



ORIGINAL

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June 19, 2008

VIA COURIER

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

Attention: Video Division
Media Bureau

Re: KGMB-DT, Honolulu, Hawaii
Facility I.D. No. 36917
Petition to Amend the DTV Table of Allotments

FILED/ACCEPTED
JUN 19 2008
Federal Communications Commission
Office of the Secretary

Dear Ms. Dortch:

On behalf of HITV License Subsidiary, Inc., licensee of commercial television station KGMB-DT, Honolulu, Hawaii, we hereby transmit an original and four copies of a *Petition for Rule Making* requesting the substitution of Channel 22 for Channel 9 at Honolulu, Hawaii in the DTV Table of Allotments.

If any additional information is needed in connection with this matter, please contact me.

Respectfully submitted,

Scott S. Patrick

Enclosure

cc: Ms. Joyce Bernstein (via e-mail)
Mr. Ron Graser (via e-mail)

No. of Originals 044
LL 7/2008
MB 08-44

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

FILED/ACCEPTED
JUN 19 2008
Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.622(i)) MB Docket No. _____
Post-Transition Table of Allotments,) RM- _____
Digital Television Broadcast Stations)
(Honolulu, Hawaii))
)

To: Office of the Secretary
Attn: Chief, Video Division
Media Bureau

**PETITION FOR RULE MAKING
TO AMEND THE DTV TABLE OF ALLOTMENTS**

By its attorney and pursuant to Sections 1.401, 73.616, and 73.622(a) of the Commission's Rules,¹ HITV License Subsidiary, Inc. ("Licensee"), licensee of KGMB-DT, Honolulu, Hawaii (the "Station"), hereby respectfully petitions the Commission to institute a rulemaking to amend Section 73.622(i), the Post-Transition DTV Table of Allotments, by substituting Channel 22 as the Station's post-transition DTV channel in lieu of Channel 9 and, to the extent necessary, amending the Station's allotment to reflect a new tower location. As described in the Station's DTV Transition Status Report,² Licensee wishes to continue to operate on its pre-transition DTV Channel 22 after February 17, 2009, instead of returning to its analog

¹ 47 C.F.R. §§ 1.401, 73.616, 73.622(a) as amended by Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, 23 FCC Rcd 2994, ¶ 128 (rel. Dec. 31, 2007).

² FCC File No. BDTRCT-20080219BJO.

channel. This instant petition is submitted following the Commission’s announcement that it would resume acceptance of channel change petitions.³

Specifically, the Post-Transition DTV Table of Allotments would be amended as follows:

	<u>Present</u>	<u>Proposed</u>
Honolulu, HI	8, <u>9</u> , *10, *11, 19, 23, 27, 31, 33, 35, 40, *43	8, *10, *11, 19, <u>22</u> , 23, 27, 31, 33, 35, 40, *43

Licensee is seeking the channel substitution to ensure that replication is possible so that existing viewers may continue to receive the Station’s broadcast service. The prior owner of the Station properly elected the analog channel (Channel 9) for post-transition operations, but Licensee has determined that, based upon its own due diligence and the channel elections of other Honolulu television stations, replication is not assured. Honolulu station KHON-DT elected Channel 8, and station KALO-DT elected Channel 10, meaning that the Station’s Channel 9 post-transition operations would have adjacent-channel operations on both sides and thus creating received interference. Moreover, the transmission sites for KHON-DT and KALO-DT are physically separate, making it difficult as a practical matter for Licensee to develop facilities that can continue to provide service to the Station’s existing viewers.

After performing a thorough analysis, Licensee has determined that operations on pre-transition Channel 22 at a different site would best preserve the Station’s broadcast service for existing viewers. Unlike for operations on Channel 9, Channel 22 operations only would have one adjacent-channel station in the market – KFVE-DT, Channel 23 – and Licensee currently

³ See Commission Lifts the Freeze on the Filing of Maximization Applications and Petitions for Digital Channel Substitutions Effective Immediately, *Public Notice*, DA 08-1213 at 2 (rel. May 30, 2008).

intends to co-locate with that station. Accordingly, operations on Channel 22 from the new site will minimize received interference and permit the Station to serve existing viewers.

As the attached Technical Exhibit demonstrates, the proposed facility complies with the Commission’s rules for post-transition DTV operation. The Station’s proposed service area encompasses its community of license, and the proposed parameters comply with the Commission’s interference standards.⁴ The Technical Exhibit also demonstrates that the proposed facilities would serve all viewers currently receiving analog and digital service.⁵

Licensee has taken the occasion to submit a construction permit application for these new facilities.⁶ Licensee will seek STA to operate these facilities post-transition until the Commission has had an opportunity to complete the proposed rule making.

For the convenience of the Commission, we hereby provide the present and proposed “Appendix B” parameters:

Present:

Facility ID	State and City		NTSC		DTV				
			Ch	Ch	ERP kW	HAAT (m)	Antenna ID	Latitude (DDMMSS)	Longitude (DDMMSS)
36917	HI	HONOLULU	9	9	7	33	74971	211746	1575036

Proposed:

36917	HI	HONOLULU	9	22	40	629	TBA⁷	212403	1580610
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⁴ See Attachment A, Technical Exhibit at 1; 47 C.F.R. §§ 73.616(b), 73.623(d).

⁵ Attachment A, Technical Exhibit at 1.

⁶ FCC File No. BMPCDT-20080317AGC (copy provided in Attachment B).

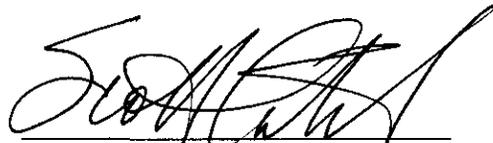
⁷ To be assigned by the Commission.

For the foregoing reasons, Licensee respectfully requests that the Commission amend the Post-Transition DTV Table of Allotments as proposed. Adoption would serve the public interest by permitting the Station to ensure replication and avoid loss of broadcast service.

Respectfully submitted,

HITV LICENSE SUBSIDIARY, INC.

By:



Scott S. Patrick

Its Attorney

Dow Lohnes PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036-6802
(202) 776-2000

Dated: June 19, 2008

ATTACHMENT A

Technical Exhibit

TECHNICAL EXHIBIT
PETITION FOR RULE MAKING TO
MODIFY THE DTV TABLE OF ALLOTMENTS
STATION KGMB-DT
HONOLULU, HAWAII

This Technical Exhibit was prepared on behalf of television station KGMB-DT assigned to Honolulu, Hawaii (analog channel 9, pre-transition digital channel 22, and current post-transition digital channel 9) in support of a *Petition for Rule Making* to modify the DTV allotment of KGMB-DT to substitute channel 22 for the current channel 9 DTV allotment.

The Commission adopted channel 9 for KGMB-TV's post-transition digital operation. However, KGMB would like to retain its current digital channel for "post-transition" digital operation. Below is a tabulation of the predicted service population and area based on the current KGMB-TV operations and Appendix B allotment and the herein proposed KGMB-DT Appendix B facilities:

Facility	Service Population	Service Area
Licensed KGMB Analog (Ch. 9 105 kW/-12 m, ND Antenna)	786,539	9,199 km ²
Proposed KGMB Digital (Ch. 22 40 kW/629 m, DA Antenna)	792,000	19,727 km ²
Current KGMB Appendix B (Ch. 9 7 kW/33 m, ND Antenna)	826,000	9,210 km ²
Proposed KGMB Appendix B (Ch. 22 40 kW/577 m, DA Antenna)	792,000	19,727 km ²

Therefore, KGMB-TV respectfully requests that the Commission modify Appendix B to specify operation on Channel 22 from a new transmitter site using a directional antenna. The following details KGMB's proposed modification of its Appendix B facilities.

Facility ID	State & City		DTV								
			NTSC	Chan	Chan	ERP (kW)	HAAT (m)	Latitude (DDMMSS)	Longitude (DDMMSS)	Area (sq km)	Population (thousand)
36917	HI	Honolulu	9	22	40	629	212403	1580610	19,727	792	0.00
Directional Antenna: Antenna ID: 86780 with a rotation of 0°											

The proposed KGMB-DT Appendix B facilities will comply with the 0.5 percent interference standard adopted by the FCC for post-transition DTV operations as shown in Figure 1.¹

Charles A. Cooper

du Treil, Lundin & Rackley, Inc.
201 Fletcher Ave.
Sarasota, Florida 34237

June 12, 2008

¹ See paragraph 155 of the Report and Order in the Third DTV Periodic Review (MB Docket No. 07-91). The OET-69 cell size used is 1 square kilometer with a terrain increment of 0.5 km

Figure 1

Census data selected 2000

Post Transition Data Base Selected
/export/home/cdbs/tvdb.sff_B

TV INTERFERENCE and SPACING ANALYSIS PROGRAM

Date: 05-12-2008 Time: 10:55:54

Record Selected for Analysis

KGMB USERRECORD-01 HONOLULU HI US
Channel 22 ERP 40. kW HAAT 666. m RCAMSL 00805 m
Latitude 021-24-03 Longitude 0158-06-10
Status APP Zone 2 Border
Dir Antenna Make usr Model KGMBDT Beam tilt N Ref Azimuth 0.
Last update Cutoff date Docket
Comments
Applicant

Cell Size for Service Analysis 1.0 km/side

Distance Increments for Longley-Rice Analysis 0.50 km

Facility meets maximum height/power limits

Azimuth (Deg)	ERP (kW)	HAAT (m)	41.0 dBu F(50,90) (km)
0.0	12.056	360.5	70.5
45.0	10.506	559.8	79.7
90.0	30.602	725.1	94.4
135.0	22.755	761.8	92.9
180.0	1.081	749.0	68.6
225.0	0.764	766.8	66.6
270.0	21.609	772.8	92.7
315.0	30.695	631.2	91.3

Evaluation toward Class A Stations

No Spacing violations or contour overlap to Class A stations

Class A Evaluation Complete

Proposed facility is 11.1km from FCC Monitoring station at
Waipahu HI
Bearing: 102.5 degrees ERP: 39.04 kW HAAT: 764.2 m
Field = 90.5 mV/m

Figure 1

Proposed facility OK toward West Virginia quite zone
 Proposed facility OK toward Table Mountian
 Proposed facility is beyond the Canadian coordination distance
 Proposed facility is beyond the Mexican coordination distance
 Proposed station is OK toward AM broadcast stations

Start of Interference Analysis

		Proposed Station		
Channel	Call	City/State	ARN	
22	KGMB	HONOLULU HI	USERRECORD01	

Stations Potentially Affected by Proposed Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
21	KWHM	WAILUKU HI	201.6	LIC	BDTV	-0455
22	KHBC-TV	HILO HI	366.2	LIC	BDTV	-0434
23	KFVE	HONOLULU HI	2.1	LIC	BDTV	-0441

Analysis of Interference to Affected Station 1

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
21	KWHM	WAILUKU HI	BDTV	-0455

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
22	KHBC-TV	HILO HI	167.8	LIC	BDTV	-0434
22	KGMB	HONOLULU HI	201.6	APP	USERRECORD-01	

Total scenarios = 2

Result key: 1
 Scenario 1 Affected station 1
 Before Analysis

Results for: 21A HI WAILUKU BDTV 0455 LIC

HAAT 1298.0 m, ATV ERP 53.1 kW	POPULATION	AREA (sq km)
within Noise Limited Contour	171665	30133.4
not affected by terrain losses	146098	28518.4
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0

Figure 1

lost to all IX 0 0.0

Potential Interfering Stations Included in above Scenario 1

After Analysis

Results for: 21A HI WAILUKU BDTV 0455 LIC
 HAAT 1298.0 m, ATV ERP 53.1 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	171665	30133.4
not affected by terrain losses	146098	28518.4
lost to NTSC IX	0	0.0
lost to additional IX by ATV	7	8.0
lost to ATV IX only	7	8.0
lost to all IX	7	8.0

Potential Interfering Stations Included in above Scenario 1

22A HI HONOLULU USERRECORD01 APP

Percent new IX = 0.0048%

Result key: 2
 Scenario 2 Affected station 1
 Before Analysis

Results for: 21A HI WAILUKU BDTV 0455 LIC
 HAAT 1298.0 m, ATV ERP 53.1 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	171665	30133.4
not affected by terrain losses	146098	28518.4
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	0	0.0

