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JUL 15 2008

Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:

Pappas Arizona License, LLC

**To Amend the Post-Transition
Digital Television Table of Allotment
for Station KSWT-DT, Yuma, Arizona**

MB Docket No.: _____

RM- _____

**To: The Secretary
Attn: Chief, Video Division
Media Bureau**

ORIGINAL

PETITION FOR RULEMAKING

Pappas Arizona License, LLC ("Petitioner"), by and through its attorneys, and pursuant to Section 73.623 of the Commission's rules, 47 C.F.R. § 73.623 (2007), hereby submits this Petition for Rulemaking to change the post-transition digital television ("DTV") channel allotment of Station KSWT-DT, Yuma, Arizona (the "Station") to Channel 13, and to make related technical changes to the Station's technical parameters. This Petition is submitted pursuant to the Public Notice, dated May 30, 2008, lifting the freeze on the submission of DTV "maximization" applications and petitions for digital channel substitutions.¹

Currently, the Station has been allotted Channel 16 in the post-transition DTV Table of Allotments.² As set forth in the Engineering Statement, attached hereto as Exhibit A, Petitioner has determined that the requested change in the post-transition DTV allotment to Channel 13 complies with the Commission's technical rules.

¹ *Commission Lifts the Freeze on the Filing of Maximization Applications and Petitions for Digital Channel Substitutions, Effective Immediately*, Public Notice, DA 08-1213 (May 30, 2008).

² *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Seventh Report and Order, Appendix B, 22 FCC Rcd 15,581 (2007) ("DTV Order"). The post-transition parameters for DTV facilities specified in Appendix B will be codified at 47 C.F.R. § 73.622(i). *Id.*, nt. 2.

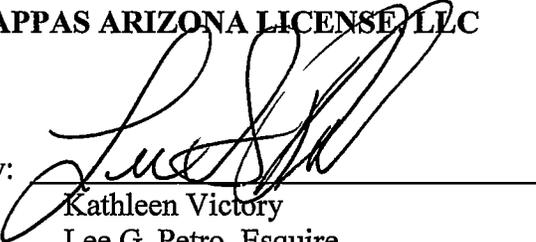
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Moreover, as shown in the Engineering Statement, since the Station currently operates on analog Channel 13, the change to DTV Channel 13 will permit the Petitioner to convert its present analog transmitter on Channel 13, and use the presently-licensed analog antenna. This will permit the Petitioner to save substantial expenses, and will permit the completion of the construction of the Station's post-transition prior to the end of the DTV transition. Finally, the proposed facility complies with the Commission's processing guidelines established in the DTV Order regarding the permissible change in a post-transition DTV facility.

Therefore, Petitioner respectfully requests that the post-transition DTV Table of Allotments be amended for KSWT-DT to specify Channel 13 and the technical parameters provided in the Engineering Statement. The requested changes comply with all applicable legal and technical requirements and would serve the public interest.

Respectfully submitted,

PAPPAS ARIZONA LICENSE, LLC

By: 

Kathleen Victory

Lee G. Petro, Esquire

FLETCHER, HEALD & HILDRETH, PLC

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Arlington, Virginia 22209

703-812-0400 – Telephone

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Its Attorney

July 15, 2008

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of PAPPAS ARIZONA LICENSE, LLC, licensee of KSWT-DT on Channel 16 in Yuma, Arizona, in support of its Petition for Rulemaking to substitute Channel 13 for Channel 16 in the Commission's digital television Table of Allotments for post-transition operation. The proposed channel is currently the analog channel for KSWT. If the Petition is granted, the station will simply convert the present analog transmitter to digital operation at the same site, using the presently licensed analog antenna.

Attached is the engineering portion of the FCC application for the proposed facility. In it, the operating parameters of the station are provided. As shown in the engineering report, operation on the new channel with the specified parameters will result in a facility that places the requisite city-grade contour over the city of license, meets the FCC's interference requirements to all post-transition DTV facilities (and Class A LPTV stations), and satisfies the Commission's human exposure guidelines to nonionizing electromagnetic radiation.

Accordingly, it is respectfully requested that the Commission substitute the allotment channel for KSWT-DT (with the specified operating parameters) in the digital television allotment table in Section 73.622(i) of the FCC Rules as follows:

Present Allotment

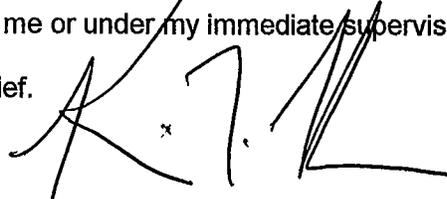
Yuma, AZ 11, 16

Proposed Allotment

Yuma, AZ 11, 13

SMITH AND FISHER

I declare under penalty of perjury that the foregoing statements and the attached engineering report, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'K. T. Fisher', with a small 'x' mark in the center of the signature.

