

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

In the Matter of)	
)	
Community Television of Utah License, LLC,)	
KSTU, Salt Lake City, UT,)	ET Docket No. 04-186
Facility ID No. 22215)	
)	ET Docket No. 02-380
TV Translator Stations: K15FQ and K43CC)	
Facility ID Nos. 22214, 22205)	
)	
Request for Waiver of 47 C.F.R. §§ 15.712(b))	
and 15.712(c)(1))	

To: Marlene H. Dortch, Secretary
Attn: Chief, Office of Engineering and Technology

REQUEST FOR WAIVER

Community Television of Utah License, LLC, licensee of KSTU (TV), Salt Lake City, Utah (“KSTU”), K15FQ-D, Milford, Utah (“K15FQ”), K43CC-D, Santa Clara, Utah (“K43CC”), and K56BB-D, Rural Juab County, Utah (“K56BB”), pursuant to Section 1.3 of the Commission’s rules,¹ hereby respectfully requests that the Commission waive the distance limitation established in Sections 15.712(b) and 15.713(c)(1) of its rules protecting TV translator stations from interference from unlicensed Television Band Devices (TVBDs) with respect to translator stations K15FQ and K43CC, which serve communities in rural southwest Utah. K15FQ and K43CC receive the over-the-air television signal of KTSU from other translators and retransmit it to viewers that otherwise cannot receive KSTU’s signal over-the-air. This waiver is necessary to ensure that K15FQ’s and K43CC’s viewers’ access to relied-upon service is not disrupted by the commencement of white spaces operation in the TV broadcast-bands.

¹ 47 C.F.R. § 1.3.

BACKGROUND

On September 23, 2010, the Commission adopted final rules governing the introduction of unlicensed TVBDs for operation on “white spaces” spectrum in the TV bands.² Section 15.712(b) of the rules states that TV translators “located outside the protected contour of the TV station(s) being received may be registered in the TV bands database if they are no farther than 80 km outside the nearest edge of the relevant contour(s).”³ In adopting the final rules, the Commission recognized that TV translators “that receive TV station signals” may be “located at distances beyond 80 km from the edge of the television station’s protected service contour” and acknowledged concerns about “possible disruption of service” to viewers in those areas from unlicensed TVBDs.⁴ The Commission noted that such TV translators generally serve remote areas where there are likely to be multiple other frequencies open to TVBD operation.⁵

To address the problem of potential service disruptions, the Commission provided that parties may apply for a waiver of the distance rule for current TV translators with receive sites located beyond the 80 km protected zone.⁶ Grant of a waiver request would permit TV translators outside the 80 km protected zone to register in the FCC’s white spaces database. As

² Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, *Second Memorandum Opinion and Order*, 25 FCC Rcd 18661 (2010) (the “*Order*”), *corrected by Erratum*, ET Docket No. 04-186, ET Docket No. 02-380 (OET rel. Oct. 19, 2010).

³ 47 C.F.R. § 15.712(b).

⁴ *Id.* at para. 42.

⁵ *See id.*

⁶ *Id.* The *Order* requires that waivers for existing TV translators outside the 80 km protection zone be filed within 90 days of the effective date of the White Spaces rules. The rules went into effect on Jan. 5, 2011. 75 Fed. Reg. 75614 (rel. Dec. 6, 2010). This request, therefore, is timely filed. TV translator operators that commence operation in the future with receive sites located beyond the co-channel and adjacent protection distances may apply for a waiver of those distances within 90 days of commencing operation. *Order* at para. 42.

noted in the *Order*, such waiver requests would also involve shifting the 20 km adjacent channel protection distance so that it is measured from the actual receive site.⁷

DISCUSSION

KSTU is the Fox affiliate for Salt Lake City, Utah, and is the nearest and only available Fox affiliate for the viewers in K15FQ's and K43CC's remote southwestern Utah service areas. K15FQ and K43CC rebroadcasts KSTU's signal to viewers in this area, who, absent service from K15FQ and K43CC, would not have any over-the-air access to KSTU or any other local Fox affiliate. To provide this enhanced television service to its viewers, Fox Television Stations, Inc. constructed the K15FQ facilities in 1979 and the K43CC facilities in 1988 and these translators have served their communities ever since.⁸

K15FQ receives the signal of KSTU from an intermediate translator, K56BB, on channel 56, and rebroadcasts the signal over the air to viewers on channel 15.⁹ K15FQ's receive site is located approximately 119.73 km (74.40 miles) from the protected contour of station K56BB, and thus exceeds the 80 km protection zone that the rules provide for TV translators.¹⁰

⁷ See *Order* at para. 42.

