalizing the post-approval paperwork associated with its CPB and PBS grants. RCBC has also ordered its new shared antenna from Jampro. RCBC expects the antenna to arrive within 60 days. See Attachment B.

22. The Commission's Public Notice of June 14 states that:

A licensee that wants to request a waiver of the July 1, 2006 replication/maximization interference protection deadline must demonstrate severe financial constraints or circumstances beyond its control. * * * Waivers to extend the deadline may be granted on a six-month basis if good cause is shown.[footnote citation to the FCC's Second DTV Periodic Review Report and Order, 19 FCC Rcd 18279, 18318-19, at para. 87.].

Clearly, good cause exists for a waiver of the July 1, 2006 deadline. The delays that RCBC has experienced in constructing its service-replication/ DTV service-maximization facilities have been due to circumstances beyond RCBC's control. The errors in the technical records associated with the Sonoma County tower and in the structural analyses were not of RCBC's making. It is only

²As the tower owner, Sonoma County must file the request for a modified ASR, but to assist the County, RCBC has applied for and obtained an FAA Determination of No Hazard for the tower as it exists and bearing the Jampro antenna that RCBC has ordered. See Attachment A.

Marlene H. Dortch, Secretary

July 2, 2006

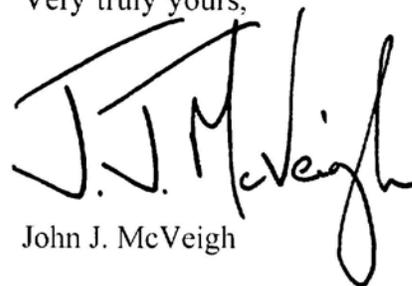
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through RCBC's own diligence in following proper procedures to ensure that the DTV facility would be properly and soundly constructed and that accurate data would be on file with the Commission that the errors are being corrected. The changes in the acceptability criteria for local building-permit applications were also not of RCBC's making. RCBC displayed reasonable diligence in contacting the County agency before filing its original application, and followed the guidance that it received. Only after RCBC had proceeded as it had been advised was RCBC's application rejected by a different agency official. Notwithstanding, RCBC expeditiously prepared and filed the more detailed application, including the newly required, detailed construction drawings.

Despite being a small-rural-market NCE licensee, RCBC has raised and spent considerable sums on equipment, legal, engineering, and other professional fees in its efforts to meet the July 1 deadline, while at the same time ensuring that the resulting facility complies with all applicable FCC and local-governmental technical standards, as well as with the standards of good engineering practice. RCBC has provided DTV service with its STA facilities since November 2003, and has timely filed all necessary applications, STA requests, extension requests, and Digital Channel Election forms. RCBC has clearly fulfilled its DTV obligations to the extent that circumstances have allowed. For these reasons, RCBC has earned both the grant of a six-month waiver of the July 1, 2006 construction deadline with respect to its replication/DTV service-maximization facilities, as well as continued protection of those facilities.

Accordingly, for good cause shown, the Commission should grant to RCBC a six-month waiver of the July 1, 2006 deadline. Please direct any questions to this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. J. McVeigh". The signature is written in a cursive, somewhat stylized font. The first name "J. J." is written with a large, sweeping initial "J" and a smaller "J". The last name "McVeigh" is written in a more fluid, cursive style.

John J. McVeigh

Attachments

cc: Shaun Maher, Esq. (via email, w/att)

ATTACHMENT A



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2006-AWP-2504-OE
Prior Study No.
2006-AWP-1104-OE

Issued Date: 06/08/2006

Larry Stratton
KRCB ENGINEERING
5850 Labath Ave
Rohnert Park, CA 94928

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type: MAXIMUM TOWER HGT W/ANTENNAS NTE 205'AGL
Location: Petaluma, CA
Latitude: 38-20-54.40 N NAD 83
Longitude: 122-34-41.44 W
Heights: 205 feet above ground level (AGL)
2647 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 70/7460-1K.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study included evaluation of a 205 foot AGL structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect this existing height and the most current coordinates/elevation as indicated in the above description.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (310)725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2006-AWP-2504-OE.

Signature Control No: 465750-468978

(DNE)

