

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FILED/ACCEPTED

FEB 19 2008

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.622(i),)
Table of Allotments,)
Digital Television Broadcast Stations)
(Derby, Kansas))

MM Docket No. 09-____
RM-_____

To: The Secretary
Attn: The Chief, Media Bureau

PETITION FOR RULEMAKING

Entravision Holdings, LLC ("Entravision"), the permittee of Station KDCU-DT, Digital Channel 46, Derby, Kansas (the "Station" or "KDCU"),¹ by its attorneys and in accordance with Sections 1.401, 1.420(i) and 73.623 of the Commission's Rules,² hereby petitions to initiate a rulemaking proceeding for the purpose of a channel substitution in the Table of Allotments for Digital Television Stations, in Section 73.622(i) of the Commission's Rules (the "DTV Table of Allotments"). The proposed channel substitution involves the change in the channel allotted to the Station, at Derby, Kansas, from Digital Channel 46 (both pre- and post-transition) to Digital Channel 31 (both pre- and post-transition). In support thereof, Entravision states as follows.

¹ KDCU is a new station that was allotted as a digital-only station and has never operated on an analog basis.

² The Commission has indicated that requests to change DTV channels, communities of license, and transmitter sites should be submitted pursuant to the DTV allotment modification procedures provided for in Section 73.623 of the Commission's Rules. See *In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, 13 FCC Rcd 7418, 7516-7517 (1998).

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I. The Proposal is in the Public Interest

Entravision submits that the proposed channel substitution for the Station is in the public interest and, in order to allow the Station to participate in the digital transition at the earliest possible time, it should be granted on an expedited basis.

KDCU is the permittee of a new television station that will serve the Wichita-Hutchison Plus, Kansas DMA ("Wichita DMA"). Entravision expects to be affiliated with the Univision Network and provide over-the-air broadcasting geared to the needs and interests of the Spanish-speaking community in the Wichita DMA.

Entravision has been approached by Sunflower Broadcasting Inc. ("Sunflower"), the licensee of Television Station KSCW, Wichita, Kansas. Sunflower's allotted pre-transition digital channel for KSCW was Channel 31 and it wishes to engage in a mutually beneficial transaction between the parties involving the purchase and sale of digital operating equipment for Channel 31 that can be utilized at KDCU's authorized transmitter site for operation on Channel 31, provided that KDCU's allotment can be changed to that channel.

In response to a request from Sunflower, the Commission has allotted to KSCW a post-transition channel allotment of Channel 19. Sunflower has constructed its post-transition facilities on Channel 19 and a license application is currently pending before the Commission in File No. BLCDDT-20020501AAQ. Sunflower has determined that its digital transmission facilities for Channel 31 are not usable for the Channel 19 operations. As a result, Sunflower has offered to sell its equipment to Entravision, provided that Entravision is able to operate KDCU on Channel 31.

Entravision submits that acquiring the equipment that Sunflower has available is mutually beneficial to the parties. For Entravision, it permits the company to acquire transmission equipment, situated in the Wichita DMA, at a favorable price and to avoid the lengthy delays attendant to the acquisition of new equipment. For Sunflower, it permits the company to resell the equipment it used in pre-transition operations and recoup some of the investment it has made in the digital transition. This is the proverbial "win win" proposition for the broadcasters.

Additionally, Entravision submits that the proposed modification to the digital allotment for Derby will benefit the public interest by enabling Entravision to move forward promptly with the construction and operation of a new station serving Spanish-speakers and doing so in a manner that allows Entravision to utilize its resources to implement Station programming rather than as further capital expenditures.

II. The Proposal Satisfies Applicable Technical Requirements

Pursuant to Section 73.622(a), this request to amend the DTV Table of Allotments must be evaluated for technical acceptability under the engineering criteria set forth in Sections 73.623(c) and (d) of the Commission's Rules. As demonstrated by the attached Technical Exhibit (Attachment 1 hereto), the proposed channel substitution complies with the engineering criteria contained in Section 73.623(c) and (d). The Station's proposed transmissions will comply with the 0.5 percent interference standard adopted by the Commission for post-transition DTV operations. *See Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 23 FCC Rcd 2994, 3067 (2007). They also comply with the principal community coverage requirements of Section 73.625(a), as specified in Section 73.623(c)(1).

The Technical Exhibit demonstrates the absence of interference to other stations from the proposed KDCU-DT operation.