Potential Interfering Stations Included in above Scenario 2

After Analysis

Results for: 21A HI WAILUKU BDTV 0455 LIC
 HAAT 1298.0 m, ATV ERP 53.1 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	171665	30133.4
not affected by terrain losses	146098	28518.4
lost to NTSC IX	0	0.0
lost to additional IX by ATV	7	8.0
lost to ATV IX only	7	8.0
lost to all IX	7	8.0

Potential Interfering Stations Included in above Scenario 2

22A HI HONOLULU USERRECORD01 APP

Percent new IX = 0.0048%

Figure 1

Worst case new IX 0.0048% Scenario 1

#####

Analysis of Interference to Affected Station 2

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
22	KHBC-TV	HILO HI	BDTV	-0434

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
21	KWHM	WAILUKU HI	167.8	LIC	BDTV	-0455
23	KWHH	HILO HI	7.2	LIC	BDTV	-0435
22	KGMB	HONOLULU HI	366.2	APP	USERRECORD-01	

Proposal causes no interference

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Analysis of Interference to Affected Station 3

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
23	KFVE	HONOLULU HI	BDTV	-0441

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
23	KWHH	HILO HI	360.1	LIC	BDTV	-0435
24	KGMV	WAILUKU HI	205.4	LIC	BDTV	-0456
22	KGMB	HONOLULU HI	2.1	APP	USERRECORD-01	

Total scenarios = 2

Result key: 3
 Scenario 1 Affected station 3
 Before Analysis

Results for: 23A HI HONOLULU BDTV 0441 LIC
 HAAT 453.0 m, ATV ERP 5.4 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	858750	7680.4
not affected by terrain losses	775359	6383.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	0	0.0

Potential Interfering Stations Included in above Scenario 1

Figure 1

After Analysis

Results for: 23A HI HONOLULU BDTV 0441 LIC
HAAT 453.0 m, ATV ERP 5.4 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	858750	7680.4
not affected by terrain losses	775359	6383.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	1398	87.6
lost to ATV IX only	1398	87.6
lost to all IX	1398	87.6

Potential Interfering Stations Included in above Scenario 1

22A HI HONOLULU USERRECORD01 APP

Percent new IX = 0.1803%

Result key: 4
Scenario 2 Affected station 3
Before Analysis

Results for: 23A HI HONOLULU BDTV 0441 LIC
HAAT 453.0 m, ATV ERP 5.4 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	858750	7680.4
not affected by terrain losses	775359	6383.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	0	0.0

Potential Interfering Stations Included in above Scenario 2

After Analysis

Results for: 23A HI HONOLULU BDTV 0441 LIC
HAAT 453.0 m, ATV ERP 5.4 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	858750	7680.4
not affected by terrain losses	775359	6383.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	1398	87.6
lost to ATV IX only	1398	87.6
lost to all IX	1398	87.6

Potential Interfering Stations Included in above Scenario 2

22A HI HONOLULU USERRECORD01 APP

Percent new IX = 0.1803%

Worst case new IX 0.1803% Scenario 1

#####

Figure 1

Analysis of Interference to Affected Station 4

Analysis of current record

Channel	Call	City/State	Application Ref. No.
22	KGMB	HONOLULU HI	USERRECORD-01

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
21	KWHM	WAILUKU HI	201.6	LIC	BDTV -0455
22	KHBC-TV	HILO HI	366.2	LIC	BDTV -0434
23	KFVE	HONOLULU HI	2.1	LIC	BDTV -0441

Total scenarios = 1

Result key: 5
Scenario 1 Affected station 4
Before Analysis

Results for: 22A HI HONOLULU USERRECORD01 APP

HAAT 666.0 m, ATV ERP 40.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	876778	22895.2
not affected by terrain losses	792270	19727.2
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	0	0.0

Potential Interfering Stations Included in above Scenario 1

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FINISHED FINISHED FINISHED FINISHED FINISHED FINISHED

ATTACHMENT B

**Construction Permit Application
(FCC File No. BMPCDT-20080317AGC)**

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0027 (January 2008)	FOR FCC USE ONLY
FCC 301		
APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION		FOR COMMISSION USE ONLY FILE NO. BMPCDT - 20080317AGC
Read INSTRUCTIONS Before Filling Out Form		

