

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.622(b),) MB Docket No. 04-192
Table of Allotments,) RM-10966
Digital Television Broadcast Stations.)
(Honolulu, Hawaii))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 2, 2004

Released: December 7, 2004

By the Chief, Video Division:

1. At the request of Pacifica Broadcasting Company (“Pacifica”), licensee of noncommercial educational station KALO(TV), the Commission has before it the Notice of Proposed Rule Making, 19 FCC Rcd 9228 (2004), proposing the substitution of DTV channel *10c for station KALO assigned DTV channel *39c. Pacifica and Hawaii Public Television Foundation (“HPTF”) filed comments.¹ Pacifica filed reply comments.

2. HPTF opposes Pacifica channel change arguing that the use of a non-located adjacent DTV channel 10 will disrupt viewer reception of KHET-TV. HPTF suggests that Pacifica should be required to find an alternative allotment.² HPTF states that the Commission should exercise caution before allotting DTV channel 10 in Hawaii because of “real world situations” of co-channel and digital “ducting” interference that can occur in an island region.³ Finally, HPTF claims that the use of DTV channel 10 will disrupt cable television reception, a disruption, according to HPTF, that would jeopardize its funding base and future DTV plans.

3. In reply, Pacifica argues that HPTF’s comments are based upon speculation rather than engineering analysis. It submits that HPTF has failed to supply any engineering analysis specific to the proposed channel change but relies on generalized statements of its concerns. In contrast,

¹ HPTF is the licensee of stations KHET-TV, channel *11, Honolulu, Oahu, Hawaii, and co-channel KMEB-TV, channel *10, Wailuku, Maui, Hawaii.

² HPTV notes that the Commission recognized the potential interference caused by adjacent channel NTSC and DTV operations, citing *Advance Television Systems and Their Impact Upon the Existing Television Broadcast Service*, 13 FCC Rcd 7418 (1998) where the Commission stated that “revisions are needed to reduce the potential for adjacent interference” and “a solution that includes tightening the DTV emissions mask, making a number of specific DTV allotment changes where needed, and providing flexible administrative processes to encourage adjacent channel co-locations offers the best approach for addressing adjacent channel interference concerns.”

³ Ducting is a phenomenon caused by atmospheric conditions that enhance the propagation of television signals most often occurring along paths over or near large bodies of water.

Pacifica states that it has submitted engineering which demonstrates that the proposed substitution complies fully with the Commission’s rules and policies as they now exist.

3. We have reviewed HPTF’s allegations and find them lacking in both specificity and technical support. Moreover, we have previously considered and rejected an argument similar to that raised by HPTF regarding ducting. The Commission found that interference claims due to a potential ducting effect was not sufficient to set aside an allotment proposal since such consideration would undermine the validity of the rules and standards with respect to all allocation matters involving communities along the coastline. *See San Clemente, California*, 50 FR 8226, March 1, 1985, *rev. denied*, 2 FCC Rcd 2514 (1987) and *Ventura, California*, 2 FCC Rcd 5882 (1987), *recon.* 7 FCC Rcd 5601 (1992). Finally, we find that this channel change proposal complies with city-grade service and interference protection requirements, and is otherwise consistent with the Commission’s technical standards. In the absence of any specific technical information and support for its conclusions therein, we are not persuaded that HPTF has demonstrated that this proposal cannot be granted.

4. We believe the public interest would be served by substituting DTV channel *10c for DTV channel 39c since it will permit KALO to maximize its service area while realizing savings in operational costs due to its change from an UHF to a VHF channel. DTV channel *10c can be allotted to Honolulu, Hawaii, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 21-23-45 N. and 158-05-58 W. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station KALO-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
HI Honolulu	*10c	25	577	767

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective January 21, 2005, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Honolulu, Hawaii	8, *10c, *18, 19, 22, 23, 27c, 31, 33c, 35, 40, *43

6. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Pacifica Broadcasting Company shall submit to the Commission a minor change application for a

construction permit (FCC Form 340) specifying DTV Channel *10c in lieu of DTV Channel *39c for station KALO-DT.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau