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June 19, 2008

ORIGINAL

Our File No. 20890-00101-61

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
c/o Natek, Inc.
236 Massachusetts Avenue, NE, Suite 110
Washington, DC 20002

FILED/ACCEPTED

JUN 19 2008

Federal Communications Commission
Office of the Secretary

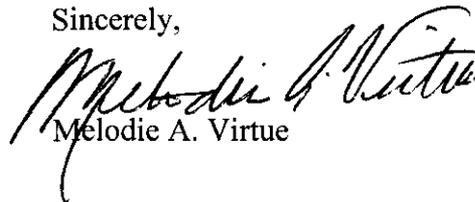
Re: Petition for Rulemaking for Digital Channel Substitution and Maximization
Amendment of Section 73.622(i)
Table of Allotments, Digital Television Broadcast Stations
KSPS-TV, Facility Id. No. 61956, Spokane, Washington

Dear Ms. Dortch:

Transmitted herewith behalf of Spokane School District #81, licensee of noncommercial educational Television Station KSPS-TV, Spokane, Washington, are an original and four copies of its Petition for Rulemaking for Digital Channel Substitution and Maximization.

If there are any questions concerning this submission, please contact the undersigned directly.

Sincerely,



Melodie A. Virtue

Enclosures

cc: Ms. Joyce Bernstein (via email at joyce.bernstein@fcc.gov)
Mr. Ron Grasser (via email at ron.grasser@fcc.gov)

Counsel for KHQ, Incorporated:
John C. Quale, Esq. (via email at john.quale@skadden.com)
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**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))	MM Docket No. _____
Table of Allotments,)	RM- _____
Digital Television Broadcast Stations)	
Spokane, Washington)	

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

**PETITION FOR RULEMAKING
FOR DIGITAL CHANNEL SUBSTITUTION
AND MAXIMIZATION**

Spokane School District #81, licensee of noncommercial educational Television Station KSPS-TV, Facility ID Number 61956, operating on analog Channel 7 and digital Channel 8, Spokane, Washington, by its attorneys and pursuant to Sections 1.401 and 73.622(a) of the Commission's Rules (47 C.F.R. §§1.401 and 73.622(a)), hereby respectfully petitions the Commission to institute a rulemaking to amend Sections 73.622(b) and (i), the DTV Table of Allotments and the Post-Transition Table of DTV Allotments, by substituting Channel 7 as the station's DTV allocation in lieu of Channel 8, and to maximize KSPS-TV's operations on substituted Channel 7. Specifically, the DTV Table of Allotments would be amended as follows:

	<u>Present DTV Table</u>	<u>Proposed</u>
	<u>Appendix B</u>	
Spokane, WA	*8	*7

KSPS-TV's request for channel substitution needs to be reviewed in conjunction with a channel substitution request filed concurrently herewith by KHQ, Incorporated, licensee of

KHQ-TV, Spokane, Washington, Facility ID Number 34537. KHQ-TV is currently licensed to operate digitally on Channel 15, and holds a construction permit for digital operation on Channel 7 post-transition. *See* FCC File No. 20080314ABV. KHQ-TV's ability to move to Channel 7 post-transition became possible when KSPS-TV entered a Negotiated Channel Election Agreement ("NCEA") with KHQ-TV on February 8, 2005. In the NCEA, KSPS-TV agreed to operate digitally on Channel 8 rather than to remain on Channel 7 so that KHQ-TV could move to Channel 7 after the transition.

Since entering into the NCEA, KHQ-TV has decided to remain on digital Channel 15, and, concurrently herewith, has filed a Petition for Rulemaking to substitute Channel 15 for its allotted post-transition Channel 7. With the re-allotment of Channel 15 to KHQ-TV, the Commission can re-allot digital channel 7 to KSPS-TV.

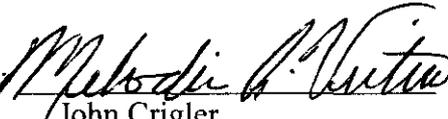
As set forth in the attached Engineering Statement of Erik C. Swanson, it remains technically feasible for the FCC to allot Channel 7 to KSPS-TV in Spokane when it re-allots digital Channel 15 post-transition to KHQ-TV. Re-allotting digital Channel 7 to KSPS-TV not only allows KSPS-TV to remain on its analog channel post-transition, it also allows KSPS-TV to increase coverage to serve 13,000 additional people. Further, operation on Channel 7 will enable KSPS-TV to upgrade on a channel that does not have any short-spacings to any Canadian stations or allotments.