⁸ Community Television of Utah License, LLC acquired KSTU, K15FQ, K43CC, and K56BB, among other stations, in 2008. See FCC File No BALCT-20080604AAH.

⁹ K15FQ's receive antenna is located at 38° 31' 13.80" N Latitude, 113° 17' 11.50" W Longitude (NAD 27).

¹⁰ The map attached as Exhibit A, derived from license data included in the FCC's technical databases and compiled through the Commission's TV Q TV Database Query interface (the "TVQ Database"), available at <http://www.fcc.gov/mb/video/tvq.html>, illustrates the distance from K15FQ's receive site to the outer edge of K56BB's service contour. The distance was calculated by: (1) using the TVQ Database mapping functionality to plot the service contours of K15FQ and K56BB onto satellite maps provided by Google Earth; and (2) using the "ruler" function in Google Earth to measure the distance from K15FQ's transmitter to the outer edge of K56BB's service contour.

K43CC receives the signal of KTSU from K15FQ on channel 15, and rebroadcasts the signal over the air to viewers on channel 43.¹¹ K43CC's receive site is located approximately 111.3 km (69.16 miles) from the protected contour of station K15FQ, and thus exceeds the 80 km protection zone that the rules provide for TV translators.¹²

Without waivers of the distance rules, K15FQ's and K43CC's reception and rebroadcast of KTSU's signal could be seriously disrupted by unlicensed TVBDs operating within the beamwidth of the distant signal, resulting in the loss of that station's programming in K15FQ's and K43CC's southwestern Utah service areas. Community Television of Utah License, LLC respectfully requests, therefore, that the Commission waive the distance requirement in section 15.712(b) and 15.713(c)(1) and permit the company to register TV translators K15FQ and K43CC in the TV Band geo-location database in order to protect their operations from harmful interference from TVBDs. Community Television of Utah License, LLC also requests that the waivers provide that the 20 km adjacent channel protection zone be measured from the TV translator sites. These waivers will ensure that valuable broadcast television programming continues to be available without disruption to K15FQ's and K43CC's viewers. Preservation of the relied-upon over-the-air broadcast service provided by K15FQ and K43CC is an important public interest that justifies waiver of the distance limitations.

¹¹ K43CC's receive antenna is located at 37° 09' 18.80" N Latitude, 113° 52' 56.70" W Longitude (NAD 27).

¹² The map attached as Exhibit B, derived from license data included in the FCC's technical databases and compiled through the Commission's TVQ Database, illustrates the distance from K43CC's receive site to the outer edge of K15FQ's service contour. The methodology used to determine the distance from K43CC to K51FQ's service contour is described in note 10, *supra*.

CONCLUSION

For the reasons stated above, Community Television of Utah License, LLC requests that the Commission grant waivers of Sections 15.712(b) and 15.713(c)(1) of the Commission's rules to permit registration of K15FQ and K43CC in the FCC's white spaces database.