Karen McDonald
Specialist

Attachment(s)
Additional Information
Frequency Data
Map

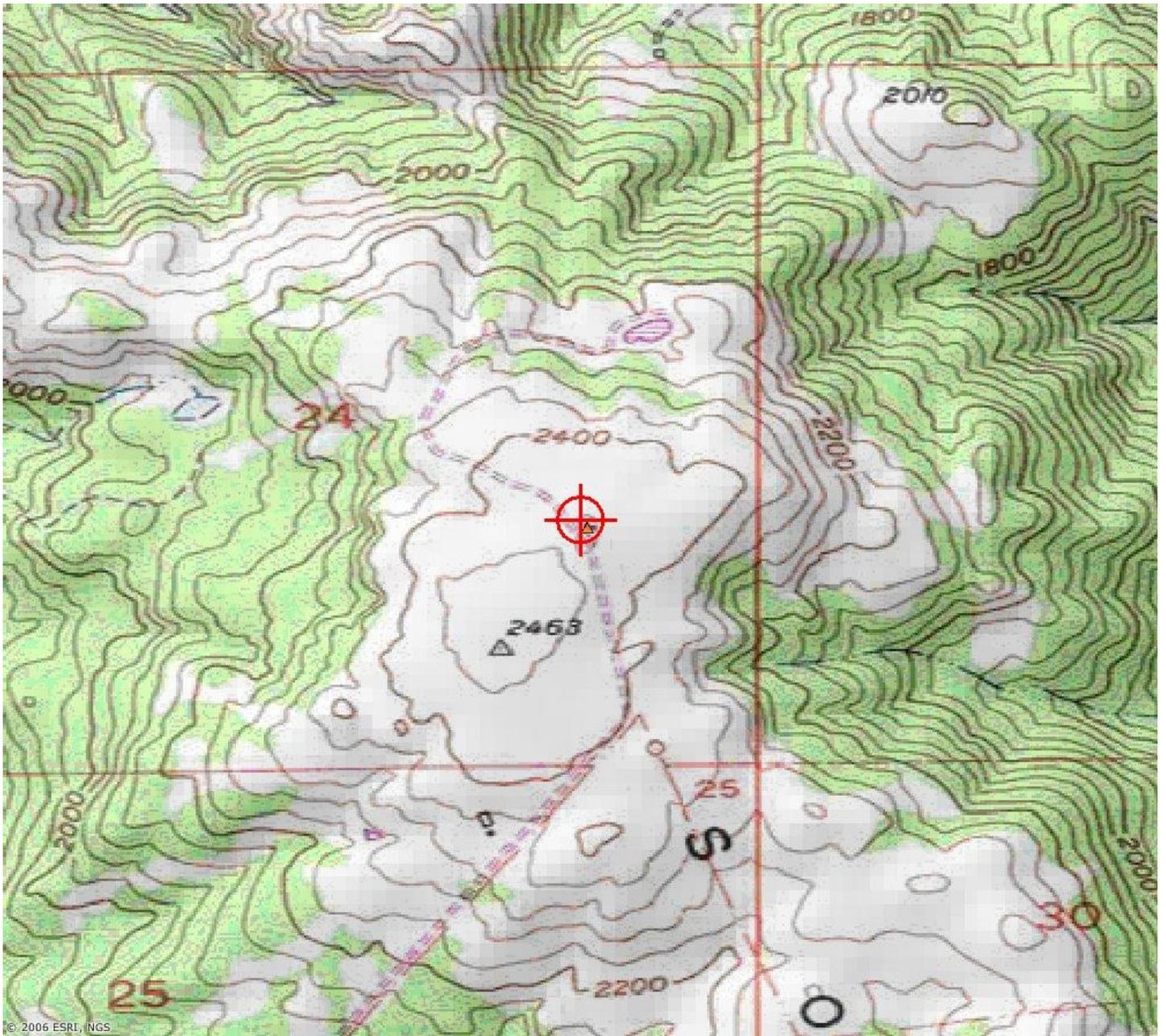
cc: NACO w/map

Additional Information for ASN 2006-AWP-2504-OE

205 FEET ABOVE GROUND LEVEL (AGL) IS THE MAXIMUM HEIGHT THIS TOWER INCLUDING ANTENNAS CAN REACH BEFORE RED OBSTRUCTION LIGHTING WILL BE REQUIRED.

Frequency Data for ASN 2006-AWP-2504-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
518	524	MHz	67.5	KW
524	530	MHz	110	KW



ATTACHMENT B



6340 Sky Creek Dr
Sacramento, CA 95828
916-383-1177

Monday, June 19, 2006

Larry Stratton
KRCB RADIO AND TELEVISION
5850 Labath Avenue
Rohnert Park, CA 94928

Dear Larry:

This is to confirm the receipt of your order for the JA/MS-8/22-23-THPN Slot antenna. The expected turn around time is about 60 days, which will make the earliest shipping date August 19, 2006. As production gets along on the progress of construction and testing, we will be back in touch with a refined completion date.

Unfortunately it will not be possible to delivery before July 1st., 2006.

Best regards,

A handwritten signature in black ink that reads "Bob Groome". The signature is fluid and cursive.

Bob Groome
Domestic Sales Manager

Over 50 Years of putting your signal in its place!
www.jampro.com

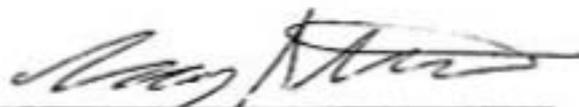
ATTACHMENT C

CERTIFICATION

RURAL CALIFORNIA BROADCASTING CORPORATION (*RCBC*) hereby certifies that the contents of the foregoing submission are true and correct, to the best of its and the undersigned's personal knowledge, information, and belief, under penalty of perjury.

RCBC further certifies that no party to this request is subject to a Denial of Federal Benefits pursuant to § 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a.

RURAL CALIFORNIA BROADCASTING CORPORATION

BY 
LARRY STRATTON
ITS CHIEF OPERATING OFFICER

DATE: JULY 2, 2006