

January 30, 2012

Via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., SW
Washington, D.C. 20554

Re: Community Television of Utah License, LLC
OET Docket Nos. 04-186 and 02-380
Request for Waiver

Dear Ms. Dortch:

Community Television of Utah License, LLC (“Local TV”), 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”), by its attorneys, hereby requests that the Commission consider changed circumstances since Local TV filed its original request for waiver of the Commission’s white spaces rules (the “Waiver Request”) and waive its rules to permit inclusion of K15FQ in the white spaces database.¹

Local TV filed the Waiver Request so that Local TV could register in the white spaces database two translators that rebroadcast KSTU – K43CC and K15FQ – for protection from interference from white space devices. Both translators are located more than 80 km from the edge of the contour of the signal they receive and retransmit. K15FQ currently receives the signal of KSTU over the air on Channel 56 from K56BB, and K43CC receives the signal of KSTU over the air on Channel 15 from K15FQ. Although K15FQ currently receives KSTU’s signal on Channel 56 from K56BB, K56BB will soon begin operating on Channel 14 pursuant to authorization granted by the FCC.

In December, the FCC released a Public Notice requesting comment on the white spaces waiver requests it had received.² Local TV’s request for inclusion of K43CC in the white spaces

¹ A copy of Local TV’s April 5, 2011 waiver request is attached hereto as Exhibit 1. A copy of supplemental information provided to the Commission at staff request on August 19, 2011, is attached hereto as Exhibit 2. Local TV also hereby expresses its continuing interest in inclusion of K43CC in the white spaces database.

² Office of Engineering and Technology Seeks Comment on Requests for Waiver of Section 15.712(b) to Register Certain TV Receive Sites in the TV Bands Database, *Public Notice* (OET rel. Dec. 28, 2011) (the “Public Notice”).

database was included in the Public Notice, but the request for inclusion of K15FQ was not.³ Upon inquiry by counsel for Local TV, FCC staff explained that the K15FQ request was excluded because white spaces devices are authorized to operate only on Channel 51 and below, and that a receive site accepting a transmission on a channel above 51 will not be subject to interference from white space devices. The Commission concluded that, because the Waiver Request reported K15FQ receives a signal on Channel 56, K15FQ would not need to be included in the white spaces database.

Since Local TV filed the Waiver Request, changed circumstances require Local TV to renew its request for waiver of the rules to permit inclusion of K15FQ in the white spaces database. On July 15, 2011, the FCC set a December 31, 2011, deadline for low power television operations to vacate non-core broadcast channels.⁴ In accordance with the requirements in the Digital LPTV Order, on August 8, 2011, Local TV filed a displacement application for K56BB, requesting operation on Channel 14.⁵ The Commission granted this application on October 20, 2011.⁶ Local TV subsequently determined that winter weather conditions would prevent construction of K56BB's Channel 14 facilities – located in the mountains of rural Juab County, Utah – by the December 31, 2011 deadline. To ensure continued reception of KTSU by viewers reliant on K56BB's transmissions, on December 28, 2011, Local TV requested Special Temporary Authority for K56BB to remain operational on Channel 56 pending the spring thaw, when the new facilities can be constructed.⁷ When K56BB begins operation on Channel 14 in the spring, K15FQ's reception of K56BB's Channel 14 signal will be subject to interference from white space devices.

³ See Public Notice at Appendix A.

⁴ Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, *Report and Order*, 26 FCC Rcd 10732 (2011) (the "Digital LPTV Order").

⁵ FCC File No. BDISDTT-20110808ABM (filed Aug. 8, 2011).

⁶ Broadcast Actions, Report No. 47599, *Public Notice*, at 10 (Med. Bur. rel. Oct. 25, 2011).

⁷ FCC File No. BLSTA-20111228ACA (filed Dec. 28, 2011). Local TV's request was accepted for filing and remains pending.