Moreover, as explained in greater detail in the attached Engineering Statement, reception at remote mountaintop sites for TV translators that retransmit KSPS-TV's signal will suffer less first harmonic interference from co-located FM translators if KSPS-TV operates digitally on Channel 7 than has been found to occur on Channel 8. Consequently, the public interest would be served by allowing KSPS-TV to operate post-transition on digital Channel 7.

Wherefore, the premises considered, Spokane School District #81 respectfully requests that the Commission substitute digital Channel 7 for Channel 8 at Spokane, Washington.

Respectfully submitted,

SPOKANE SCHOOL DISTRICT #81

By 
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Its Attorneys

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June 19, 2008

ATTACHMENT

Engineering Statement

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**Engineering Statement
Petition for Rulemaking for KSPS-TV
Substitution of Digital Channel *7 for Digital Channel *8 at Spokane, Washington
June 2008**

This Engineering Statement has been prepared on behalf of Spokane School District #81 ("SSD"), licensee of television station KSPS-TV at Spokane, Washington. KSPS-TV presently operates on analog Channel 7, with paired digital Channel 8. Per the DTV Seventh Report and Order MO&O,¹ KSPS-TV has been assigned Channel 8 for post-transition digital operation. This material has been prepared in connection with a Petition for Rulemaking proposing to substitute digital Channel *7 for digital Channel *8 at Spokane.

The following table lists the KSPS-TV post-transition facilities approved in Appendix B of the DTV Seventh Report and Order MO&O, as well as SSD's requested post-transition facilities as proposed herein:

	DTV Table Appendix B	Proposed Substitution
Channel	8	7
ERP	21.6 kW	45.1 kW
HAAT	558 meters	558 meters
Antenna	omnidirectional	omnidirectional
Coordinates	47-34-34 117-17-58	47-34-34 117-17-58
DTV Population (thousand)	666	679

¹ See *Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service*, MB Docket No. 87-268, Memorandum Opinion and Order on Reconsideration of the Seventh Report and Order and Eighth Further Notice of Proposed Rulemaking, FCC 08-72, Released March 6, 2008.

I. Background and Technical Reasons for Request

At the time SSD filed its first-round channel election specifying post-transition digital operation on Channel 8, SSD was part of a negotiated channel agreement whereby station KHQ-TV Spokane (currently analog Channel 6 and digital Channel 15) would implement post-transition digital operations on Channel 7, i.e. the channel currently used for analog operations of KSPS-TV.

As is discussed in the covering legal pleading, the KHQ-TV licensee has since determined to request a change in that station's post-transition operations to its presently-licensed digital Channel 15. In light of this development, SSD has determined that it would prefer to modify the KSPS-TV post-transition channel from Channel 8 to Channel 7, representing a return to the channel presently used by KSPS-TV for analog operations.

In addition to the obvious "branding" benefits whereby this long-standing non-commercial station's actual and virtual (i.e. PSIP) channel assignments will match, SSD has a compelling technical reason for making this request: The presently-assigned digital Channel 8 lies within the first harmonic of FM stations operating between 90 MHz and 93 MHz, whereas the proposed digital Channel 7 lies within the first harmonic of FM stations operating between 88 MHz and 90 MHz.

The non-commercial programming of KSPS-TV is retransmitted by some two dozen TV translator stations across the states of Washington, Oregon, Idaho, and Montana. Many of these translators are located on remote mountaintop transmitter sites and rely upon direct off-air reception of KSPS-TV, as opposed to receiving KSPS-TV programming via microwave feed or via another translator station. The KSPS-TV engineering staff has reported that these remote mountaintop sites often host FM translator stations, which more often (at these particular sites) tend to transmit in the 90 MHz to 93 MHz range than in the 88 MHz to 90 MHz range.