KEVIN T. FISHER

July 10, 2008

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 modify 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 on or before March 17, 2008 (45 days of 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. Yes 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. Yes 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. Yes 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"). Yes No
 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 DTV Table Appendix B. Yes No
 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. Yes No

Applicant must submit the Exhibit called for in Item 13.

3. Pursuant to 47 C.F.R. Section 73.625, the DTV coverage contour of the proposed facility will encompass the allotted principal community. Yes 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. Yes No

5. The antenna structure to be used by this facility has been registered by the Commission and will not require reregistration 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. Section 17.7. Yes No

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 13 Analog TV, if any 13

2. Zone: I II III

3. Antenna Location Coordinates: (NAD 27)
33° 03' 17" N S Latitude
114° 49' 34" E W Longitude

4. Antenna Structure Registration Number: 1002752
 Not applicable FAA Notification Filed with FAA

5. Antenna Location Site Elevation Above Mean Sea Level: 647.7 meters

6. Overall Tower Height Above Ground Level: 122.8 meters

7. Height of Radiation Center Above Ground Level: 116 meters

8. Height of Radiation Center Above Average Terrain: 480 meters

9. Maximum Effective Radiated Power (average power): 20.0 kW

10. Antenna Specifications:

Manufacturer	Model
JAM	ODDKYELTV

a. Electrical Beam Tilt: _____ degrees Not Applicable

b. Mechanical Beam Tilt: _____ degrees toward azimuth _____ degrees True Not Applicable

Attach as an Exhibit all data specified in 47 C.F.R. Section 73.685(c). Exhibit No. ---

d. Polarization: Horizontal Circular Elliptical

TECH BOX

c. Directional Antenna Relative Field Values: Not applicable (Nondirectional)

Rotation: _____ ° No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	0.62	60	0.30	120	0.69	180	0.85	240	0.66	300	0.37
10	0.67	70	0.17	130	0.83	190	0.73	250	0.75	310	0.23
20	0.69	80	0.16	140	0.92	200	0.57	260	0.78	320	0.22
30	0.67	90	0.20	150	0.98	210	0.40	270	0.76	330	0.23
40	0.60	100	0.33	160	0.99	220	0.36	280	0.70	340	0.34
50	0.47	110	0.52	170	0.94	230	0.51	290	0.58	350	0.50
Additional Azimuths		155	1.00								

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

Exhibit No.
B

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

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

Exhibit No.
D

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

Exhibit No.
C

13. **Environmental Protection Act. Submit in an Exhibit** the following:

Exhibit No.
E

a. 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 radio frequency 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.

PREPARER'S CERTIFICATION IN SECTION III MUST BE COMPLETED AND SIGNED.

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.

Yes No N/A

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.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

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 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	Relationship to Applicant (e.g., Consulting Engineer)	
KEVIN T. FISHER	Broadcast Consultant	
Signature	Date	
	July 10, 2008	
Mailing Address		
SMITH and FISHER, 2237 Tackett's Mill Drive, Suite A		
City	State or Country (if foreign address)	ZIP Code
Lake Ridge	Virginia	22192
Telephone Number (include area code)	E-Mail Address (if available)	
(703) 494-2101	Kevin@smithandfisher.com	

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).

EXHIBIT A

ENGINEERING STATEMENT

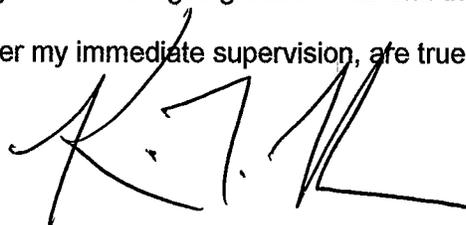
The engineering data contained herein have been prepared on behalf of PAPPAS ARIZONA LICENSE, LLC, licensee of KSWT-DT, Channel 16 in Yuma, Arizona, in support of its Application for Construction Permit to operate with a maximized post-transition DTV facility on Channel 13, its present analog channel. It is important to note that the facility proposed herein is identical to that specified in the station's Petition for Rulemaking.