Marlene H. Dortch, Esq.
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In view of the foregoing, Local TV respectfully requests that the FCC consider its request for waiver regarding the K15FQ receive site based on the authorized operations of K56BB on Channel 14, which will be constructed and placed into operation as soon as permitted by improved weather conditions. Grant of this request is plainly in the public interest because (1) it will permit a seamless transition of interference-free operations for K56BB and K15FQ when K56BB moves from operation on Channel 56 to Channel 14, allowing viewers to maintain uninterrupted access to relied-upon local television service; and (2) it will save the FCC from expenditure of additional resources attendant to processing an additional waiver request in just a few short months when K56BB commences Channel 14 operations.

Please contact me if you have any questions about this matter.

Very truly yours,



Michael D. Basile
Counsel for Community Television of Utah
License, LLC

Attachment

cc (via email): Aole Wilkins (Aole.Wilkins@fcc.gov)

Exhibit 1

**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
LICENSE, LLC**



Kevin P. Latek
Derek H. Teslik
Dow Lohnes PLLC
1200 New Hampshire Ave., NW
Suite 800
Washington, D.C. 20036

Its attorneys.

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

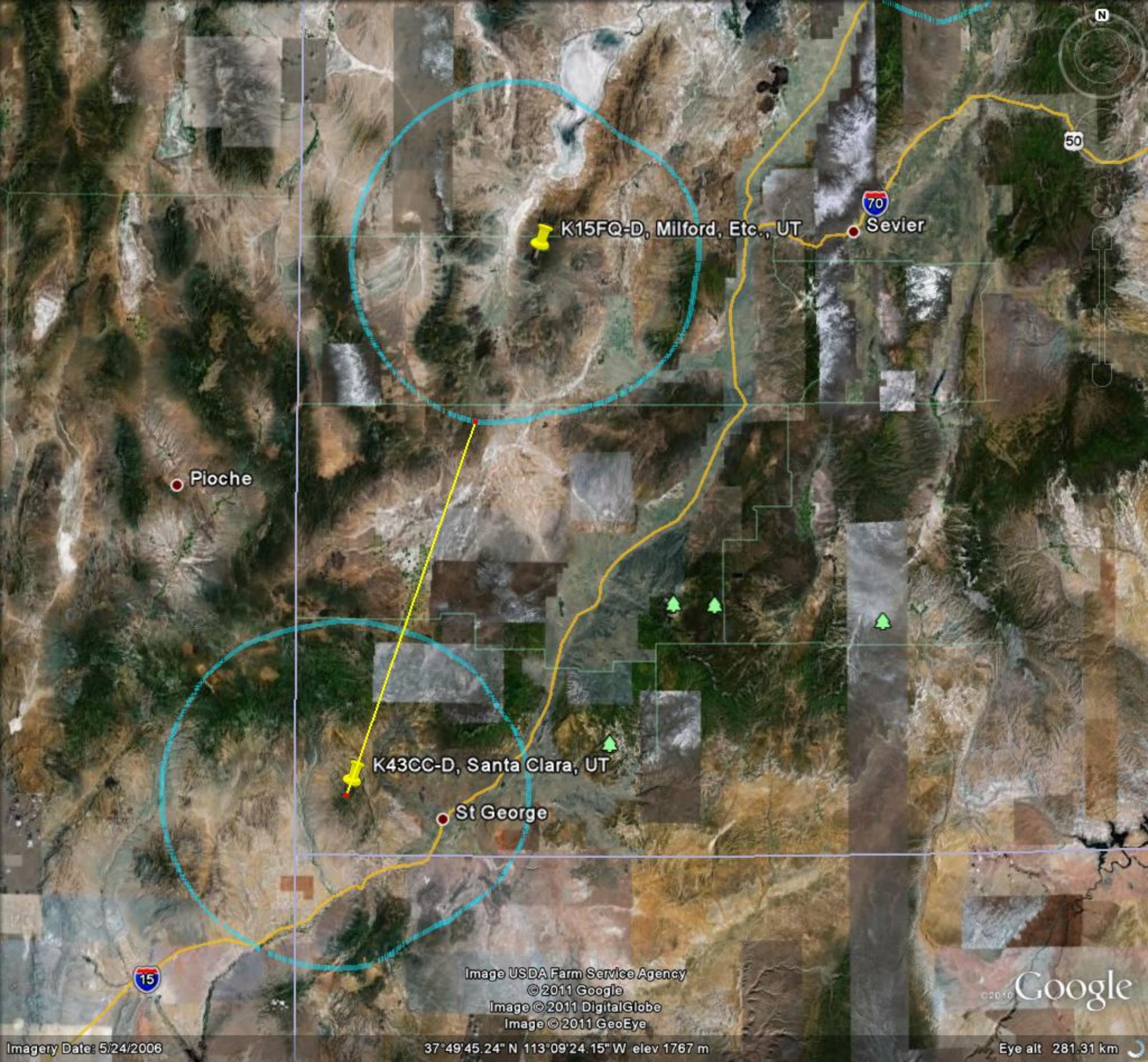
Image USDA Farm Service Agency
© 2011 Google
Image © 2011 DigitalGlobe
Image State of Utah

