

ORIGINAL

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

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Federal Communications Commission
Office of the Secretary

In re:

AMENDMENT OF SECTION 73.622
TABLE OF ALLOTMENTS
DTV BROADCAST STATIONS
WILLISTON, NORTH DAKOTA

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) MM Docket No.
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To: Secretary, FCC
Attn: Chief, Video Division, Media Bureau

PETITION FOR RULEMAKING

Prairie Public Broadcasting, Inc. ("PPB"), licensee of noncommercial educational television station KWSE-DT, DTV Channel *51, Williston, North Dakota, by its attorneys and pursuant to the Commission's Rules, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.622 of its Rules to substitute DTV Channel *11 in lieu of DTV Channel *51 as KWSE-DT's post-transition DTV channel. The KWSE-DT channel would remain reserved for noncommercial educational use. This substitution of digital channels would serve the public interest and would not cause impermissible interference to any other stations.

Background

PPB owns and operates a statewide public television network consisting of nine television stations in North Dakota: KWSE-TV/DT, Williston (the subject of the instant petition for rulemaking); KBME-TV/DT, Bismarck; KCGE-DT, Crookston; KDSE-TV/DT, Dickinson;

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KFME-TV/DT, Fargo; KGFE-TV/DT, Grand Forks; KJRE-TV/DT, Ellendale; KMDE-DT, Devils Lake; and KSRE-TV/DT, Minot.¹

PPB proposes the following amendment to Section 73.622(i) of the Commission's Rules:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Williston, North Dakota	*51	*11

Argument

A. The Proposed Change Will Reduce the Financial Burden on PPB of Replicating KWSE-TV's Analog Service Area

The substitution of DTV Channel *11 for DTV Channel *51 as KWSE-DT's post-transition DTV channel will allow PPB to replicate the analog service area of KWSE-TV, analog Channel 4 in a manner that is cost-effective. Replicating KWSE-TV's analog service on DTV Channel *51 would be cost prohibitive for PPB, with estimated operating costs for power totaling over \$100,000 per year and require over \$4 million in capital funding for dissemination equipment that includes transmitter, tower, building, antenna and transmission line equipment. By comparison, the power operating costs for replicating KWSE-TV's analog service area on DTV Channel *11 are estimated to total less than \$6,000 per year – a savings of over \$94,000 per year in power costs alone. The DTV Channel *11 dissemination equipment is estimated to cost \$800,000 – a savings of over \$3 million in capital funding.

The proposed channel substitution will thus allow PPB to replicate the analog service area of KWSE-TV within the financial constraints of the current public broadcasting environment. The cost savings from the channel substitution will also permit the possibility for

¹ PPB also owns and operates the statewide public radio network in North Dakota.

PPB to seek maximization of KWSE-DT, in order to provide its noncommercial educational programming to an even greater number of viewers.

PPB has already undertaken a significant financial burden in connection with the DTV transition process. As part of the substantial resources devoted by PPB to digital conversion throughout its television network, PPB has already spent more than \$19 million on the transition to DTV, with over \$4 million of additional DTV conversion projects required to complete the conversion. PPB believes that the most cost-effective use of the limited funding available for the transition of its television network to DTV will be to build-out KWSE-DT on DTV Channel *11, thereby significantly reducing the costs required to replicate the analog service area of KWSE-TV. Accordingly, PPB proposes to substitute DTV Channel *11 instead of DTV Channel *51 at Williston, North Dakota.

B. The Proposed Change to the Table of Allotments Will Serve the Public Interest

The proposed change to the DTV Table of Allotments will serve the public interest by enhancing PPB's ability to meet its DTV transition obligations and provide high quality noncommercial educational programming in digital throughout the State of North Dakota. In particular, the proposed substitution will help PPB to meet its substantial burdens in the DTV transition process by avoiding the need to incur substantial operating costs to replicate the analog service area of KWSE-TV on DTV Channel *51. It would be an undue financial hardship – and cost prohibitive – for PPB to operate KWSE-DT on DTV Channel *51 when transition to DTV Channel *11 will allow PPB to replicate and possibly even expand KWSE-TV's analog service area at a much lower cost to PPB.

These financial considerations, and the potential to maximize KWSE-DT, are of critical importance to PPB as it seeks to construct and operate KWSE-DT in the most cost-effective

manner possible and within PPB's financial constraints. The estimated \$94,000 savings in annual operating costs – and over \$3 million savings in capital funding – that will result from the substitution of KWSE-DT's post-transition DTV channel from *51 to *11 are especially significant in the context of the eight other digital television stations in PPB's state television network that PPB has had to build-out. By necessity, as a nonprofit corporation and noncommercial educational licensee operating statewide radio and television networks with a limited budget, particularly in these difficult economic times for the State of North Dakota and public television in general, PPB must be a careful steward of its resources, even while it seeks to offer the highest quality of public broadcasting service.