Section I - General Information

1.	Legal Name of the Applicant HITV LICENSE SUBSIDIARY, INC.	
	Mailing Address 1100 WILSON BOULEVARD SUITE 3000	
	City ARLINGTON	State or Country (if foreign address) VA
		ZIP Code 22209 -
	Telephone Number (include area code) 7032477500	E-Mail Address (if available)
	FCC Registration Number: 0016152480	Call Sign KGMB-DT
		Facility ID Number 36917
2.	Contact Representative (if other than Applicant) SCOTT S. PATRICK, ESQ.	Firm or Company Name DOW LOHNES PLLC
	Mailing Address 1200 NEW HAMPSHIRE AVENUE SUITE 800	
	City WASHINGTON	State or Country (if foreign address) DC
		ZIP Code 20036 -
	Telephone Number (include area code) 2027762000	E-Mail Address (if available) SPATRICK@DOWLOHNES.COM
3.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input checked="" type="radio"/> Other AMENDMENT <input type="radio"/> N/A (Fee Required)	
4.	Application Purpose <input type="radio"/> New station <input type="radio"/> Major Modification of construction permit <input type="radio"/> Minor Modification of construction permit <input type="radio"/> Major Amendment to pending application <input type="radio"/> New Station with Petition for Rulemaking or Counterproposal to Amend FM Table of Allotments <input type="radio"/> Major Change in licensed facility <input type="radio"/> Minor Change in licensed facility <input checked="" type="radio"/> Minor Amendment to pending application	
	(a) File number of original construction permit:	BMPCDT-20080317AGC <input type="checkbox"/> NA
	(b) Service Type:	<input type="radio"/> AM <input type="radio"/> FM <input type="radio"/> TV <input checked="" type="radio"/> DTV
	(c) DTV Type:	<input checked="" type="radio"/> Pre-Transition <input type="radio"/> Post-Transition <input type="radio"/> Both
	(d) Community of License: City: HONOLULU	State: HI
	(e) Facility Type	<input checked="" type="radio"/> Main <input type="radio"/> Auxiliary
	If an amendment, submit as an Exhibit a listing by Section and Question Number the portions of the pending	
		[Exhibit 1]

application that are being revised.

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal

<p>1. Certification. Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>2. Parties to the Application. a. List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.</p> <p>(1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners. (2) Citizenship. (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc. (4) Percentage of votes. (5) Percentage of total assets (equity plus debt).</p> <p>[Enter Parties/Owners Information]</p> <p>b. Applicant certifies that equity and financial interests not set forth above are non-attributable.</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A See Explanation in [Exhibit 2]</p>
<p>3. Other Authorizations. List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest.</p>	<p><input type="checkbox"/> N/A [Exhibit 3]</p>
<p>4. Multiple Ownership. a. Is the applicant or any party to the application the holder of an attributable radio joint sales agreement or an attributable radio or television time brokerage agreement in the same market as the station subject to this application? If "YES," radio applicants must submit as an Exhibit a copy of each such agreement for radio stations. b. Applicant certifies that the proposed facility complies with the Commission's multiple ownership rules and cross-ownership rules. Radio applicants only: If "Yes," submit an Exhibit providing information regarding the market, broadcast station(s), and other information necessary to demonstrate compliance with 47 C.F.R. § 73.3555(a).</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No [Exhibit 4]</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No [Exhibit 5]</p>

<p>All Applicants: If "No," submit as an Exhibit a detailed explanation in support of an exemption from, or waiver of, 47 C.F.R. § 73.3555.</p>	
<p>c. Applicant certifies that the proposed facility:</p> <ol style="list-style-type: none"> 1. does not present an issue under the Commission's policies relating to media interests of immediate family members; 2. complies with the Commission's policies relating to future ownership interests; and 3. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors. 	<p><input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]</p>
<p>5. Character Issues. Applicant certifies that neither applicant nor any party to the application has or has had any interest in or connection with:</p> <ol style="list-style-type: none"> a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or b. any pending broadcast application in which character issues have been raised. 	<p><input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]</p>
<p>6. Adverse Findings. Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 8]</p>
<p>7. Alien Ownership and Control. Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.</p>	<p><input type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 9]</p>
<p>8. Program Service Certification. Applicant certifies that it is cognizant of and will comply with its obligations as a commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>9. Local Public Notice. Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>10. Auction Authorization. If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.</p> <p>An exhibit is required unless this question is inapplicable.</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A [Exhibit 10]</p>
<p>11. Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>12. Equal Employment Opportunity (EEO). If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
<p>13. Petition for Rulemaking/Counterproposal to Add New FM Channel to FM Table of Allotments. If the application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. section 73.202) to add a new FM channel allotment, petitioner/counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter-proponent will apply to participate in the auction of the channel allotment requested and specified in this application.</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

