

FILED/ACCEPTED

JUN 24 2009

Federal Communications Commission  
Office of the Secretary

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
Amendment of Section 76.622(i) ) RM-  
Post-Transition DTV Table of Allotments )  
Hutchinson and Wichita, Kansas )

**Petition for Rulemaking**

Pursuant to Section 76.623 of the Commission's Rules, 47 CFR § 76.623, Sunflower Broadcasting, Inc. ("Sunflower"), by counsel, hereby requests that the Commission commence a rulemaking proceeding to amend the Post-Transition DTV Table of Allotments in Section 73.622(i) of the Rules, 47 CFR § 73.622(i), to change the allotment for Station KWCH-DT, Hutchinson, KS (Facility ID No. 66413), from Channel 12 to Channel 19, and to change the allotment for Station KSCW-DT, Wichita, KS (Facility ID No. 72348), from Channel 19 to Channel 12. Both of these stations are licensed to Sunflower.

On June 12, 2009, KWCH transitioned from its pre-transition digital service on channel 19 to its post-transition authorized facility on channel 12. At the same time, pursuant to Special Temporary Authority (FCC File No. BDSTA-20090306ABY), KSCW began broadcasting on the channel 19 facility previously used by KWCH. To address numerous complaints from viewers that they were unable to receive the signal on channel 12, the Commission granted an emergency

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request for Special Temporary Authority for KWCH to increase its power on Channel 12 to 33.2 kW. FCC File No. BDSTA-20090612AHQ.<sup>1</sup>

Although the increased power has resulted in improved service in some locations, viewers continue to experience difficulties in receiving channel 12. By contrast, Sunflower is unaware of even a single report of a viewer experiencing difficulties receiving the KSCW signal on channel 19. KWCH is the leading provider of news and weather information in Central and Western Kansas. Sunflower believes that the public interest would be better served by moving KWCH to the more reliable channel 19 signal, particularly during tornado seasons in Kansas; and it therefore requests authority to exchange channels.<sup>2</sup>

Attached are engineering statements prepared by Cavell, Mertz & Associates, showing the coverage area of the proposed facilities. In both cases, the proposed facility would provide a principal community coverage contour that completely encompasses the respective station's community of license.<sup>3</sup>

Because Sunflower proposes merely to exchange channels between its two stations without any change in transmission facilities, this proposal would have no effect on the

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<sup>1</sup> Because the Station found that its transmitter could not reliably produce a signal at 33.2 kW, it has operated with an ERP of 29.8 kW, the maximum that its present transmitter can reliably produce.

<sup>2</sup> In fact, KWCH has authority under a previously granted STA to operate on channel 19 until August 18, 2009. FCC File No. BDSTA-20080815AAJ (granted Oct. 21, 2008). No such authority for KSCW to broadcast on channel 12 now exists.

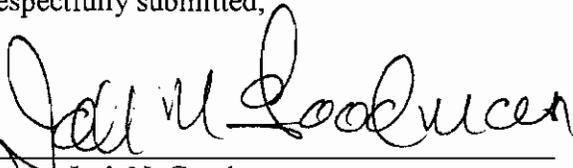
<sup>3</sup> Wichita and Hutchinson are not located within an area where stations on Channel 19 must protect land mobile operations under Section 73.623(e) of the Rules.

Commission's overall allocation of post-transition digital channels, and would not create new interference for any station.<sup>4</sup>

If this proposal is adopted, Sunflower will promptly file appropriate applications for modification of the facilities of KWCH and KSCW.

Grant of this Petition for Rulemaking would comply with the Commission's technical requirements and would advance the public interest by providing important news and weather information on Channel 19, which experience has shown is reliably viewable by more residents of the Wichita/Hutchinson area. No other station would be adversely affected (indeed affected at all) by the grant of this proposal. For the foregoing reasons, the Commission should grant this Petition for Rulemaking and exchange Channels 12 and 19 in the Wichita/Hutchinson area.

Respectfully submitted,



Jack N. Goodman

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June 24, 2009

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<sup>4</sup> Sunflower recognizes that the power level increase granted Channel 12 on a temporary basis results in more than 0.5% new interference to an allocated, but unbuilt and unapplied for, DTV allotment in Topeka, Kansas. Sunflower will propose a solution to that interference situation in the application for a permanent power increase that it will file for Channel 12.