C. The Proposed Change to the Table of Allotments Meets the Requirements For Interference Protection Set Forth in the Commission's Rules

The channel substitution proposed by PPB meets the spacing requirements set forth in Section 73.616 of the Commission's Rules. As the Engineering Statement demonstrates, the proposed operation of KWSE-DT on DTV Channel *11 will be fully spaced to all other stations, including Class A TV stations and Canadian NTSC stations and DTV allotments, and comply with principal community coverage requirements. *See Attachment A.*

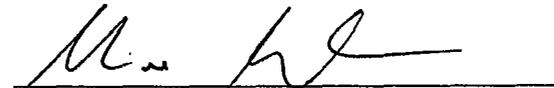
Conclusion

For all of these reasons, PPB requests that the Commission institute a rulemaking proceeding to amend Section 73.622 of its Rules to substitute DTV Channel *11 for DTV Channel *51 as the post-transition DTV channel for KWSE-DT in Williston, North Dakota. If the Commission grants this petition and modifies the DTV Table of Allotments accordingly, PPB is committed to applying for and constructing KWSE-DT on Channel *11.

Respectfully Submitted,

PRAIRIE PUBLIC BROADCASTING, INC.

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June 19, 2008

Attachment A

Station KWSE-DT • Williston, North Dakota Rulemaking Petition to Change DTV Operating Channel

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Prairie Public Broadcasting, Inc. ("Prairie"), licensee of Station KWSE-DT, Williston, North Dakota, Facility ID No. 53318, to prepare the engineering portion of a rulemaking petition to change the KWSE-DT post-transition operating channel from D51 to D11.

Background

KWSE(TV) operates on NTSC Channel 4; as a VHF low band channel, its use for DTV operation is not optimum due to man-made noise, skip interference, and possible broadband over power lines (BPL) interference. Therefore, Prairie elected to remain on its UHF DTV Channel 51 for its post-transition operation. However, it has now be determined that the KWSE site would be fully spaced to all U.S. and Canadian stations if the post-transition operation were shifted from DTV Channel 51 to DTV Channel 11. Such operation would allow a lower operating cost for the station, which is always an important consideration for a non-commercial station. Prairie is therefore filing its Petition for Rulemaking to change the KWSE-DT post-transition operation from D51 to D11. It is noted that Station KXMD-TV, Williston, currently transmits on N11; however, that station's current DTV channel and final channel designation (FCD) are both DTV Channel 14; thus, Channel 11 will become available in Williston when KXMD-TV vacates that channel at the end of the transition period.

Proposed Conditions

It is proposed to operate from the existing KWSE site. The geographic coordinates of the proposed allotment would be:

48° 08' 30" N, 103° 53' 34" W (NAD27)

From these coordinates, FCC Rules §73.623(d) spacing conditions would be met to all authorized and proposed facilities requiring protection:

Channel	Call	Location	Required	Actual
D10	KXGN-TV (FCD)	Glendive, MT	>110.0 km	134.6 km
D10	KXGN-TV (CP)	Glendive, MT	>110.0	135.7
D10	KMOT (CP)	Minot, ND	>110.0	191.7
D10	KMOT (FCD)	Minot, ND	>110.0	191.7
N10	K10GF (A)	Miles City, MT	>125.0	240.7

**Station KWSE-DT • Williston, North Dakota
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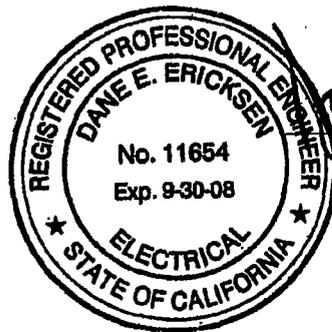
The proposed site would also be fully spaced to all Canadian TV stations and DTV allotments, as follows:

<u>Channel</u>	<u>Call</u>	<u>Location</u>	<u>Required</u>	<u>Actual</u>
N10	CBKT2	Willow Bunch, SA	>101 km	190.4 km
D10	Class B allotment	Minnedosa, MB	>101	374.4
N11	CFRET-TV	Regina, SA	>283	286.0
N11	CKXTV1	Foxwarren, MB	>283	334.7
N11	CKXTV3	McCreary, MB	>250	419.7
N12	CKCKTV1	Colgate, SA	>100	144.3

A facility constructed to conform to the proposed allotment would easily provide F(50,90) 43 dBu City Grade coverage to all of Williston. Prairie would propose facilities that either match or exceed its DTV Channel 51 allotment.

Conclusion

Engineering analysis shows that DTV Channel 11 may be allotted to Williston, North Dakota, in place of the presently allotted DTV Channel 51. Required spacing conditions would be met and full licensed community coverage would be provided from the proposed allotment location.



[Handwritten Signature]

Dane E. Ericksen, P.E.

June 19, 2008