<p>Typed or Printed Name of Person Signing DANA E. STERN</p>	<p>Typed or Printed Title of Person Signing VICE PRESIDENT & ASSISTANT SECRETARY</p>
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Signature	Date 06/03/2008
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WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

SECTION III-D - DTV Engineering

Complete Questions 1-5, and provide all data and information for the proposed facility, as requested in Technical Specifications, Items 1-13.

Pre-Transition Certification Checklist: An application concerning a pre-transition channel must complete questions 1(a)-(c), and 2-5. A correct answer of "Yes" to all of the questions will ensure an expeditious grant of a construction permit application to change pre-transition facilities. However, if the proposed facility is located within the Canadian or Mexican borders, coordination of the proposal under the appropriate treaties may be required prior to grant of the application. An answer of "No" will require additional evaluation of the applicable information in this form before a construction permit can be granted.

Post-Transition Expedited Processing. An application concerning a post-transition channel must complete questions 1(a), (d)-(e), and 2-5. A station applying for a construction permit to build its post-transition channel will receive expedited processing if its application (1) does not seek to expand the noise-limited service contour in any direction beyond that established by Appendix B of the Seventh Report and Order in MB Docket No. 87-268 establishing the new DTV Table of Allotments in 47 C.F.R. § 73.622(i) ("new DTV Table Appendix B"); (2) specifies facilities that match or closely approximate those defined in the new DTV Table Appendix B facilities; and (3) is filed within 45 days of the effective date of Section 73.616 of the rules adopted in the Report and Order in the Third DTV Periodic Review proceeding, MB Docket No. 07-91.

1. The proposed DTV facility complies with 47 C.F.R. Section 73.622 in the following respects:	
(a) It will operate on the DTV channel for this station as established in 47 C.F.R. Section 73.622.	<input checked="" type="radio"/> Yes <input type="radio"/> No
(b) It will operate a pre-transition facility from a transmitting antenna located within 5.0 km (3.1 miles) of the DTV reference site for this station as established in 47 C.F.R. Section 73.622.	<input type="radio"/> Yes <input checked="" type="radio"/> No
(c) It will operate a pre-transition facility with an effective radiated power (ERP) and antenna height above average terrain (HAAT) that do not exceed the DTV reference ERP and HAAT for this station as established in 47 C.F.R. Section 73.622.	<input type="radio"/> Yes <input checked="" type="radio"/> No
(d) It will operate at post-transition facilities that do not expand the noise-limited service contour in any direction beyond that established by Appendix B of the Seventh Report and Order in MB Docket No. 87-268 establishing the new DTV Table of Allotments in 47 C.F.R. § 73.622 (i) ("new DTV Table Appendix B").	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
(e) It will operate at post-transition facilities that match or reduce by no more than five percent with respect to predicted population from those defined in the new DTV Table Appendix B.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
2. The proposed facility will not have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding the applicable health and safety guidelines, and therefore will not come within 47 C.F.R. Section 1.1307. Applicant must submit the Exhibit called for in Item 13.	<input checked="" type="radio"/> Yes <input type="radio"/> No
3. Pursuant to 47 C.F.R. Section 73.625, the DTV coverage contour of the proposed facility will encompass the allotted principal community.	<input checked="" type="radio"/> Yes <input type="radio"/> No
4. The requirements of 47 C.F.R. Section 73.1030 regarding notification to radio astronomy installations, radio receiving installations and FCC monitoring stations have either been satisfied or are not applicable.	<input checked="" type="radio"/> Yes <input type="radio"/> No
5. The antenna structure to be used by this facility has been registered by the Commission and will not require registration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely effect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R.	<input checked="" type="radio"/> Yes <input type="radio"/> No