**NATURE OF THE PROPOSAL  
SPECIAL TEMPORARY AUTHORIZATION**

prepared for

**Sunflower Broadcasting, Inc.**  
KWCH-DT Hutchinson, Kansas  
Facility ID 66413  
Ch. 19 1000 kW 421 m

Sunflower Broadcasting, Inc., (“*Sunflower*”) is the permittee of digital television station KWCH-DT, Hutchinson, Kansas. *Sunflower* has completed construction of the DTV facility authorized in Construction Permit (“CP”) BPCDT-20080313ACP, terminated analog and pre-transition digital operations, and commenced post-transition operation on digital channel 12.

For reasons expressed elsewhere in the instant request, *Sunflower* now seeks temporary authorization to revert back to channel 19, the previously licensed KWCH-TV, pre-transition facility<sup>1</sup>. **Figure 1** provides a map showing the service contours of the proposed facility. The map also provides the proposed facility’s principal community coverage contour which completely encompasses the principal community of Hutchinson, Kansas as required in §73.625(a) of the Commission’s Rules.

Digital television station KSCW-DT, also owned by *Sunflower*, is presently authorized to utilize channel 19.<sup>2</sup> In a separate, simultaneously submitted filing, *Sunflower* seeks authorization for KSCW-DT to utilize the post-transition, KWCH-DT channel 12 facility. Coverage contours of the two facilities are shown in **Figure 2**.

Installation of the new channel 12 antenna resulted in a reduction to overall height of the existing tower.<sup>3</sup> The FAA has been notified<sup>4</sup> of the reduction in overall tower height. Once the FAA issues a *Determination of No Hazard*, the FCC ASR will be updated to reflect the change.

It is believed that because there will be no change to either the KWCH-DT or KSCW-DT facility, that no allocation study or environmental statement is required.

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<sup>1</sup> See BLCDT-20050621AAR

<sup>2</sup> See BDSTA-20090306ABY

<sup>3</sup> See Antenna Structure Registration 1046283

<sup>4</sup> See Aeronautical Study Number (ASN): 2009-ACE-894-OE, filed June 9, 2009.



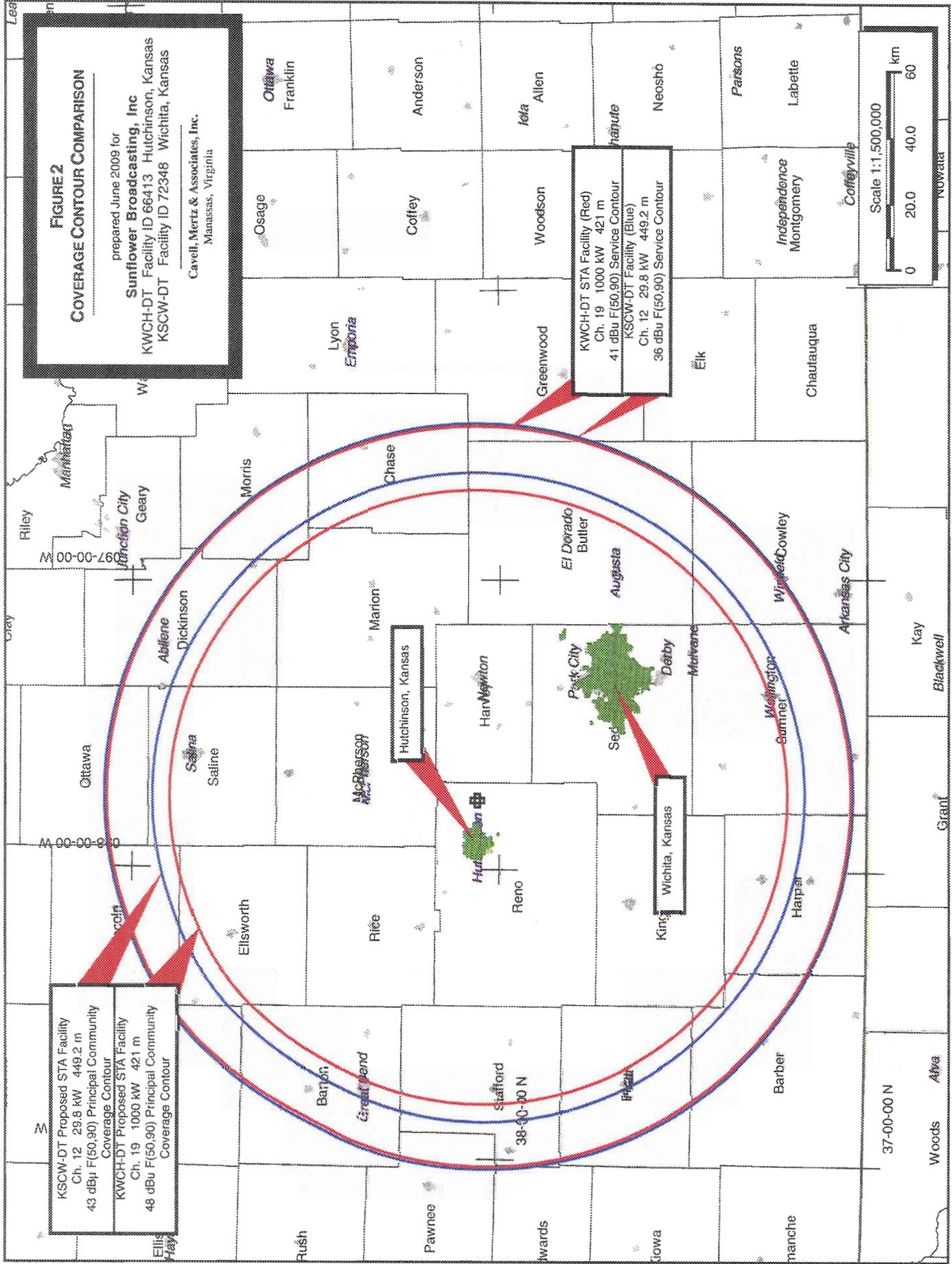
**FIGURE 2**  
**COVERAGE CONTOUR COMPARISON**