©2010 Google

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
© 2011 Google
Image © 2011 DigitalGlobe
Image © 2011 GeoEye

© 2010 Google

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
Deputy Chief
Office of Engineering and Technology
alan.stillwell@fcc.gov

Hugh L. Van Tuyl
Office of Engineering and Technology
hugh.vantuyl@fcc.gov

/s/
Derek H. Teslik

Exhibit 2

Teslik, Derek

From: Rademacher, Jason
Sent: Friday, August 19, 2011 5:05 PM
To: Aole Wilkins
Cc: Hugh VanTuyl; Latek, Kevin
Subject: RE: Request for Waiver of Section 15.712(b), ET Docket Nos. 04-186 and 02-380
Attachments: Community TV_WhiteSpaceWaiver.xls

On behalf of Community Television of Utah License, LLC ("Community TV"), we hereby respond to your August 5 inquiry regarding Community TV's request for waiver of the Commission's rules to allow registration of TV translators K15FQ-D and K43CC-D in the white spaces database. Please contact me if you have further questions about this matter.

1. Clarify the nature of the links between the broadcast station(s) and the receive site(s), *i.e.*, whether the TV stations you listed are being received at the listed receive sites directly over-the-air from the TV stations' transmitters, or whether the signals are coming through some intermediate means, such as TV translators.

Response:

K15FQ-D and K43CC-D receive KTSU's over-the-air television signal from other translators.

K15FQ-D receives the signal of KSTU from an intermediate translator, K56BB-D, on channel 56.

K43CC-D receives the signal of KTSU from K15FQ-D on channel 15.

2. For each receive site, confirm whether the channel listed is the channel being received for the TV station specified.

Response:

The information in the spreadsheet attached to your message is accurate: K15FQ-D receives the signal of K56BB-D on channel 56, and K43CC-D receives the signal of K15FQ-D on channel 15.

3. If there are intermediate links between the TV stations you listed and your receive sites, such as TV translators, please supply the coordinates, call signs and channel numbers of those intermediate stations to ensure that the protected contours are accurately calculated. For example, if the broadcast station is transmitted on channel 34, then translated and retransmitted on channel 16 before the signal is ultimately picked up by your receive site, the correct channel to list on the attached spreadsheet is 16 because this corresponds with the station being received.

Response:

The information in the spreadsheet attached to your message is accurate.

K15FQ-D receives the signal of KSTU from an intermediate translator, K56BB-D.

K43CC-D receives the signal of KTSU from K15FQ-D, which receives the signal of KSTU from an intermediate translator, K56BB-D.

The following chart contains the coordinates, call signs, and channel numbers for KSTU, the intermediate translator K56BB-D, and the two translators for which waiver is requested, K43CC-D and K15FQ-D.

