

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

In the Matter of)
)
Amendment of Section 73.622(i),) RM - _____
Post-Transition Table of DTV Allotments,)
Television Broadcast Stations)
(Bend, Oregon))

To: Office of the Secretary
ATTN: Chief, Video Division, Media Bureau

**PETITION FOR RULEMAKING
TO AMEND THE DIGITAL TELEVISION TABLE OF ALLOTMENTS**

TDS Broadcasting LLC (“TDS”), the licensee of Digital Television Broadcast Station KOHD, Bend, Oregon, Facility ID No. 166534 (the “Station”), by its counsel and pursuant to Sections 1.401 and 73.622(a) of the Commission’s Rules, 47 C.F.R. §§ 1.401 & 73.622(a), hereby requests that the Commission initiate a rulemaking proceeding to amend the Post-Transition Table of DTV Allotments, 47 C.F.R. § 73.622(i), by substituting and allotting DTV Channel 18 for the Station’s assigned DTV Channel 51 at Bend, Oregon. TDS is submitting this request consistent with the Commission’s acceptance of channel change petitions by full power television stations if such stations are seeking “to relocate from channel 51 pursuant to a voluntary relocation agreement.”¹ TDS has entered into a voluntary relocation agreement with T-Mobile USA, Inc.

¹ Public Notice, *General Freeze on the Filing and Processing of Applications for Channel 51 Effective Immediately and Sixty (60) Day Amendment Window for Pending Channel 51 Low Power Television, TV Translator, and Class A Applications*, 26 FCC Rcd 11409 (MB 2011) (“Channel 51 Notice”). See *Expanding the Economic and Innovation*

Specifically, TDS proposes and requests the following change in the Post-Transition Table of DTV Allotments:

| | <u>Current</u> | <u>Proposed</u> |
|--------------|----------------|-----------------|
| Bend, Oregon | *11, 21, 51 | *11, 21, 18 |

Grant of the proposed rulemaking request would serve the public interest. Operation of the Station on Channel 18, instead of Channel 51, would remove any potential interference with authorized wireless operations in the Lower 700 MHz A Block located adjacent to Channel 51 in the Portland, Oregon market, and would permit those operations to expand to additional consumers sooner than otherwise would be possible. Accordingly, the proposal is consistent with recent Commission precedent addressing similar circumstances.²

As set forth in the attached Technical Exhibit of du Treil, Lundin & Rackley, Inc., the instant proposal to allot DTV Channel 18 to Bend, Oregon, is consistent with the Commission's technical requirements.³ For example, the predicted noise-limited contours for the Station, as licensed and as proposed, are co-extensive.⁴

In light of the upcoming Pre-Auction Licensing Deadline,⁵ TDS also would respectfully request expedited treatment, to the extent possible, of the Petition. If the proposal set forth

Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6659 & n. 658 (2014).

² See, e.g., *Amendment of Section 73.622(i), Post-Transition Table of TV Allotments, Television Broadcast Stations (Lansing, Michigan)*, Report and Order, MB Docket No. 15-2 (MB, released Feb. 13, 2015); *Amendment of Section 73.622(i), Post-Transition Table of TV Allotments, Television Broadcast Stations (Cedar Rapids, Iowa)*, Report and Order, 28 FCC Rcd 13009 (MB 2013).

³ See Exhibit 1, Technical Exhibit in Support of Petition for Rulemaking, Television Station KOHD, Bend, Oregon (April 3, 2015) ("Technical Exhibit").

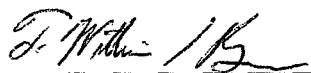
⁴ See Technical Exhibit at Figure 2.

⁵ Public Notice, *Media Bureau Designates May 29, 2015 As Pre-Auction Licensing Deadline*, DA 15-116 at 1 & n.1 (rel. Jan. 28, 2015) (designating May 29, 2015, as the Pre-Auction Licensing Deadline by which licensed facilities or those subject to "a pending license to cover application" may be eligible "for protection in the repacking process that will be part of the television incentive auction"). Accordingly, for purposes of this filing, the "Deadline" shall

herein is adopted, and subject to the Deadline, TDS will promptly file the appropriate application to specify operation of the Station on DTV Channel 18 at Bend, Oregon, with facilities consistent with those specified in the attached Technical Exhibit, and, if authorized, will construct the facilities contemplated therein and place the Station into operation on Channel 18.

Respectfully submitted,

TDS BROADCASTING LLC

By: 
F. William LeBeau

HOLLAND & KNIGHT LLP
800 17th Street, NW
Suite 1100
Washington, DC 20006
(202) 862-5965

Its Attorneys

Dated: April 6, 2015

refer to the date by which the Station must have a license or a license to cover application pending in order to be eligible for interference protection.

CERTIFICATE OF SERVICE

I, Marianne Trana, a secretary with the law firm of Holland & Knight LLP, hereby certify that a copy of the foregoing Petition for Rulemaking was served via hand delivery (as well as via electronic mail) on this 6th day of April, 2015, to the following:

Barbara Kreisman
Chief, Video Division
Media Bureau
Federal Communications Commission
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Washington, DC 20554

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Marianne Trana

EXHIBIT 1
(Technical Exhibit)

TECHNICAL EXHIBIT
IN SUPPORT OF PETITION FOR RULEMAKING
TELEVISION STATION KOHD(TV)
BEND, OREGON

April 3, 2015

TECHNICAL EXHIBIT
IN SUPPORT OF PETITION FOR RULEMAKING
TELEVISION STATION KOHD(TV)
BEND, OREGON

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TECHNICAL EXHIBIT
IN SUPPORT OF PETITION FOR RULEMAKING
TELEVISION STATION KOHD(TV)
BEND, OREGON

Technical Statement

This Technical Exhibit was prepared on behalf of television broadcast station KOHD(TV), Bend, Oregon (Channel 51), in support of a Petition for Rulemaking to amend Section 73.622(i) of the FCC Rules to change the KOHD(TV) digital television channel. KOHD(TV) is an ABC network affiliated station.

KOHD(TV) is authorized for operation on Channel 51 with a maximum directional effective radiated power (ERP) of 84.1 kW and antenna height above average terrain (HAAT) of 205.7 m.* KOHD(TV) has entered into a voluntary agreement with the licensee of the lower 700-MHz Block A spectrum (T-Mobile) that contemplates the migration of KOHD(TV) from Channel 51 to Channel 18. Accordingly the licensee of KOHD(TV) is proposing the substitution of Channel 18 for Channel 51 at Bend, Oregon in its Petition for Rulemaking.

The FCC has recognized the significant public interest benefits of clearing Channel 51 to the extent possible prior to the auction and repacking plan. In 2011, the FCC lifted the freeze on channel substitution rulemaking petitions to allow channel changes to Channel 51 stations.† The FCC has also stated in its recent *Report and Order (R&O)* in the auction and repacking plan, that such petitions are exempt from

* See FCC File No. BLCDDT-20060915AOZ.

† *Public Notice*, "General Freeze on the Filing and Processing of Applications for Channel 51 Effective Immediately and Sixty (60) Day Amendment Window for Pending Channel 51 Low Power Television, TV Translator and Class A Applications," 26 FCC Rcd 11409 (MB 2011).

the Media Bureau's April 5, 2013 freeze on the filing of certain facilities modifications.[‡] In its *R&O* the Commission stated that it would continue to allow Petitions to re-allocate stations from Channel 51 provided that the subject facilities are licensed by (or have a license application pending by) the Pre-Auction Licensing Deadline, which currently has been set as May 29, 2015.

The re-allocation of KOHD(TV) to Channel 18 would serve the public interest since it will allow for T-Mobile to launch advanced wireless services on the Lower 700 MHz Block A spectrum. The operation of KOHD(TV) on Channel 18 would remove any potential interference with a wireless operation located directly adjacent to Channel 51 in the Bend market area.

KOHD(TV) proposes to operate on UHF Channel 18 with a maximum ERP of 84.1 kW employing a directional antenna with an overall HAAT of 205.7 meters. The proposal is specified with facilities that will replicate the coverage of its licensed digital facility.[§] Specifications for the proposal are included herein at Figure 1.

Community of License Coverage Compliance

The proposed KOHD(TV) allotment facility complies with the coverage requirements of Section 73.625 of the FCC Rules. A map showing the predicted coverage contours is included herein at Figure 2. As indicated, the predicted 48 dBu, f(50,90) contour encompasses the entire community of Bend as required.

[‡] *Report and Order*, "In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions," GN Docket No. 12-268, Released: June 2, 2014.

[§] There is to be no change in the antenna azimuth pattern from what is licensed. However, taking into consideration the predicted service losses due to terrain attenuation and interference received, the proposed facility will provide service to 102% of the population of the licensed KOHD(TV) facility.

Allocation Concerns

The proposed Channel 18 facility meets the requirements of Section 73.616 of the FCC Rules concerning predicted interference to other DTV allotments and assignment records. Longley-Rice interference analyses were conducted pursuant to the requirements of the FCC Rules and FCC OET Bulletin No. 69**. The results of the interference analyses for the proposed facility are summarized herein at Figure 3. As indicated therein, the proposed facility will meet the 0.5% *de minimis* interference criterion outlined in the FCC Rules to all pertinent allotments and assignments.

The proposed facility is located more than 489 km from the U.S.-Canadian border. Therefore the proposal does not require coordination with the Canadian administration.

Repacking Flexibility Analysis

In order to evaluate the effect of this proposal on the repacking flexibility in the auction and repacking process, a comparison of the predicted 41 dBu noise-limited service contour coverage was prepared. As indicated in the map at Figure 2 herein, the proposal will not result in any increase in the predicted 41 dBu noise-limited service contour in any direction relative to the licensed Channel 51 facility. Therefore, there would be no adverse effect on the FCC's repacking flexibility in the auction and repacking process.

** See *Longley-Rice Methodology for Evaluating TV Coverage and Interference*, OET Bulletin 69, Federal Communications Commission (February 6, 2004).

Conclusion

The instant proposal was designed to meet the FCC's *de minimis* interference requirements for protection to other facilities and the coverage requirements of the KOHD(TV) community of license of Bend, Oregon. In addition, the proposal was designed to provide replication of the interference-free noise-limited service population of KOHD(TV), while not adversely affecting the FCC's repacking flexibility in the auction and repacking process. In view of the forgoing, it is concluded that the instant proposal meets the FCC's requirements and that its approval would serve the public interest.



Louis R. du Treil, Jr.

du Treil, Lundin & Rackley, Inc.
201 Fletcher Ave.
Sarasota, FL 34237

April 3, 2015

TECHNICAL EXHIBIT
IN SUPPORT OF PETITION FOR RULEMAKING
TELEVISION STATION KOHD(TV)
BEND, OREGON

Technical Specifications

| | |
|---|------------------|
| Channel / Frequency Band | 18 / 494-500 MHz |
| Zone | II |
| Reference Coordinates (NAD 27): | |
| Latitude | 44°04'40.6" N |
| Longitude | 121°19'56.9" W |
| Height of Radiation Center Above Mean Sea Level | 1347 m |
| Height of Radiation Center Above Ground Level | 61 m |
| Height of Radiation Center Above Average Terrain (HAAT) | 205.7 m |
| Maximum Effective Radiated Power (ERP) | 84.1 kW |

| Directional Antenna Relative Field Values (See Sheet 2 for Polar Graph) | | | | | |
|---|-------|---------|-------|---------|-------|
| Degrees | Value | Degrees | Value | Degrees | Value |
| 0 | 0.599 | 120 | 0.908 | 240 | 0.392 |
| 10 | 0.688 | 130 | 0.921 | 250 | 0.280 |
| 20 | 0.778 | 140 | 0.942 | 260 | 0.197 |
| 30 | 0.873 | 150 | 0.974 | 270 | 0.184 |
| 40 | 0.951 | 160 | 0.995 | 280 | 0.226 |
| 50 | 0.993 | 170 | 0.985 | 290 | 0.257 |
| 60 | 0.998 | 180 | 0.940 | 300 | 0.227 |
| 70 | 0.976 | 190 | 0.865 | 310 | 0.183 |
| 80 | 0.944 | 200 | 0.775 | 320 | 0.194 |
| 90 | 0.918 | 210 | 0.684 | 330 | 0.278 |
| 100 | 0.901 | 220 | 0.593 | 340 | 0.393 |
| 110 | 0.895 | 230 | 0.497 | 350 | 0.502 |
| Additional Azimuths: | | 56 | 1.000 | 267 | 0.179 |
| | | 314 | 0.178 | | |
| Antenna Rotation : 0.0° (none) | | | | | |