prepared June 2009 for  
**Sunflower Broadcasting, Inc**  
 KWCH-DT Facility ID 66413 Hutchinson, Kansas  
 KSCW-DT Facility ID 72348 Wichita, Kansas  
 Cavell, Mertz & Associates, Inc.  
 Manassas, Virginia

KSCW-DT Proposed STA Facility  
 Ch. 12 29.8 kW 449.2 m  
 43 dBu F(50,90) Principal Community  
 Coverage Contour  
 KWCH-DT Proposed STA Facility  
 Ch. 19 1000 kW 421 m  
 48 dBu F(50,90) Principal Community  
 Coverage Contour

KWCH-DT STA Facility (Red)  
 Ch. 19 1000 kW 421 m  
 41 dBu F(50,90) Service Contour  
 KSCW-DT Facility (Blue)  
 Ch. 12 29.8 kW 449.2 m  
 36 dBu F(50,90) Service Contour

Scale 1:1,500,000



**NATURE OF THE PROPOSAL  
SPECIAL TEMPORARY AUTHORIZATION**

prepared for

**Sunflower Broadcasting, Inc.**

KSCW-DT Wichita, Kansas

Facility ID 72348

Ch. 12 29.8 kW 449.2 m

Sunflower Broadcasting, Inc., (“*Sunflower*”) is the licensee of television station KSCW, Wichita, Kansas. *Sunflower* presently operates the KSCW DTV facility on channel 19 under special temporary authorization<sup>1</sup>. For reasons expressed elsewhere in the instant request, *Sunflower* now seeks temporary authorization to utilize the post-transition facility of KWCH-TV, which is also owned by *Sunflower*. In a simultaneously submitted filing, *Sunflower* seeks authorization for KWCH-DT to utilize the KSCW-DT channel 19 facility.

**Figure 1** provides a map showing the service contours of the proposed facility. The map also provides the proposed facility’s principal community coverage contour which completely encompasses the principal community of Wichita, Kansas as required in §73.625(a) of the Commission’s Rules. Coverage contours of the two facilities are compared in **Figure 2**.

Installation of the new channel 12 antenna resulted in a reduction to overall height of the existing tower.<sup>2</sup> The FAA has been notified<sup>3</sup> of the reduction in overall tower height. Once the FAA issues a *Determination of No Hazard*, the FCC ASR will be updated to reflect the change.

It is believed that because there will be no change to either the KWCH-DT or KSCW-DT facility, that no allocation study or environmental statement is required.

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<sup>1</sup> See BDSTA-20090306ABY

<sup>2</sup> See Antenna Structure Registration 1046283

<sup>3</sup> See Aeronautical Study Number (ASN): 2009-ACE-894-OE, filed June 9, 2009.

**FIGURE 1**

**PREDICTED COVERAGE CONTOURS**

prepared June 2009 for  
**Sunflower Broadcasting, Inc**  
KSCW-DT Wichita, Kansas  
Facility ID 72348  
Ch. 12 29.8 kW 449.2 m  
Cavell, Mertz & Associates, Inc.  
Manassas, Virginia

Proposed KSCW-DT STA Facility  
Ch. 12 29.8 kW 449.2 m  
36 dBµ F(50,90) Service Contour  
43 dBµ F(50,90) Principal Community  
Coverage Contour

Scale 1:1,500,000