It is proposed to utilize the present analog directional antenna at the 116-meter level of the existing 123-meter KSWT tower. Exhibit B provides azimuth pattern data for the licensed antenna. Exhibit C is a map upon which the predicted service contours are plotted. As shown, the city of license is completely contained within the proposed 43 dBu service contour. An interference study is included in Exhibit D, and it is important to note that the study utilized a cell size of 2.0 kilometers and an increment spacing of 1.0 kilometer. A power density calculation is provided in Exhibit E.

It is not expected that the proposed facility would cause objectionable interference to any other broadcast or non-broadcast station authorized to operate at or near the KSWT-DT site. However, if such should occur, the owner of this station recognizes its obligation to take whatever corrective actions are necessary.

Since no change in overall height or location of the existing tower is proposed herein, the FAA has not been notified of this application. In addition the FCC issued Antenna Structure Registration Number 1002752 to this tower.

I declare under penalty of perjury that the foregoing statements and the attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'K. T. Fisher', with a long horizontal stroke extending to the right.

KEVIN T. FISHER

July 10, 2008

Any specified rotation has already been applied to the plotted pattern.
Field strength values shown on a rotated pattern may differ from the listed values because intermediate azimuths are interpolated between entered azimuths.

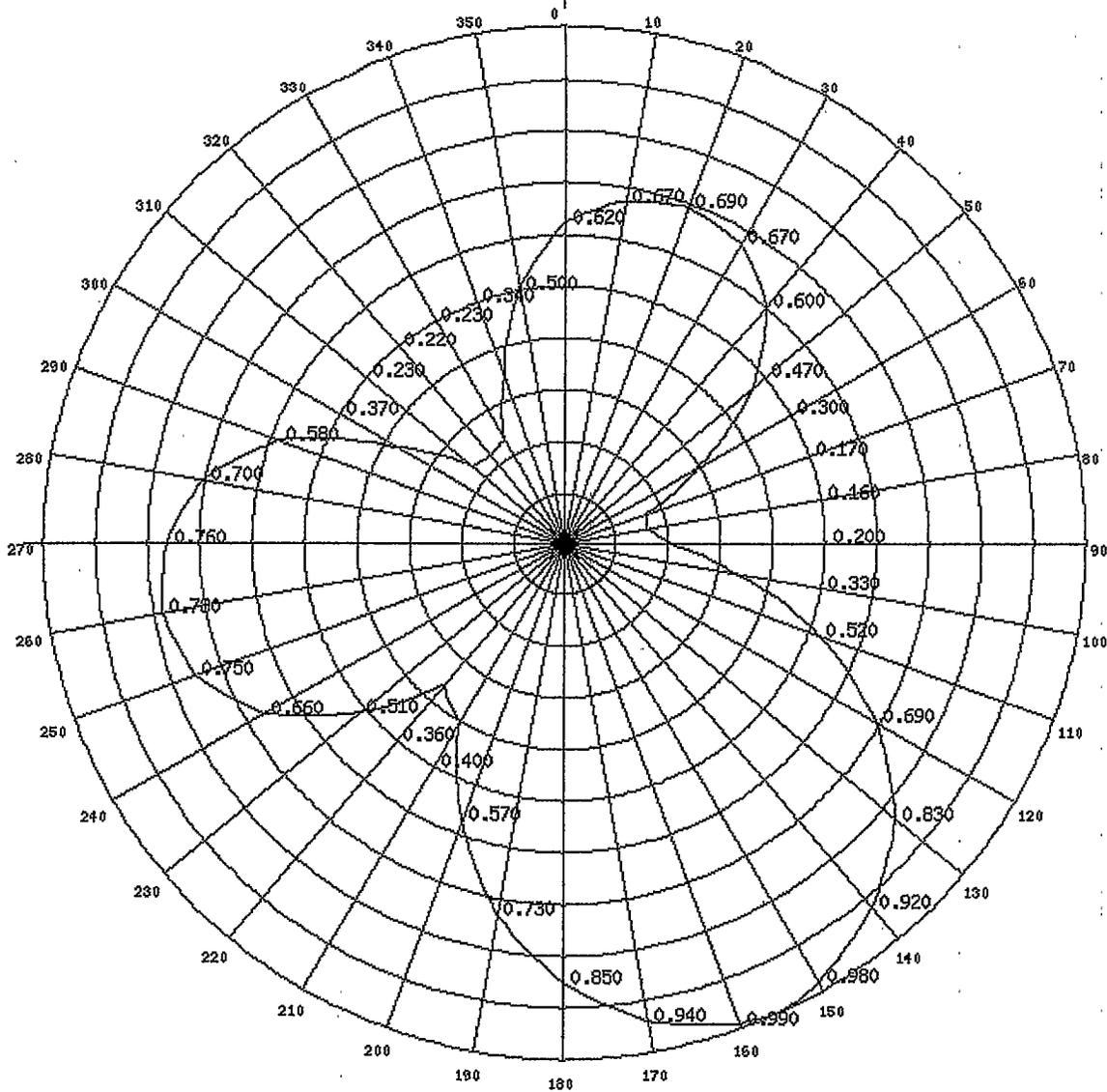


EXHIBIT B-1
ANTENNA AZIMUTH PATTERN
PROPOSED KSWT-DT
CHANNEL 13 - YUMA, ARIZONA
SMITH AND FISHER

ANTENNA AZIMUTH PATTERN DATA

PROPOSED KSWT-DT
CHANNEL 13 – YUMA, ARIZONA

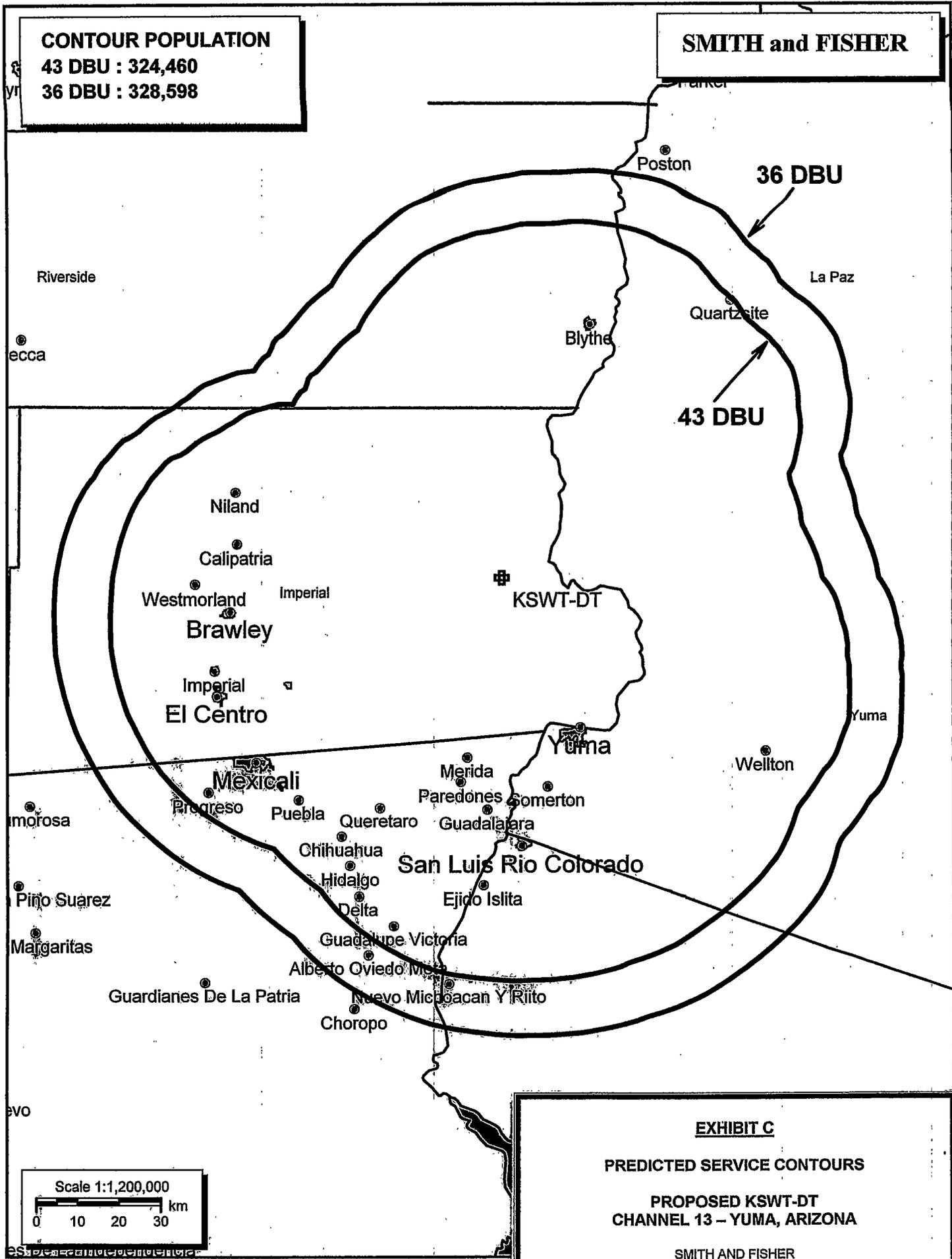
<u>Azimuth</u> (° T)	<u>Relative</u> <u>Field</u>	<u>ERP</u> (dbk)	<u>Azimuth</u> (° T)	<u>Relative</u> <u>Field</u>	<u>ERP</u> (dbk)
0	0.62	8.8	180	0.85	11.6
10	0.67	9.5	190	0.73	10.3
20	0.69	9.8	200	0.57	8.1
30	0.67	9.5	210	0.40	5.0
40	0.60	8.6	220	0.36	4.1
50	0.47	6.4	230	0.51	7.2
60	0.30	2.5	240	0.66	9.4
70	0.17	-2.4	250	0.75	10.5
80	0.16	-2.9	260	0.78	10.8
90	0.20	-1.0	270	0.76	10.6
100	0.33	3.4	280	0.70	9.9
110	0.52	7.3	290	0.58	8.3
120	0.69	9.8	300	0.37	4.4
130	0.83	11.4	310	0.23	0.2
140	0.92	12.3	320	0.22	-0.2
150	0.98	12.8	330	0.23	0.2
160	0.99	12.9	340	0.34	3.6
170	0.94	12.5	350	0.50	7.0