Section 17.7.	
SECTION III-D - DTV Engineering	
TECHNICAL SPECIFICATIONS	
Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.	
TECH BOX	
1. Channel Number:	DTV 22 Analog TV, if any 9
2. Zone:	<input type="radio"/> I <input checked="" type="radio"/> II <input type="radio"/> III
3. Antenna Location Coordinates: (NAD 27)	
Latitude:	Degrees 21 Minutes 24 Seconds 3 <input checked="" type="radio"/> North <input type="radio"/> South
Longitude:	Degrees 158 Minutes 6 Seconds 10 <input checked="" type="radio"/> West <input type="radio"/> East
4. Antenna Structure Registration Number: 1007114	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Notification filed with FAA
5. Antenna Location Site Elevation Above Mean Sea Level:	756 meters
6. Overall Tower Height Above Ground Level:	61 meters
7. Height of Radiation Center Above Ground Level:	49 meters
8. Height of Radiation Center Above Average Terrain :	629 meters
9. Maximum Effective Radiated Power (average power):	40 kW
10. Antenna Specifications:	
a. Manufacturer DIE Model TUA-BP3SP-6/18M-1-S	
b. Electrical Beam Tilt:	0.7 degrees <input type="checkbox"/> Not Applicable
c. Mechanical Beam Tilt:	degrees toward azimuth
	degrees True <input checked="" type="checkbox"/> Not Applicable
	Attach as an Exhibit all data specified in 47 C.F.R. Section 73.625(c).
	[Exhibit 42]
d. Polarization:	<input checked="" type="radio"/> Horizontal <input type="radio"/> Circular <input type="radio"/> Elliptical
e. Directional Antenna Relative Field Values:	<input type="checkbox"/> Not applicable (Nondirectional)
[For a composite directional (not off-the-shelf) antenna, press the following button to fill in the relative field values subform.]	
[Relative Field Values]	

10e. Directional Antenna Relative Field Values

[Fill in this subform for a composite directional (not off-the-shelf) antenna, only.]

e. Directional Antenna Relative Field Values:

Rotation (Degrees): 0 No Rotation

Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value
0	0.549	10	0.477	20	0.51	30	0.468	40	0.461	50	0.564
60	0.631	70	0.634	80	0.704	90	0.875	100	0.99	110	0.982
120	0.911	130	0.81	140	0.705	150	0.552	160	0.337	170	0.151
180	0.167	190	0.119	200	0.091	210	0.11	220	0.14	230	0.142
240	0.211	250	0.427	260	0.623	270	0.739	280	0.83	290	0.929
300	0.979	310	0.942	320	0.81	330	0.703	340	0.671	350	0.631
Additional Azimuths		36	0.448	103	1	172	0.142	198	0.09	303	0.989

Relative Field Polar Plot

If a directional antenna is proposed, the requirements of 47 C.F.R. Sections 73.625(c) must be satisfied. **Exhibit required.** [Exhibit 43]

11. Does the proposed facility satisfy the pre-transition interference protection provisions of 47 C.F.R. Section 73.623(a) (Applicable only if **Certification Checklist** Items 1(a), (b), or (c) are answered "No.") and/or the post-transition interference protection provisions of 47 C.F.R. Section 73.616? Yes No [Exhibit 44]

If "No," attach as an Exhibit justification therefor, including a summary of any related previously granted waivers.

12. If the proposed facility will not satisfy the coverage requirement of 47 C.F.R. Section 73.625, attach as an Exhibit justification therefore. (Applicable only if **Certification Checklist** item 3 is answered "No.") [Exhibit 45]

13. **Environmental Protection Act. Submit in an Exhibit** the following. [Exhibit 46]

If **Certification Checklist** Item 2 is answered "Yes," a brief explanation of why an Environmental Assessment is not required. Also describe in the Exhibit the steps that will be taken to limit RF radiation exposure to the public and to persons authorized access to the tower site.

By checking "Yes" to **Certification Checklist** Item 2, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

If **Certification Checklist** Item 2 is answered "No," an Environmental Assessment as required by 47 C.F.R Section 1.1311.

PREPARERS CERTIFICATION ON SECTION III MUST BE COMPLETED AND SIGNED.