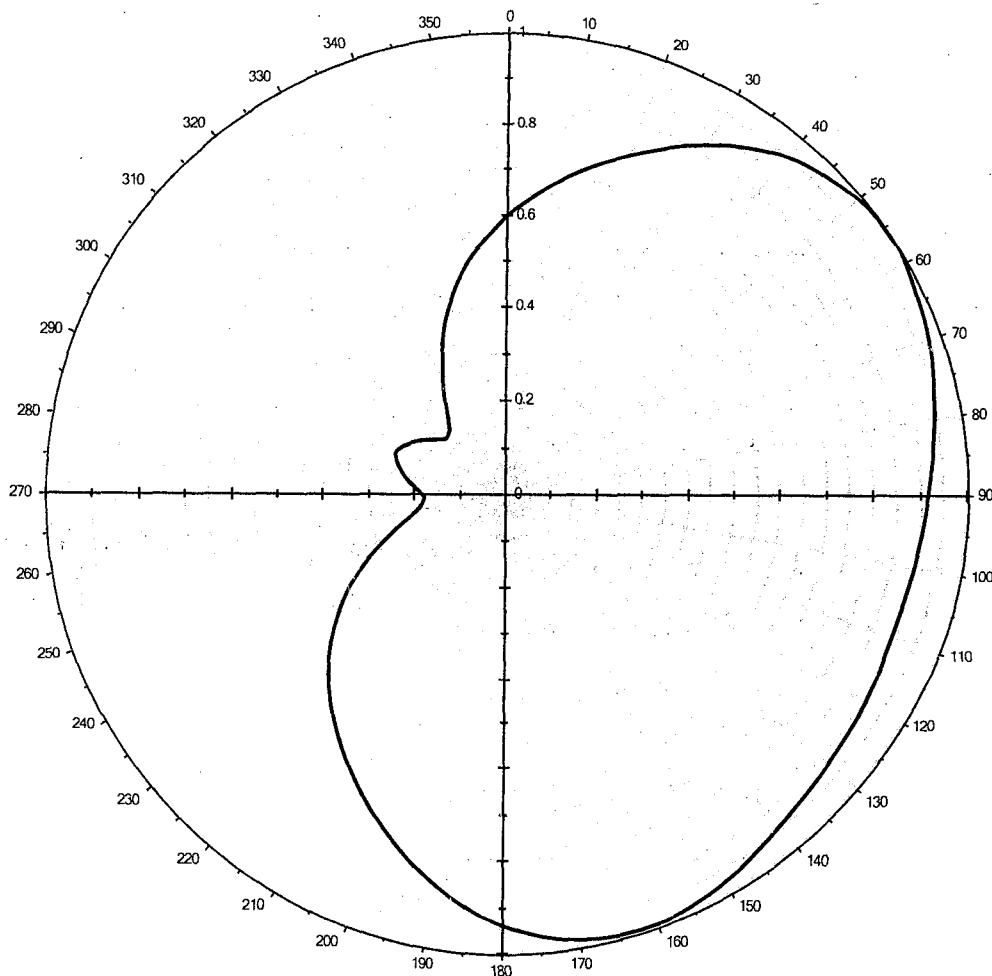
DA Inquiry

du Treil, Lundin, & Rackley, Inc., Sarasota, Florida



Antenna ID: 75180

KOHD(TV), BEND, OREGON
CHANNEL 18



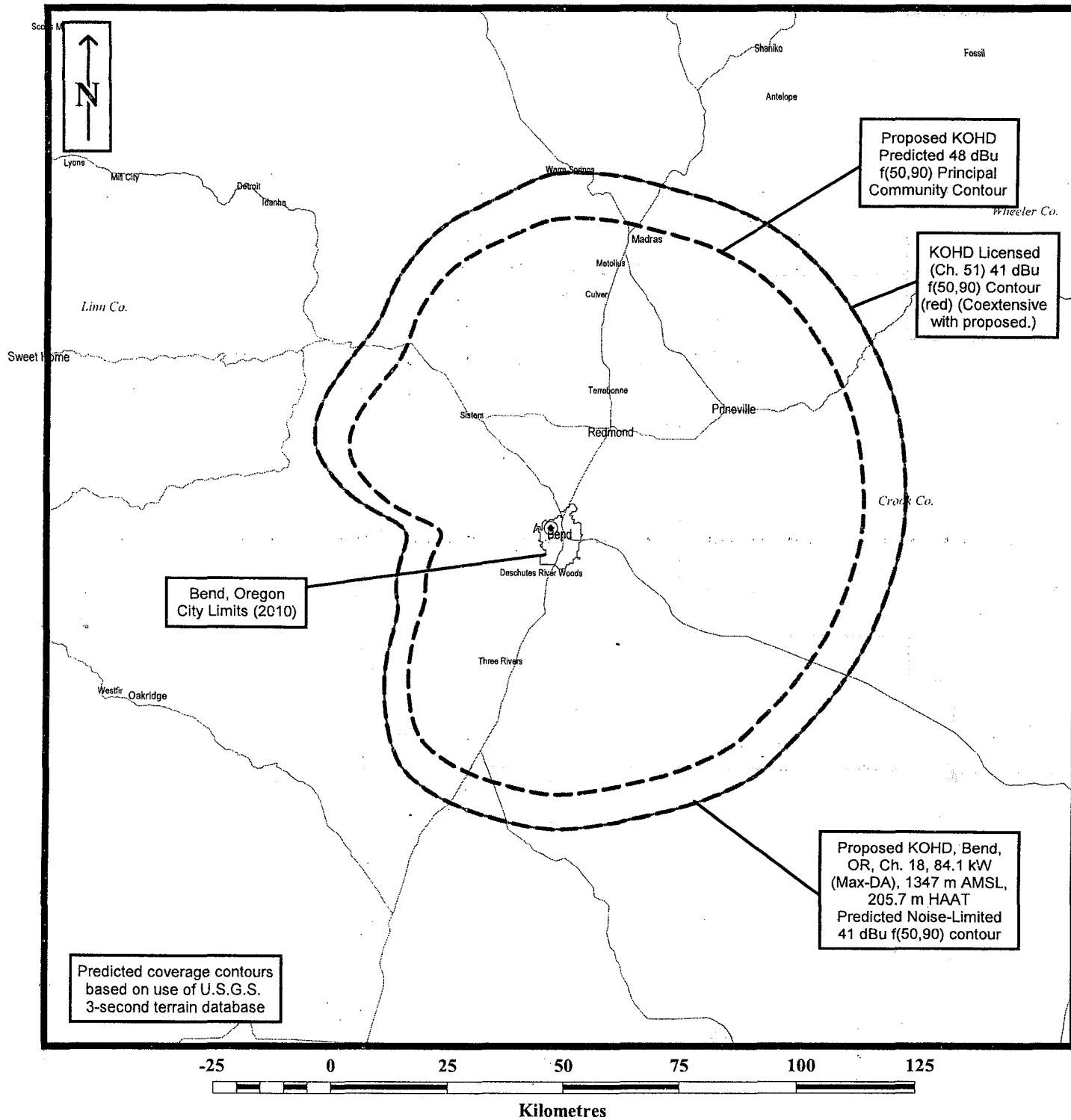
Note: display reflects rotation of 0.00°

