

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

In the matter of:)	
)	
KGCT-CD)	
Nowata, Oklahoma)	
)	CSR 8870-M
v.)	Docket No. 14-15
)	
Cable One, Inc.)	

To: The Secretary
Attn: Chief, Media Bureau

**REPLY TO OPPOSITION
OF PETITION FOR RECONSIDERATION**

I. INTRODUCTION

1. Murphy D. Boughner, (“MDB”) licensee of Low Power Station KGCT-CD (“KGCT”), pursuant to Section 1.106(h) of the Commission’s rules hereby replies to the Opposition To Petition For Reconsideration (“Opposition”) filed by Cable One, Inc. (“Cable”) relative to the May 29, 2014, Memorandum Opinion and Order¹ issued by the Senior Deputy Chief, Policy Division, Media Bureau in the above-captioned complaint.

2. Noticeably absent from Cable’s Opposition to Reconsideration is any reliable explanation concerning the anomaly in Cable’s tests as described in MDB’s Petition for Reconsideration. Instead, Cable attempts to oppose the request for reconsideration by disparaging the sophistication of MDB’s tests in hopes that the Senior Deputy Chief will ignore the necessary implications of those results – that Cable’s

¹ See Memorandum Opinion and Order released May 29, 2014

technical data, on which the Memorandum Opinion and Order is wholly reliant, are erroneous and unreliable.²

3. Cable's receiving antenna has a current elevation of 158 feet above ground. MDB has previously pointed out Cable was using an Omni-directional antenna for all tests. MDB has also pointed out Cable's antenna was oriented toward the Southern horizon to enable reception of stations in Tulsa. There are no terrain obstacles between Cable and the Tulsa TV stations. Cable's antenna (pointed toward either azimuth, since it is Omni-directional) has an unobstructed view of the Southern horizon. Tulsa Low Power Station, KUTU-CD ("KUTU") is co-channel with MDB's Low Power Station, KGCT. Unlike KGCT, however, KUTU enjoys line of sight to Cable's receiving antenna. Cable's tests should have documented ample signal from KUTU. Cable has not offered any argument to dispute these facts and to explain why the data it presented does not reflect a signal from KUTU.

4. Meanwhile, MDB was able to receive KUTU with a simple UHF antenna and battery powered receiver sufficient to obtain continuous picture lock at a location with a similar view of the Southern horizon as Cable's receive antenna. Cable may take issues with MDB's tests, but offers no reasonable explanation why Cable was unable to detect KUTU.³

² MDB would note that Cable's Opposition indicates MDB sought carriage of KGCT on Cable's Bartlesville, Oklahoma cable system ("the System"). This is inaccurate. MDB's Petition for Reconsideration repeatedly references only the cable system serving the City of Nowata (not the City of Bartlesville), and has repeatedly included the FCC on line Cable Database Identifier, OK0297.

³ MDB would note that Cable's documented signal level tests were not supplied to MDB at the time of their refusal to reinstate KGCT to their cable system serving the City of Nowata, OK, as required by Section 76.61(a)(2). Only after MDB filed the above-captioned complaint were the tests made available and the anomalies detected. MDB would contend that some leniency should be granted concerning the methodology of MDB's tests given the narrow window of time MDB had to review and respond to Cable's data. Despite Cable's apparent amusement at MDB's use of inexpensive methodologies to conduct his

5. Following receipt of Cable's Opposition to MDB's Petition for Reconsideration, MDB documented and attested to, four additional tests⁴ proving KUTU is receivable, on the ground, within about 4200 feet of Cable's tower. Cable's receiving antenna is well above the foliage line and thus has an unobstructed view of the Southern horizon. Cable should have easily detected KUTU. According to their tests, however, Cable did not detect KUTU. Nothing in Cable's Opposition explains this anomaly. MDB's contention that Cable has an impediment to the reception of signals in the 536 to 542 MHz, channel 25, range is unimpeached. MDB reasserts that these anomalies point out a serious deficiency in Cable's ability to detect and measure signals in the 536 to 542 MHz range, channel 25. Thus, Cable's documented tests must all be found to be invalid.

6. Further, Cable's sole opposition rests on their inability to receive a requisite -61dBm signal from KGCT. Yet Cable's own tests document "No Picture on any devices" for all tests. Given Cable's tests were unable to display any intelligible pictures, it is impossible to know what stations Cable was documenting. Cable has no way of knowing what signal they were documenting. Therefore, since Cable is unable to verify their measurements documented KGCT, the measurements cannot be used as a basis for determining KGCT does not deliver the requisite signal level to Cable's headend. Any decision based upon this unverified data deserves reconsideration.

7. Furthermore, according to Cable's Opposition, Cable continues to assert that their three signal strength tests were properly conducted. MDB has and continues to contest whether the tests were properly conducted as relating to KGCT. MDB has contended throughout that not only is Cable's Omni-directional antenna oriented almost

tests, MDB's tests employed sound technological equipment and MDB attests to the accuracy of the results as communicated through the Petition for Reconsideration.

90 degrees off azimuth to KGCT, but to clear the terrain obstacles in KGCT's direction it would likely have to be elevated.

8. Moreover, if Cable cannot receive KGCT at this time (a question that remains wholly unanswered due to the unreliable technical data submitted by Cable in this case), then they have not been able to do so for at least the last 11 years of the time they were carrying KGCT. Cable ignores the fact that FCC rules allow delivery of baseband video as an alternative to delivery of a -61 dBm signal. Since 1996, KGCT had been delivering requisite signal level to cable's headend until Cable decommissioned the headend located at the City of Nowata, Nowata County, Oklahoma. In 2001, prior to decommissioning the headend in the City of Nowata, Cable requested permission to alter the method by which they would receive KGCT by installing and maintaining their own equipment in KGCT's transmitter building to accept baseband video. MDB points out, for the ensuing 11 years, until September 2012, when Cable arbitrarily severed this functional connection, KGCT served the approximately 2,200 City of Nowata Cable subscribers via this baseband video connection. Despite Cable's refusal to deliver it to their subscribers, KGCT continues to provide Cable this same baseband video as originally requested by Cable, and as allowed by FCC rules.

9. The cable system in question is listed in the FCC on-line Cable Database as OK0297, with only 2,201 subscribers. KGCT served those 2,201 subscribers from 1996 until September 2012 when Cable arbitrarily severed the connection. Letters from the Mayor and a Commissioner of the franchising authority, (City of Nowata), the County Sheriff of Nowata County, and numerous cable subscribers residing in Nowata have been submitted in the pleadings and comments to this action requesting that KGCT

⁴See Attached "KUTU Reception Tests"

be reinstated to their cable system. As MDB has pointed out, only a weekly newspaper serves those cable subscribers. KGCT continues to serve the public interest on a daily basis. MDB believes, along with Cable's Nowata subscribers, returning KGCT to cable would serve the public interest. Cable has made no reasonable proffer in opposition to those requests.

10. For the reason stated herein, MDB believes the May 29, 2014 MEMORANDUM OPINION AND ORDER was based on erroneous data. MDB requests RECONSIDERATION of that Opinion and Order in the above-titled complaint and further, a finding KGCT remains entitled to Must-Carry on the cable system serving the City of Nowata, FCC cable database number OK0297, and an order for Cable to reestablish the connection they severed in September 2012.

M.D. Boughner 14 July, 2014
Murphy D. Boughner
Licensee, KGCT-CD

Subscribed and sworn to before me this 14 day of July, 2013
Karen Freeman 1-9-16
Notary Public My Commission Expires



CERTIFICATE OF SERVICE

I further certify that on this 14 day of July 2014, I served the attached documents by first-class mail, Mail, postage prepaid, on:

William Lake, Esq.*
Chief, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Dick Marnell
General Manager
Cable One
4127 Nowata Road
Bartlesville, OK 74006

Craig A. Gilley
Edwards Wildman Palmer LLP
1255 23rd Street, N.W.
Eighth Floor
Washington, D.C. 20037

Cable One, Inc.
210 E. Earll Drive
Phoenix, AZ 85012

*Via ECFS

 7/14/2014

Murphy D. Boughner

KUTU Reception Tests

Equipment used:

Antenna: Channel Master model CM-4221, 4 bow tie with rear reflector.

Amplifier: RCA model AMP-1450F, approx. 20dB amplifier.

TV receiver: Haier model HLT-71 battery powered digital ATSC receiver.

Field Strength Meter: Sencor model FS-134

Using the above described equipment Tulsa low power television station KUTU-CD was received with sufficient signal strength to produce error free display on the Haier TV and with the field strength levels indicated. Four tests were conducted at four different locations South of the Cable One receiving tower. Since all tests were conducted with an antenna height of no more than 1.5 meters, the locations were chosen with as clear a view of the Southern horizon as practical. The final location, within about 4200 feet of Cable's tower, had virtually no view of the horizon but still allowed detectable signal and produced viewable picture and sound on the Haier TV. Cable's receiving antenna, mounted 158 feet up their tower, should produce considerably higher signal levels due to its unrestricted view of the Southern horizon (azimuth toward KUTU).

Test No. 1:

Date / Time: 7/09/2014, 13:57 Hrs
Geographic Coordinates: 36.691667, -95.935917
Distance from Cable tower: 4.826 miles
Elevation AMSL: 768 feet
Field Strength measured: 200 microVolts across 75 Ohms equals -62.7dBm
TV reception: Picture and sound lock with no degradation. Station received was KUTU-CD.

Test No. 2:

Date / Time: 7/09/2014, 14:18 Hrs
Geographic Coordinates: 36.698883, -95.8993
Distance from Cable tower: 5.146 miles
Elevation AMSL: 730 feet
Field Strength measured: 100 microVolts across 75 Ohms equals -68.8dBm
TV reception: Picture and sound lock with no degradation. Station received was KUTU-CD.

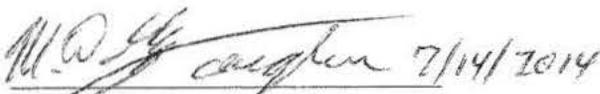
Test No. 3:

Date / Time: 7/09/2014, 14:30 Hrs
Geographic Coordinates: 36.735917, -95.899333
Distance from Cable tower: 3.359 miles
Elevation AMSL: 803 feet
Field Strength measured: 83 microVolts across 75 Ohms equals -70.4dBm
TV reception: Picture and sound lock with no degradation. Station received was KUTU-CD.

Test No. 4:

Date / Time: 7/09/2014, 14:43 Hrs
Geographic Coordinates: 36.753167, -95.940483
Distance from Cable tower: 0.797 miles
Elevation AMSL: 744 feet
Field Strength measured: 40 microVolts across 75 Ohms equals -76.7dBm
TV reception: Picture & sound lock. Occasional pixelation, lock loss. Sufficient picture stability to verify station being observed.

I, Murphy D. Boughner do hereby attest that on the 9th day of July 2014 I did conduct the signal level tests documented below. I further attest the dates, times; locations and readings recorded are true and accurate to the best of my knowledge.


Murphy D. Boughner
Licensee, KGCT-CD