

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

FILED/ACCEPTED

AUG 19 2011

Federal Communications Commission
Office of the Secretary

In the Matter of)	
)	
Request of Newport Television License LLC for Waiver of 47 C.F.R. § 15.712(b))	ET Docket No. _____
)	
Unlicensed Operation in the TV Broadcast Bands)	ET Docket No. 04-186
)	
Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band)	ET Docket No. 02-380

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

SUPPLEMENT AND AMENDMENT TO WAIVER REQUEST

Newport Television License LLC (“Newport”) respectfully submits this supplement and amendment to its April 5, 2011 request for waiver of Section 15.712(b) of the Commission’s rules (the “Waiver Request”). Newport submitted the Waiver Request in order to register seven receive sites in the television bands database(s) and thereby to secure protection for these sites from interference caused by the operation of unlicensed white spaces devices. In response to a request by e-mail of August 5, 2011 from the Office of Engineering and Technology (“OET”), the Waiver Request is hereby supplemented and amended to reflect the fact that of the stations subject to the Waiver Request, it has been determined that three stations are located within 80 kilometers of the received stations’ protected service contours (and therefore do not require a waiver to register in the database(s)); one station has ceased operations; and two stations rely on fiber links to receive the received stations’ signals. Thus, Newport is seeking a waiver for only one station, K28EA-D. In response to the August 5, 2011 information request from OET, Newport notes that:

1. Two of the receive sites described in the Waiver Request currently receive the signal of the received station via a fiber link instead of via over-the-air reception. These receive sites are for KSAS-LP and KAAS-LP. In addition, one translator, K52KG-D, has ceased operations. The remaining receive sites identified in the Waiver Request and in the summary spreadsheet prepared by OET and attached to its August 5, 2011 e-mail (“OET Spreadsheet”) receive the signals of their respective received stations directly over-the-air as broadcast by the received station.
2. The channels listed in the OET Spreadsheet for the received stations are correct. As noted above, K52KG-D is no longer in service and KSAS-LP and KAAS-LP now receive the signal of the received stations via fiber links.
3. There are no intermediate links between the TV stations listed as received stations in Column N of the OET Spreadsheet and the receive sites. To be clear, K28EA-D receives the signal of KTVX, Salt Lake City, Utah, from a translator (K18FU-D), but that translator already is identified as the received station and thus has been used correctly as the basis for calculating the distance to the protected contour of the received station. K18FU-D is located at latitude 38 degrees, 31 minutes, 14 seconds; longitude 113 degrees, 17 minutes, 12 seconds.
4. The call signs of the received stations listed in the OET Spreadsheet are correct. They correspond to the stations actually being received at the receive sites.
5. The OET request for additional information identified a receive site located at a relatively large distance from the protected contour of the received station (KAAS-LP). KAAS-LP achieves this distance by relying on a fiber link.

Because KAAS-LP and KSAS-LP rely on fiber links, Newport hereby withdraws its request for a waiver in order to protect these stations’ over-the-air reception of KSAS. In addition, because K52KG-D has terminated its operations, no waiver is necessary to protect that station’s receive site. Finally, for three receive sites identified in the Waiver Request—K07NJ, K06LA, and K05BU—the distances to the respective protected contours are no more than 80

kilometers. Therefore, no waiver is necessary to register these three receive sites for protection in the television bands database(s).¹

K28EA has “flash cut” to digital operations and its call sign is now K28EA-D. Newport notes that the NAD27 coordinates for this station’s receive site are: latitude 38 degrees, 31 minutes, 14 seconds; longitude 113 degrees, 17 minutes, 12 seconds. Newport calculates that the distance to the protected contour of the received station (K18FU-D) is 113 kilometers, which is in close agreement to the 113.8 kilometers identified in the OET Spreadsheet. K18FU-D is located at latitude 38 degrees, 31 minutes, 14 seconds; longitude 113 degrees, 17 minutes, 12 seconds. For the reasons stated in the Waiver Request, permitting registration of this receive site would be in the public interest and there is good cause to waive Section 15.712(b).

Respectfully submitted,

Newport Television License LLC



Mace J. Rosenstein
Elizabeth Canter
Eve R. Pogoriler
Covington & Burling LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
(202) 662-6000
Its Counsel

August 19, 2011

cc: Aole Wilkins (OET) (by e-mail)

¹ See 47 C.F.R. § 15.712(b) (providing that receive sites located “no farther than” 80 kilometers from the received stations’ protected contours may be registered).