| | | | | | | | | | | | | | |
|-----|-------|------|-------|------|-------|------|-------|------|-------|------|-------|------|-------|
| 0° | 0.599 | 60° | 0.998 | 120° | 0.908 | 180° | 0.940 | 240° | 0.392 | 300° | 0.227 | 56° | 1.000 |
| 10° | 0.688 | 70° | 0.976 | 130° | 0.921 | 190° | 0.865 | 250° | 0.280 | 310° | 0.183 | 267° | 0.179 |
| 20° | 0.778 | 80° | 0.944 | 140° | 0.942 | 200° | 0.775 | 260° | 0.197 | 320° | 0.194 | 314° | 0.178 |
| 30° | 0.873 | 90° | 0.918 | 150° | 0.974 | 210° | 0.684 | 270° | 0.184 | 330° | 0.278 | | |
| 40° | 0.951 | 100° | 0.901 | 160° | 0.995 | 220° | 0.593 | 280° | 0.226 | 340° | 0.393 | | |
| 50° | 0.993 | 110° | 0.895 | 170° | 0.985 | 230° | 0.497 | 290° | 0.257 | 350° | 0.502 | | |

Standard Pattern:

Last Change Date:

Figure 2



PREDICTED COVERAGE CONTOURS

duTreil, Lundin & Rackley, Inc. Sarasota, Florida

OET-69 Interference Analysis (KOHD, Bend, OR, Channel 18)(Summary Results)

Percent allowed new interference: 0.500
 Percent allowed new interference to non Class A LPTV: 2.000
 TW Census data selected 2000
 Data Base Selected
 /export/home/cdbs/pt_tvdb.sff
 TV INTERFERENCE and SPACING ANALYSIS PROGRAM

Date: 04-02-2015

Record Selected for Analysis

KOHD USERRECORD-01 BEND OR US
 Channel 18 ERP 84.1 kW HAAT 209. m RCAMSL 01347 m
 Latitude 044-04-40 Longitude 0121-19-56
 Status APP Zone 2 Border Site number: 01
 Dir Antenna Make CDB Model 00000000075180 Beam tilt N Ref Azimuth 0.
 Last update Cutoff date Docket
 Comments
 Applicant

Cell Size for Service Analysis 2.0 km/side

Distance Increments for Longley-Rice Analysis 1.00 km

Facility (site # 01) meets maximum height/power limits

| Site number | 1 | | | |
|-------------|--------|-------|--------|--------------|
| Azimuth | ERP | HAAT | 41.0 | dBu F(50,90) |
| (Deg) | (kW) | (m) | (km) | |
| 0.0 | 30.175 | 357.6 | 76.146 | |
| 45.0 | 79.456 | 330.0 | 79.883 | |
| 90.0 | 70.873 | 291.2 | 75.619 | |
| 135.0 | 72.973 | 201.5 | 69.135 | |
| 180.0 | 74.311 | 132.3 | 63.926 | |
| 225.0 | 24.980 | 68.7 | 51.678 | |
| 270.0 | 2.847 | 33.0 | 32.900 | |
| 315.0 | 2.745 | 260.4 | 56.336 | |

Evaluation toward Class A Stations from site # 01

No Spacing violations or contour overlap
 to Class A stations from site # 01

Class A Evaluation Complete

Checks to Site Number 01

Proposed facility OK to FCC Monitoring Stations

Proposed facility OK toward West Virginia quiet zone

Proposed facility OK toward Table Mountain

Proposed facility is beyond the Canadian coordination distance

OET-69 Interference Analysis (KOHD, Bend, OR, Channel 18)(Summary Results)

Proposed facility is beyond the Mexican coordination distance

Proposed station is OK toward AM broadcast stations

Start of Interference Analysis

| | | | | |
|---------|------------------|------------|--------------|--|
| | Proposed Station | | | |
| Channel | Call | City/State | ARN | |
| 18 | KOHD | BEND OR | USERRECORD01 | |