CONTOUR POPULATION

43 DBU : 324,460

36 DBU : 328,598

SMITH and FISHER



43 DBU

36 DBU

EXHIBIT C
PREDICTED SERVICE CONTOURS
PROPOSED KSWT-DT
CHANNEL 13 - YUMA, ARIZONA
SMITH AND FISHER

INTERFERENCE STUDY
PROPOSED KSWT-DT
CHANNEL 13 – YUMA, ARIZONA

The instant application specifies an ERP of 20 kw (directional) at 480 meters above average terrain, which we have determined to be allowable under the FCC's recently approved interference standards with respect to various post-transition digital television facilities as they will exist on or before February 17, 2009, the date by which all stations must operate with the parameters recently adopted in the Commission's DTV Table of Allotments.

In evaluating the interference effect of this proposal, we have relied upon the V-Soft Communications "Probe III" computer program, which has been found generally to mimic the FCC's program. In conducting our studies, we employed a cell size of 2.0 kilometers and an increment spacing of 1.0 kilometer along each radial. In addition, we utilized the 2000 U.S. Census. Changes in interference caused by proposed KSWT-DT to other pertinent stations are tabulated in Exhibit D-2.

As shown, the proposed KSWT-DT facility would not contribute more than 0.5% interference to the service population of any potentially affected post-transition DTV station.

A Longley-Rice interference study also reveals that the proposed KSWT-DT facility does not cause significant (0.5%) interference within the protected service contour of any potentially affected Class A low power television station.

Therefore, this proposal meets the FCC's *de minimis* interference standards for DTV operations.

EXHIBIT D-2

INTERFERENCE STUDY SUMMARY

PROPOSED KSWT-DT
CHANNEL 13 – YUMA, ARIZONA

<u>Call Sign</u>	<u>City, State</u>	<u>CH.</u>	<u>Coverage Population</u>	<u>Interference Population From KSWT-DT</u>	<u>%</u>
KTNV-DT BMPCDT-20080609ABH	Las Vegas, NV	13	1,362,892	754	<0.1

Note: This study utilized a cell size of 2.0 km and an increment spacing of 1.0 km.

EXHIBIT E

POWER DENSITY CALCULATION

PROPOSED KSWT-DT
CHANNEL 13 – YUMA, ARIZONA

Since the FCC considers the possible biological effects of RF transmissions in its environmental determinations, we have studied the matter with respect to this Yuma facility. Employing the methods set forth in *OET Bulletin No. 65* and considering a main-lobe effective radiated power of 20.0 kw, an antenna radiation center 116 meters above ground, and assuming a vertical relative field value of 20 percent at the steeper elevation angles for the existing Jampro antenna, maximum power density two meters above ground of 0.0021 mw/cm² is calculated to occur near the base of the tower. Since this is only 1.0 percent of the 0.2 mw/cm² reference for uncontrolled environments (areas with public access) surrounding a facility operating on Channel 13 (210-216 MHz), a grant of this proposal may be considered a minor environmental action with respect to public and occupational ground-level exposure to nonionizing electromagnetic radiation.

Further, the station owner will take whatever precautionary steps are necessary, such as reducing power or leaving the air temporarily, to ensure that workers operating in the vicinity of the antenna are not exposed to excessive nonionizing radiation.