The first harmonic of the FM translator transmissions can interfere with reception of KSPS-TV, particularly at sites that are distant from the KSPS-TV transmitter site. The result can be an unreliable input signal to the TV translator, causing the bit-error-rate to rise above the level acceptable to the TV translator's receiver and thereby resulting in an unacceptable picture at the consumer's receiver.

The potential first-harmonic interference source "pool" for Channel 8 covers a 3 MHz wide portion of the FM band whereas for Channel 7 it covers only a 2 MHz² wide portion of the FM band. Based on this fact, and based on the KSPS-TV engineering staff's experience with this issue in the field, it is believed that KSPS-TV post-transition digital operations on Channel 7 will be less-susceptible to interference at the remote mountaintop sites where TV translators are located.

An additional technical reason for the proposed channel substitution is that a cochannel NTSC station at Trail, British Columbia, Canada, presents an obstacle to upgrading the KSPS-TV digital operation on Channel 8. Analog CKTN-TV operates from a transmitter site just 173 kilometers from the KSPS-TV transmitter site, and under the terms of the Letter of Understanding³ ("LOU") the two stations are short-spaced by fully 110 kilometers.⁴ Furthermore, the 22.2 dBu F(50,10) interfering contour from the KSPS-TV digital operation already fully encompasses the CKTN-TV 82 kilometer protected area.

By contrast, a KSPS-TV digital operation on Channel 7 would not be short-spaced to any Canadian analog or digital stations or allotments.

It should be noted that the antenna which KSPS-TV would use for digital operations on Channel 7 is already in place, an antenna which is presently used for combined analog Channel 7 and digital Channel 8 operations (see BLEDT-20030403ACH).

It is therefore proposed that Channel *7 be substituted for Channel *8 for post-transition operations by KSPS-TV, at the same ERP level (but lower HAAT value of 558 meters rather than 653 meters)

² The remaining 1 MHz falls within TV channel 6.

³ "Letter of Understanding Between the Federal Communications Commission of the United States of American and Industry Canada Related to the Use of the 54-72 MHz, 76-88 MHz, 174-216 MHz, and 470-806 MHz Bands for the Digital Television Broadcasting Service Along the Common Border", September 2000.

⁴ The proposed KSPS-DT facility is classified as equivalent to a "Class VL" facility for the purpose of evaluation using the spacing tables included in Section 4.2 of the LOU. CKTN-TV is classified as a "Class VU" facility. The required spacing between cochannel Class VL (digital) and Class VU (analog) facilities in the LOU is 283 kilometers.

already approved for KHQ-TV in both Appendix B and the KHQ-TV construction permit BPCDT-20080314ABV.

II. Post-Transition Allocation Study

Study has been made of all cochannel and adjacent-channel facilities in the vicinity of the proposed operation, including a detailed Longley-Rice interference study to demonstrate that the proposed operation will not cause impermissible interference (i.e. more than 0.5 percent new interference) to any stations beyond that level listed in the post-transition DTV Table Appendix B. This study was performed using the SunDTV program from V-Soft Communications and a 2 km grid spacing. The SunDTV program identically duplicates the FCC's OET-69 processing program.

For the purposes of this study, KHQ-TV has been assumed to operate on digital Channel 15, rather than its presently-assigned digital Channel 7. The results of this study indicate that the proposed facility is predicted to cause zero additional interference to any of the listed stations. Based on this allocation and interference study, it is believed that the proposed facility can operate without risk of interference to other stations.

Summary Study

TV INTERFERENCE and SPACING ANALYSIS PROGRAM

Date: 06-02-2008 Time: 22:00:10

Record Selected for Analysis

KSPS-TV USERRECORD-04 SPOKANE WA US
 Channel 07 ERP 45.1 kW HAAT 555. m RCAMSL 01274 m
 Latitude 047-34-34 Longitude 0117-17-58
 Status APP Zone 2 Border
 Dir Antenna Make usr Model USRPAT04 Beam tilt N Ref Azimuth 0.
 Last update Cutoff date Docket
 Comments
 Applicant

Cell Size for Service Analysis 2.0 km/side

Distance Increments for Longley-Rice Analysis 1.00 km

Facility does not meet maximum height/power limits
 Channel 7 ERP = 45.10 HAAT = 555.