Stations Potentially Affected by Proposed Station

| Chan | Call | City/State | Dist(km) | Status | Application | Ref. No. |
|------|---------|-----------------|----------|--------|-------------|-------------|
| 17 | KABH-CD | BEND OR | 0.4 | LIC | BLDTA | 20131029ABN |
| 17 | KMTR | EUGENE OR | 133.1 | LIC | BLCDDT | 20030618AAY |
| 18 | KCLP-CA | BOISE ID | 420.6 | APP | BDFCDTA | 20130819AAH |
| 18 | KTVC | ROSEBURG OR | 185.3 | LIC | BLCDDT | 20060721AAR |
| 18 | KTVC | ROSEBURG OR | 185.4 | APP | BPCDDT | 20110311ACC |
| 18 | KEPR-TV | PASCO WA | 280.4 | LIC | BLCDDT | 20140717ABN |
| 19 | K19GH-D | EUGENE, ETC. OR | 133.1 | LIC | BLDTA | 20091211AEO |
| 19 | KPIC | ROSEBURG OR | 185.4 | LIC | BLCDDT | 20120423ABP |

%%%

Analysis of Interference to Affected Station 1

Analysis of current record

| | | | | |
|---------|---------|------------|-------------|--------------|
| Channel | Call | City/State | Application | Ref. No. |
| 17 | KABH-CD | BEND OR | BLDTA | -20131029ABN |

Stations Potentially Affecting This Station

Proposal causes no interference

#####

Analysis of Interference to Affected Station 2

Analysis of current record

| | | | | |
|---------|------|------------|-------------|--------------|
| Channel | Call | City/State | Application | Ref. No. |
| 17 | KMTR | EUGENE OR | BLCDDT | -20030618AAY |

Stations Potentially Affecting This Station

Proposal causes no interference

#####

Analysis of Interference to Affected Station 3

Analysis of current record

| | | | | |
|---------|---------|------------|-------------|--------------|
| Channel | Call | City/State | Application | Ref. No. |
| 18 | KCLP-CA | BOISE ID | BDFCDTA | -20130819AAH |

Stations Potentially Affecting This Station

OET-69 Interference Analysis (KOHD, Bend, OR, Channel 18)(Summary Results)

Proposed station is beyond the site to
nearest cell evaluation distance

#####

Analysis of Interference to Affected Station 4

Analysis of current record

| Channel | Call | City/State | Application Ref. No. |
|---------|------|-------------|----------------------|
| 18 | KTVC | ROSEBURG OR | BLCDT -20060721AAR |

Stations Potentially Affecting This Station

Proposal causes no interference

#####

Analysis of Interference to Affected Station 5

Analysis of current record

| Channel | Call | City/State | Application Ref. No. |
|---------|------|-------------|----------------------|
| 18 | KTVC | ROSEBURG OR | BPCDT -20110311ACC |

Stations Potentially Affecting This Station

Proposal causes no interference

#####

Analysis of Interference to Affected Station 6

Analysis of current record

| Channel | Call | City/State | Application Ref. No. |
|---------|---------|------------|----------------------|
| 18 | KEPR-TV | PASCO WA | BLCDT -20140717ABN |

Stations Potentially Affecting This Station

Proposal causes no interference

#####

Analysis of Interference to Affected Station 7

Analysis of current record

| Channel | Call | City/State | Application Ref. No. |
|---------|---------|-----------------|----------------------|
| 19 | K19GH-D | EUGENE, ETC. OR | BLDTA -20091211AEO |

Stations Potentially Affecting This Station

Proposal causes no interference

#####

Analysis of Interference to Affected Station 8

Analysis of current record

OET-69 Interference Analysis (KOHD, Bend, OR, Channel 18)(Summary Results)

| Channel | Call | City/State | Application | Ref. No. |
|---------|------|-------------|-------------|--------------|
| 19 | KPIC | ROSEBURG OR | BLCDT | -20120423ABP |

Stations Potentially Affecting This Station

Proposed station is beyond the site to
nearest cell evaluation distance

#####

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