

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )  
 )  
 Advanced Television Systems )  
 and Their Impact upon the ) MB Docket No. 87-268  
 Existing Television Broadcast )  
 Service )

To: Office of the Secretary

**COMMENTS OF KTVQ COMMUNICATIONS, INC.**

KTVQ Communications, Inc. (“KTVQ”), licensee of KTVQ(TV), Billings, Montana, by its counsel, hereby submits comments in response to the Seventh Further Notice of Proposed Rulemaking in the above-referenced proceeding.<sup>1</sup> KTVQ requests change of certified facilities and proposes revision of the allotment set forth in the *FNPRM* for KTVQ-DT (the “Station”). Specifically, KTVQ requests that the certification and allotment be made consistent with the Station’s currently authorized facilities, which KTVQ intends to continue operating post-transition. Pursuant to these comments, the DTV Table of Allotments in relevant portion would be changed:

As set forth in the *FNPRM*:

Facility ID	State and City		NTSC	DTV					
			Ch	Ch	ERP kW	HAAT (m)	Antenna ID	Latitude (DDMMSS)	Longitude (DDMMSS)
35694	MT	BILLINGS	2	10	160	165		454600	1082727

To:

35694	MT	BILLINGS	2	10	<u>26.1</u>	<u>180</u>	<u>73296</u>	<u>454601</u>	<u>1082726</u>
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<sup>1</sup> Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket No. 87-268, *Seventh Further Notice of Proposed Rule Making*, FCC 06-150 (rel. Oct. 20, 2006) (“*FNPRM*”).

KTVQ explained by letter filed concurrently with its Form 381 Pre-Election certification<sup>2</sup> that it intended to construct digital facilities that replicated the KTVQ(TV) Grade B service area.<sup>3</sup> KTVQ had filed the explanatory letter detailing its precise certification because the Form 381 did not account for circumstances such as KTVQ's where a station's initial DTV allotment had been changed by rulemaking.<sup>4</sup> KTVQ subsequently received authorization for<sup>5</sup> and implemented<sup>6</sup> DTV facilities that replicated the KTVQ(TV) Grade B service area. Accordingly, KTVQ has constructed the facilities it intends to operate post-transition and has satisfied the certification that it made.

Notwithstanding the explanation filed with the Form 381 certification, the Station's allotment in the *FNPRM*, consistent with the Commission's policies, did not correspond to the KTVQ(TV) Grade B service area. Accordingly, KTVQ hereby requests a change of the Station's certified facilities and revision of the proposed allotment to conform with the Station's constructed facilities as set forth in its pending license application.<sup>7</sup> KTVQ believes its proposal satisfies the requirement in the *FNPRM* that any modification to the proposed Table not cause interference in excess of 0.1 percent to any tentative channel designation.<sup>8</sup> The proposed certification and allotment modification would permit KTVQ after the end of the DTV transition to continue operating the Station as presently authorized and thus avoid service disruptions.

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<sup>2</sup> FCC File No. BCERCT-20041104AQP.

<sup>3</sup> See Letter from Nam E. Kim, *Counsel for KTVQ Communications, Inc.*, to Marlene H. Dortch, *Secretary, FCC*, (Nov. 5, 2004) (Attached as Exhibit A).

<sup>4</sup> Billings, Montana, *Report and Order*, 18 FCC Rcd 9318 (2003).

<sup>5</sup> See FCC File No. BMPCDT-20060705ABU.

<sup>6</sup> See FCC File No. BLCDT-20060802AYX.

<sup>7</sup> *Id.*

<sup>8</sup> *FNPRM*, ¶ 29.

For these reasons, KTVQ respectfully proposes that the Commission change the Station's certified facilities and allotment in the *FNPRM* to conform with the presently authorized operations.

Respectfully submitted,

KTVQ COMMUNICATIONS, INC.

/s/

By \_\_\_\_\_  
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