

member stations which broadcast a wide variety of high-quality news, public affairs, informational, educational and entertainment programming, including children's programming.

In the case of three of SHPTV's DTV stations – KOOD-DT on Channel *16, KWKS-DT on Channel *19, and KDCK-DT on Channel *21 – the “full” authorized facilities have been constructed and licensed (or a license application is on file).

In the case of KSWK-DT on Channel *8 at Lakin, SHPTV believes that its “full” authorized facilities are also constructed and licensed, but there are certain minor discrepancies between what has been licensed and what is reflected in the FCC's Final DTV Table of Allotments. In particular, KSWK-DT is licensed for 33 kW ERP and 153 m HAAT utilizing a directional antenna ID No. 68690). The just adopted Final DTV Table of Allotments specifies 35 kW ERP and 149 m HAAT utilizing antenna ID No. 64618.

The antennas here both appear to be variants of the same model antenna. The antenna authorized by the license for KSWK-DT is a Dielectric model THA-C3-5H/15H-1. The antenna specified in the Table is a Dielectric model THA-C3-5/15-1. Their patterns are very similar.

It appears from SHPTV's investigation that it certified in late 2004 that it would build its then-pending STA facilities (those that are now specified in the DTV Table), but when it applied in 2005 to make those facilities permanent, slight changes were made in the antenna, and the height and power to accommodate those changes. That CP was granted, the facilities constructed as authorized, and then

licensed. SHPTV assumed that the Table of Allotments would be adjusted accordingly, but it never was. At this point, SHPTV needs to ask the FCC to accommodate the station as constructed. SHPTV does not have resources to make any actual changes in the facility.

COMMENTS

The FCC should not require stations to construct facilities that precisely match the facilities specified in the Table of DTV Allotments.

In paragraph 67 of the *NPRM*, the FCC suggests that stations will need to get construction permits for, and then construct and license DTV facilities that precisely match the facilities specified in the DTV Table of Allotments, all to be accomplished by the transition deadline at the latest.

As noted, SHPTV's Lakin, Kansas station KSWK-DT is constructed, operating and licensed with relatively small discrepancies as compared to the DTV Table, despite the fact that its DTV facilities were approved by the FCC in response to a construction permit application. SHPTV does not believe that the FCC can or should require every station's permanent DTV facilities to match precisely those facilities specified in the DTV Table. Indeed, in the case of KSWK-DT, when SHPTV constructed DTV facilities authorized by an FCC-issued Construction Permit with facilities very close to those in the Table, then filed for and was granted a License for those facilities, it presumed that the DTV Table would be updated accordingly. In addition, SHPTV does not believe that, at this point, the FCC should specify a requirement that all stations apply for such facilities now, or a deadline for when they have to achieve them.

Noncommercial educational licensees such as SHPTV have accomplished much in the DTV transition process to date, in many cases overcoming considerable financial and technical obstacles to be on the air at all. In the case of SHPTV, there simply is no possibility for a general re-build of DTV facilities at KSWK-DT to match DTV Table parameters. SHPTV urges the FCC to find some way of accommodating this reality.

CONCLUSION

SHPTV urges the FCC to adopt flexible rules consistent with the comments above.

Respectfully submitted,

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