Respectfully submitted,

**COMMUNITY TELEVISION OF UTAH
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April 5, 2011

Exhibit A



Provo

6

K56BB-D, Rural Juab County, UT

Utah

50

Veterans Memorial Hwy

K15FQ-D, Milford, Etc., UT

Sevier

15

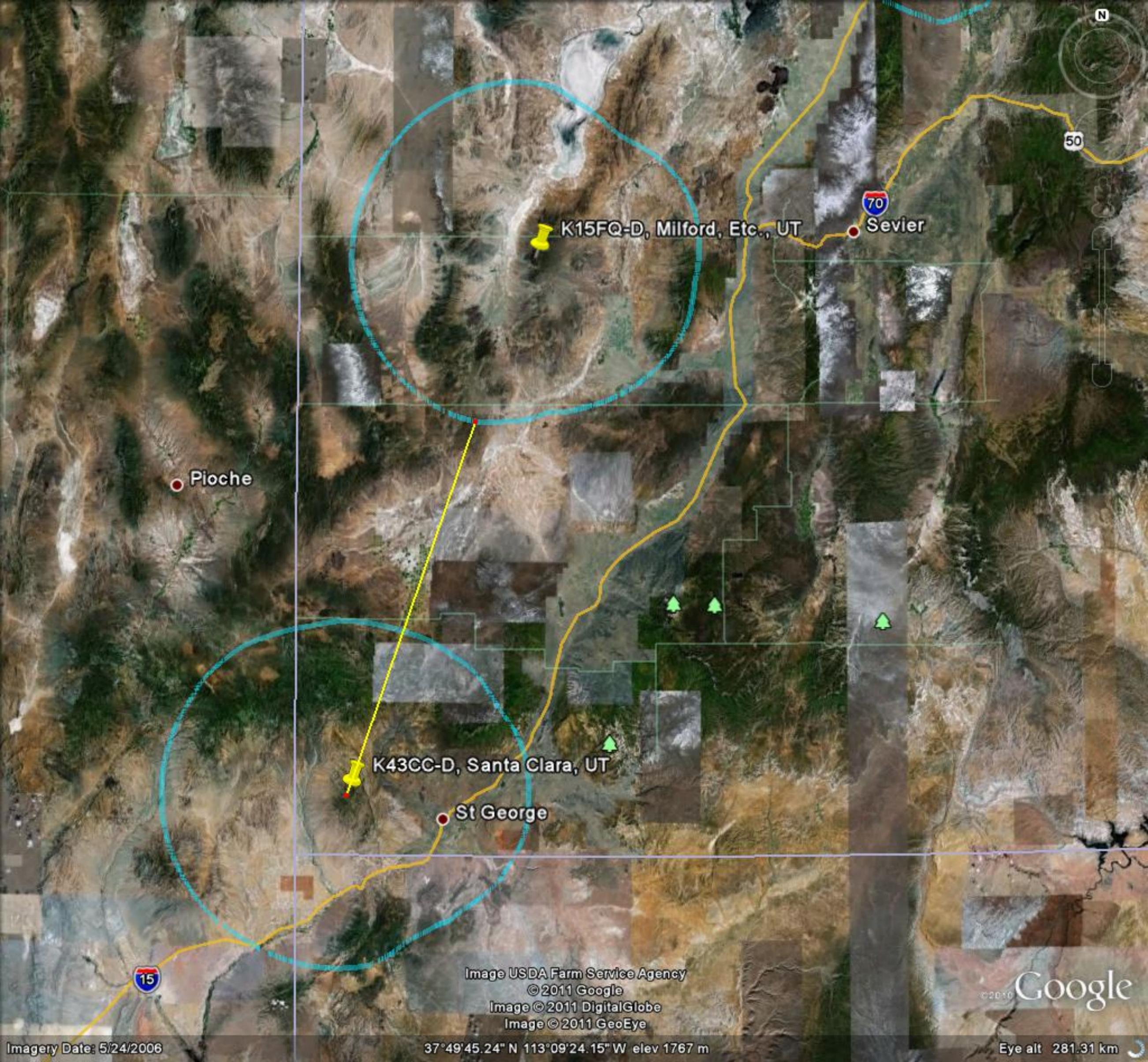
Image USDA Farm Service Agency
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Image State of Utah

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39°05'38.22" N 112°24'32.78" W elev 1550 m

Eye alt 277.05 km

Exhibit B



K15FQ-D, Milford, Etc., UT

Sevier

Pioche

K43CC-D, Santa Clara, UT

St George

Image USDA Farm Service Agency
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Imagery Date: 5/24/2006

37°49'45.24" N 113°09'24.15" W elev 1767 m

Eye alt 281.31 km

CERTIFICATE OF SERVICE

I, Derek H. Teslik, do hereby certify that a true and correct copy of the foregoing “Request for Waiver” was served by electronic mail, on the 5th day of April, 2011 on the following:

Alan R. Stillwell
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/s/
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