

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Implementation of Short-term Analog) MB Docket No. 08-255
Flash and Emergency Readiness Act;)
Establishment of DTV Transition)
“Analog Nightline” Program)

To: The Commission

COMMENTS

Sunbelt Multimedia Co. (“Sunbelt”), licensee of Television Station KTLM, Rio Grande City, Texas¹ by its counsel, hereby submits its Comments in the above captioned proceeding to adopt rules and regulations to implement the Short-term Analog Flash and Emergency Readiness Act (“SAFER”) recently passed by Congress. *See Implementation of Short-term Analog Flash and Emergency Readiness Act; Establishment of DTV Transition “Analog Nightline” Program*, FCC 08-282, released December 24, 2008 (“NPRM”); *Media Bureau Announces Comment and Reply Comment Dates for the “Analog Nightline” NPRM*, DA 08-2820, released December 31, 2008. In support thereof, Sunbelt states as follows.

Sunbelt strongly supports the concept of an “analog nightline” as provided for in the SAFER legislation, which requires that the Commission allow continued analog broadcast service in order to permit broadcasters to offer to their viewers public safety information and DTV transition information. This statute recognizes that the digital transition, now set to occur on February 17, 2009, will not end on that day and will require that many people be provided

¹ KTLM is a Spanish-language television station that is an affiliate of the Telemundo Network.

with continuing sources of information to assist them in their participation in the transition process or in the event of an emergency occurring in their communities.

If there is any community that needs an “analog nightline” it is the Rio Grande Valley of Texas, where KTLM provides its service. The Rio Grande Valley is a predominately Hispanic area and contains some of the poorest communities in the country. The television market has a high level of over-the-air broadcast usage, owing to the language and economic issues. It is also a market where Mexican stations will continue to operate, post-transition, in analog, thereby providing an incentive for Hispanics not to invest in the digital transition. Owing to the need for extraordinary efforts to be made to encourage Spanish-speakers in the Rio Grande Valley to migrate to digital television, the educational efforts that broadcasters, including Sunbelt, have made must be supplemented in all ways possible. One of those means is through the implementation of analog nightlight geared to Hispanics.

Sunbelt was disappointed when it reviewed Appendix A to the NPRM. Appendix A shows that the three stations eligible to provide nightline service, in the Harlingen-Weslaco-Brownsville-McAllen, Texas DMA, consist of two English-language network affiliates² and an English-language public television station.³ Neither of the two Spanish-language stations in the market⁴ have been determined to be eligible, despite the fact that the great bulk of the population in the DMA is either Spanish-speaking or Spanish-dominant.

In order to ensure that there is a Spanish-language broadcast service that provides an analog nightlight, Sunbelt is willing to expend the resources to provide the service. Further, Sunbelt believes that it is fully entitled, from an engineering perspective, to be on the eligible

² These network affiliates are Stations KGBT-TV, Harlingen, Texas, and Station KRGV-TV, Weslaco, Texas.

³ The public television station is Station KLUJ-TV, Harlingen, Texas.

⁴ The other Spanish-language station is KNVO(TV), McAllen, Texas.

list. That conclusion is confirmed by the attached Technical Statement (Exhibit A) of Sunbelt's consulting communications engineers. In that Statement, the consultants confirm that no co-channel or first adjacent channel is allotted or operates within the minimum spacing criteria contained in the SAFER statute. This evidence provides a sufficient basis for including KTLM, operating on pre-transition analog Channel 40 from providing an analog nightline service.

Taking into consideration the intent of Congress in adopting the SAFER legislation, Sunbelt urges the Commission to act expeditiously in adopting regulations to implement the legislation. These regulations should provide that KTLM be deemed an eligible station for the provision of such a service in the Harlingen-Weslaco-Brownsville-McAllen, Texas DMA.

Respectively submitted,

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January 5, 2009

EXHIBIT A

TECHNICAL STATEMENT
PREPARED IN SUPPORT OF COMMENTS
IN MB DOCKET NO. 08-255
TV STATION KTLM
RIO GRANDE CITY, TEXAS
ANALOG CH 40

This technical narrative was prepared on behalf Sunbelt Multimedia Co., licensee of TV station KTLM on analog channel 40 and DTV channel 20 at Rio Grande City, Texas in support of comments in the Notice of Proposed Rule Making in MB Docket No. 08-255, Implementation of Short-term Analog Flash and Emergency Readiness Act; Establishment of DTV Transition "Analog Nightlight" Program ("Analog Nightlight Act"). The purpose of these comments is to demonstrate that KTLM is eligible for analog nightlight operation as it complies with minimum spacing criteria proposed in the Analog Nightlight Act.

Station KTLM is licensed to operate on analog channel 40 (BLCT-19991019AAU). Figure 1 is a tabulation of all co-channel and first adjacent channel post-transition DTV stations and allotments located within 500 kilometers of the licensed KTLM analog channel 40 transmitter site. As indicated, there are no co-channel DTV stations or allotments located within 283 km (co-channel minimum spacing) and no first adjacent channel DTV stations for allotments located within 134 km (adjacent channel minimum spacing) of the KTLM transmitter site. Therefore, it is believed that KTLM meets the minimum spacing criteria identified in the Analog Nightlight Act.¹

¹ It is noted that KTLM has a pending Petition for Rule Making (PRM) to change its post-transition DTV allotment to channel 40 (current analog channel), BPRM-20080620AOA.

This technical statement has been prepared by or under the direct supervision of W. Jeffrey Reynolds, technical consultant with the firm of du Treil, Lundin and Rackley, Inc., a telecommunications consulting firm located in Sarasota, Florida, who states that his qualifications are a matter of record with the Federal Communications Commission, having been presented on previous occasions. All data and statements contained herein are true and correct to the best of his knowledge and belief.



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TV Inquiry

Figure 1

du Treil, Lundin, & Rackley, Inc., Sarasota, Florida



Listed stations are within 500 km of the point at 026-31-01.00 098-39-07.00.

<i>Callsign</i>	<i>Chan.</i>	<i>City</i>	<i>State</i>	<i>Ant. ID</i>	<i>Rot. (deg)</i>	<i>ERP (kW)</i>	<i>RCAMSL (m)</i>	<i>HAAT (m)</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Fac. ID</i>	<i>Dist. (km)</i>	<i>Bear. (deg)</i>
KENS-TV	39	SAN ANTONIO	TX	74634	0	750.8	585	424	29-16-07	98-15-55	26304	307.29	6.99
KWEX-TV	41	SAN ANTONIO	TX	74547	0	415.59	575	414	29-17-38	98-15-30	35881	310.15	7.05
KAZH	41	BAYTOWN	TX	38691	0	1000	615	596	29-34-15	95-30-37	70492	458.2	41.51