Station	Function	Broadcast	Receive	Coordinates
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		Channel	Channel	(NAD 27)
KSTU(TV)	Main Station	28	--	40-39-33.00 N 112-12-08.00 W
K56BB-D	Intermediate Translator	56	28*	39-29-30.60 N 111-49-37.40 W
K15FQ-D	Distant Translator (waiver requested)	15	56	38-31-13.80 N 113-17-11.50 W
K43CC-D	Distant Translator (waiver requested)	43	15	37-09-18.80 N 113-52-56.70 W

* **Community TV currently has a pending displacement application for K56BB-D requesting Channel 14 for future operations. The displacement application would not change the station's coordinate location, output power, or antenna height. See File No.: BDISDTT-20110808ABM.**

3. 4. Confirm that the TV stations' call signs listed in the spreadsheet are correct and correspond to the station(s) actually being received at your receive site(s).

Response:

The information in the spreadsheet attached to your message requires one correction. K15FQ-D receives the signal of K56BB-D (rather than K56BB). The attached spreadsheet reflects the change.

From: Aole Wilkins [mailto:Aole.Wilkins@fcc.gov]
Sent: Friday, August 05, 2011 4:08 PM
To: Latek, Kevin; Teslik, Derek
Cc: Hugh VanTuyl
Subject: Request for Waiver of Section 15.712(b), ET Docket Nos. 04-186 and 02-380

Dear Mr. Latek:

We have reviewed and analyzed the information in your letter filed April 5, 2011, on behalf of Community Television License of Utah, LLC, requesting for a waiver of Section 15.712(b) of the Commissions Rules to allow registration of receive sites more than 80 km outside of the protected contours of the TV stations being received. We request that you verify the accuracy of the data you submitted and confirm that the data in the attached spreadsheet accurately reflects information about the received TV stations so we can continue processing your waiver request. The spreadsheet shows for each of your receive sites the TV stations being received, the channel on which the TV station transmits, and the distance of your receive site from the 80 km protected contour of the TV station. In some cases, the distance between the TV station's protected contour and the receive site is very large, and we are not certain if the correct receive site channel or distance from the protected contour have been identified.

Please supplement your waiver request with the following information within 14 days of the date of this message.

4. Clarify the nature of the links between the broadcast station(s) and the receive site(s), *i.e.*, whether the TV stations you listed are being received at the listed receive sites directly over-the-air from the TV

stations' transmitters, or whether the signals are coming through some intermediate means, such as TV translators.

5. For each receive site, confirm whether the channel listed is the channel being received for the TV station specified.
6. If there are intermediate links between the TV stations you listed and your receive sites, such as TV translators, please supply the coordinates, call signs and channel numbers of those intermediate stations to ensure that the protected contours are accurately calculated. For example, if the broadcast station is transmitted on channel 34, then translated and retransmitted on channel 16 before the signal is ultimately picked up by your receive site, the correct channel to list on the attached spreadsheet is 16 because this corresponds with the station being received.
7. Confirm that the TV stations' call signs listed in the spreadsheet are correct and correspond to the station(s) actually being received at your receive site(s).

We are asking you to verify or correct, as needed, this information so that we can continue processing your waiver request. Submission of this information does not imply that the Commission will grant the requested waiver; however, failure to do so could result in dismissal of your waiver request.

If you should have any further questions, please contact Aole Wilkins, Technical Rules Branch, Policy and Rules Division, via e-mail at Aole.Wilkins@fcc.gov or via phone at (202) 418-2406.

Thank you,

Aole Wilkins
Electronics Engineer
Office of Engineering and Technology
Policy and Rules Division
202-418-2406

#	Licensee	Callsign	Location	State	Lat_dd	Lat_mm	Lat_ss	Lon_dd	Lon_mm	Lon_ss	a80km_Re	Channel	Callsign	Status	Location	State	ARN	Distance_ From_Pro tected Contour_ To_Recei ve site(km)
10	Community Television License of Utah, LLC	K15FQ-D	Milford	UT	38	31	13.8	113	17	11.5	Milford	56	K56BB-D	LIC	Rural Juab	UT	20100322ACV	127.2
7	Community Television License of Utah, LLC	K43CC-D	Santa Clar	UT	37	9	18.8	113	52	56.7	Santa Clar	15	K15FQ-D	LIC	Milford, Etc	UT	20070228ABG	111.8