Finally, the Technical Exhibit provides the supporting engineering evidence confirming that the proposed channel substitution will serve the public interest by allowing for better service by the Station. The allotment substitution will result in the Station providing service to 105% of KDCU's currently authorized Appendix B service parameters. In connection therewith, the Exhibit shows that the Station will achieve a service gain of 35,000 persons and 8,604 square kilometers above that provided for the Appendix B facilities.

In conclusion, both Entravision and the public benefit by the requested change in the DTV Table of Allotments at Derby. These benefits arise from an early commencement of a new broadcast service that will be able to a greater number of viewers. The requested change should be adopted at the earliest possible time.

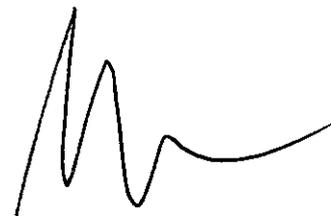
WHEREFORE, for the foregoing reasons, Entravision Holdings, LLC respectfully requests that the Commission issue a Notice of Proposed Rule Making proposing the substitution of Digital Channel 31 for Digital Channel 46 at Derby, Kansas and the resulting change in the

authorization for the operation of Station KDCU-DT, Derby, Kansas.

Respectfully submitted,

ENTRAVISION HOLDINGS, LLC

By: _____



Barry A. Friedman, Esq.
Thompson Hine LLP
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 331-8800

February 19, 2009

ATTACHMENT 1

TECHNICAL EXHIBIT
PETITION FOR RULE MAKING TO
MODIFY THE DTV TABLE OF ALLOTMENTS
ENTRAVISION HOLDINGS, LLC
STATION KDCU-DT
DERBY, KANSAS

This Technical Exhibit was prepared on behalf of Entravision Holdings, LLC ("Entravision"), permittee of digital-only station KDCU-DT on channel 46 at Derby, Kansas (BNPCDT-20060424ADF) in support of a Petition for Rule Making to modify the DTV allotment of KDCU-DT to substitute channel 31 for the current channel 46 DTV allotment.

The Commission adopted channel 46 for KDCU-DT's post-transition digital operation. Specifically, KDCU-DT was assigned channel 46 for its post-transition Appendix B operation with a nondirectional antenna maximum effective radiated power (ERP) of 570 kilowatts (kW) and an antenna height above average terrain (HAAT) of 276 meters. The Appendix B facilities are the same as the facilities authorized to KDCU-DT in its outstanding DTV construction permit (BNPCDT-20060424ADF).

Station KSCW is currently licensed (BLCDDT-20020501AAQ) to operate on DTV channel 31 at Wichita, Kansas. However, KSCW was assigned channel 19 for its post-transition DTV operation and has a pending application (BPCDDT-20080408AAK) to implement post-transition operation on channel 19. Therefore, Entravision proposes to substitute channel 31 for KDCU-TV's current channel 46 DTV allotment and utilize KSCW's currently licensed channel 31 DTV facilities (BLCDDT-20020501AAQ) with no change in operating parameters. Specifically, it is proposed that the KDCU-DT 'Appendix B' allotment be modified as detailed below. This will permit faster construction and operation of KDCU-DT's digital facility. In addition, the proposal will result in KDCU-DT serving 105% of its current Appendix B service population.

Therefore, Entravision respectfully requests that the Commission modify the KDCU-DT Appendix B allotment to specify operation on channel 31 using the licensed KSCW DTV channel 31 site and nondirectional antenna with an ERP of 1000 kW, an HAAT of 345 meters and an antenna radiation center height above mean sea level (RCAMSL) of 767 meters.

The following details Entravision's proposed modification of the KDCU-TV Appendix B facilities.

Facility ID	State & City		DTV								
			NTSC Chan	Chan	ERP (kW)	HAAT ¹ (m)	Latitude (DDMMSS)	Longitude (DDMMSS)	Area (sq km)	Population (thousand)	Percent IX Received
166332	KS	Derby		31	1000	345	374801	973129	31,920	747	0.1

The noise-limited 41 dBu and 48 dBu (city grade) contours for the proposed KDCU-TV Appendix B facility have been depicted on Figure 1 along with KDCU-TV's 41 dBu contour for its current Appendix B operation. The proposed KDCU-DT Appendix B facilities will comply with both the pre-transition and post-transition interference standards adopted by the FCC and will also comply with the FCC's city coverage requirements. In addition, the proposed operation is located outside of the pertinent coordination zones of Canada and Mexico.