Azimuth ERP HAAT 36.0 dBu F(50,90)

Hatfield & Dawson Consulting Engineers

(Deg)	(kW)	(m)	(km)
0.0	45.100	585.6	126.4
45.0	45.100	636.2	129.5
90.0	45.100	392.1	111.8
135.0	45.100	503.9	120.6
180.0	45.100	537.6	122.6
225.0	45.100	582.7	126.1
270.0	45.100	598.6	127.3
315.0	45.100	605.2	127.8

Evaluation toward Class A Stations

No Spacing violations or contour overlap to Class A stations

Class A Evaluation Complete

SPACING VIOLATION FOUND BETWEEN STATION

KSPS-TV 07 SPOKANE WA USERRECORD04

and station

SHORT TO: KPAX-TV 07 MISSOULA MT BDTV 0936
 47 -01-06 114 -00-41
 Req. separation 273.6 Actual separation 256.3 Short 17.3 km

Proposed facility OK to FCC Monitoring Stations

Proposed facility OK toward West Virginia quite zone

Proposed facility OK toward Table Mountain

Proposed facility is within the Canadian coordination distance
 Distance to border = 158.3km

Proposed facility is beyond the Mexican coordination distance

Proposed station is OK toward AM broadcast stations

 Start of Interference Analysis

Channel	Proposed Station Call	City/State	ARN
07	KSPS-TV	SPOKANE WA	USERRECORD04

Stations Potentially Affected by Proposed Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
07	KPAX-TV	MISSOULA MT	255.5	LIC	BDTV	-0936
08	KSPS-TV	SPOKANE WA	0.0	LIC	BDTV	-1715

Study of this proposal found the following interference problem(s):

NONE.

Furthermore, it has been verified that the proposed facility will not reduce the population served by KSPS-TV digital facility by more than 5%, compared to the DTV population listed in Appendix B. Indeed, the population served will be increased.

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Analysis of Interference to Affected Station 3

Analysis of current record

Channel	Call	City/State	Application Ref. No.
07	KSPS-TV	SPOKANE WA	USERRECORD-04

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
07	KPAX-TV	MISSOULA MT	255.5	LIC	BDTV -0936
08	KSPS-TV	SPOKANE WA	0.0	LIC	BDTV -1715

Total scenarios = 1

Result key: 2
 Scenario 1 Affected station 3
 Before Analysis

Results for: 7A WA SPOKANE USERRECORD04 APP

HAAT 555.0 m, ATV ERP 45.1 kW	POPULATION	AREA (sq km)
within Noise Limited Contour	723375	48511.3
not affected by terrain losses	678925	42072.8
lost to NTSC IX	0	0.0
lost to additional IX by ATV	2	76.2
lost to ATV IX only	2	76.2
lost to all IX	2	76.2

Potential Interfering Stations Included in above Scenario 1

7A MT MISSOULA	BDTV	0936	LIC
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III. Summary

In conclusion, it is believed that the proposed substitution of digital Channel *7 for digital Channel *8 for use by KSPS-TV at Spokane, Washington, is in the public interest, for the following reasons:

- 1) Operation on Channel 7 will allow KSPS-TV to operate on an actual channel which is identical to its "virtual" (i.e. PSIP) channel.
- 2) Reception of Channel 7 at remote mountaintop sites (for retransmission by TV translator stations) will be less-susceptible to interference from the first harmonic of co-located FM translator transmissions.
- 3) Operation on Channel 7 will allow KSPS-TV to upgrade on a channel which does not have any short-spacings with Canadian analog or digital stations or allotments.
- 4) Operation on Channel 7 will not reduce (and will in fact expand) the population which will receive interference-free service from KSPS-TV.

IV. Statement of Consultant

This Engineering Statement supporting a Petition for Rulemaking to revise the DTV Table of Allotments at Spokane, Washington, has been prepared on behalf of Spokane School District #81. All representations herein are true to the best of my knowledge.

Signed this 18th day of June, 2008.

A handwritten signature in black ink, appearing to read "Erik C. Swanson". The signature is written in a cursive style with a long, sweeping underline.

Erik C. Swanson