SECTION III - PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name CHARLES A. COOPER		Relationship to Applicant (e.g., Consulting Engineer) TECHNICAL CONSULTANT	
Signature		Date 05/14/2008	
Mailing Address DU TREIL, LUNDIN & RACKLEY, INC. 201 FLETCHER AVENUE			
City SARASOTA	State or Country (if foreign address) FL	Zip Code 34237 -	
Telephone Number (include area code) 9413296000	E-Mail Address (if available) CHARLES@DLR.COM		

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Exhibits

Exhibit 1

Description: EXHIBIT 1

THE INSTANT APPLICATION CHANGES THE FOLLOWING SECTIONS AND QUESTIONS:

- SECTION II-D, QUESTIONS 9, 10(A), 10(B), 10(E)

Attachment 1

Attachment 46

Description
Comprehensive Technical Exhibit

TECHNICAL EXHIBIT
AMENDMENT TO PENDING
APPLICATION FOR DTV CONSTRUCTION PERMIT
IN SUPPORT OF ITS POST-TRANSITION FACILITY
STATION KGMB(DT)
HONOLULU, HAWAII
CH 22 40 KW (MAX-DA) 629 M

Technical Narrative

This Technical Exhibit supports an amendment to the pending application for digital television (DTV) station KGMB(DT) for its final DTV operation at Honolulu, Hawaii.¹ This application requests a construction permit (CP) for a digital television operation on channel 22 at Honolulu with a directional antenna and an effective radiated power (ERP) of 40 kilowatts.² KGMB(DT) intends to use a Dielectric TUA-BP3SP-6/18M-1-S directional transmitting antenna for digital operation.

Proposed Facilities

Station KGMB(DT) proposes to operate on DTV channel 22 from station KFVE's analog transmitter site located at *Mauna Kapu*. The antenna height above average terrain for the channel 22 DTV operation is 629 meters. The proposed non-directional ERP level of 40 kilowatts will not result in the herein proposed noise-limited contour extending beyond its proposed Appendix B allocated maximum

¹ See FCC File Number: BMPCDT-20080317AGC.

² KGMB-DT has requested that Appendix B be modified to show its post-transition operation on Channel 22 in lieu of Channel 9.

effective radiated power in any azimuthal direction over land.

The proposed DTV transmitter site will be located at KFVE (TV)'s licensed analog transmitter site. Therefore, the proposed site location is:

21° 24' 03" North Latitude
158° 06' 10" West Longitude

A sketch of antenna and pertinent elevations are included as Figure 2.

The Appendix contains the vertical and horizontal plane radiation pattern for the proposed antenna system.

Figure 3 is a map showing the DTV predicted coverage contour and the associated proposed Appendix B noise-limited coverage contour. The extent of the contour has been calculated using the normal FCC prediction method. The Honolulu city limits were derived from information contained in the 2000 U.S. Census of Population and Housing.

FCC Monitoring Station

The proposed KGMB-DT transmitter site is located 11.1 kilometers (6.9 miles) away from the Waipahu, Hawaii FCC monitoring station. The KGMB-DT facility is designed to provide the necessary protection to the monitoring station.

Based upon discussions with FCC staff, the maximum permitted field at the *Waipahu* monitoring station for KGMB-DT on Channel 22 is 69.57 mV/m, or 96.8 dBu. The proposed KGMB-DT maximum effective radiated power is 6.2 kilowatts toward the monitoring station, 102.5 degrees azimuth true at a horizontal plane depression angle of 4.1 degrees. Using the free-space propagation model, the predicted KGMB-DT field strength at the monitoring station is 94 dBu, which is below the maximum permitted field strength of 96.8 dBu.

Pre-Transition Allocation Considerations

The proposed KGMB(DT) operation meets the FCC's interference standards to pertinent analog (NTSC) and DTV assignments using the procedures outlined in the FCC's OET-69 Bulletin and a 1 kilometer grid cell size as shown by the analysis provided in Figure 4. The proposed KGMB(DT) operation complies with the FCC's "de minimis" interference policy with respect to pertinent Class A TV assignments.

The proposed operation complies with the current Freeze on contour extension as it will not extend coverage beyond the currently authorized noise-limited contour for KGMB (see Figure 3).

Post-Transition Allocation Considerations

The proposed KGMB(DT) operation meets the FCC's interference standards to pertinent DTV Appendix B allotments using the procedures outlined in the FCC's OET-69 Bulletin and a 1 kilometer grid cell size as shown by