Below is a tabulation of the predicted service population and area based on the KDCU-DT's current and proposed Appendix B facilities:

Facility	Service Population	Service Area
Current Appendix B (Ch. 46 570 kW/276 m, ND)	712,000	23,316 km ²
Proposed Appendix B (Ch. 40 355 kW/577 m, ND)	747,000	31,920 km ²

As indicated above, the herein proposed Appendix B facilities will allow 105% replication of KDCU-DT's current Appendix B service population. Based on the foregoing, Entravision respectfully requests that the Commission modify Appendix B to specify operation on channel 31 as set forth above.

¹ Antenna radiation center height above mean sea level 767 meters.

The attached 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.

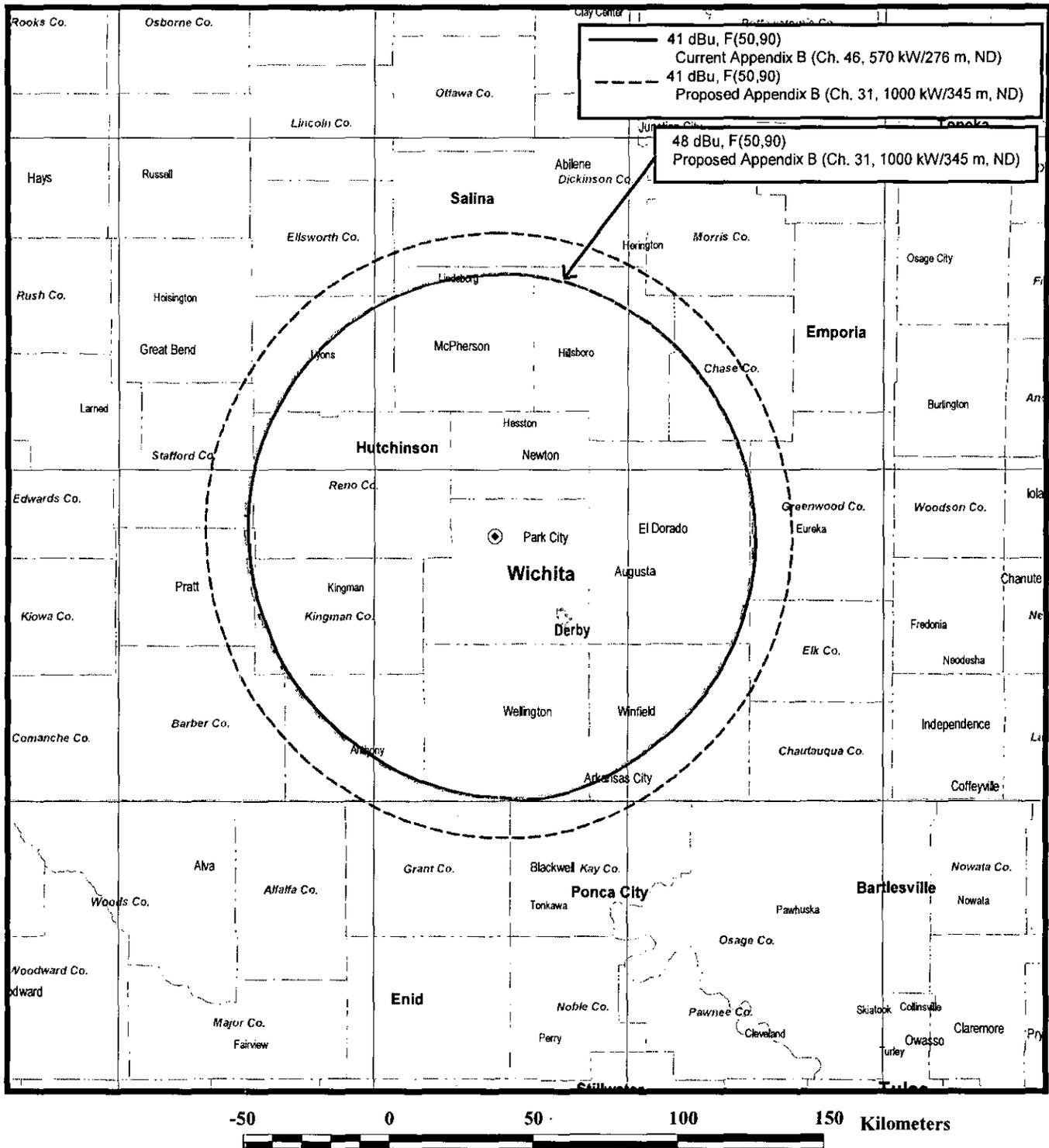


W. Jeffrey Reynolds

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

February 18, 2009

Figure 1



FCC PREDICTED COVERAGE CONTOURS

**STATION KDCU-DT
DERBY, KANSAS**

CH 31 1000 KW 345 M

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