Federal Communications Commission
Washington, D.C. 20554

August 17, 2005

Northeast Kansas Broadcast Service, Inc.
c/o Joseph M. Di Scipio, Esq.
Cohn and Marks, LLP
Suite 300
1920 N St., NW
Washington, DC 20036-1622

DA 05-2296
Released: August 18, 2005

Free State Communications, LLC
c/o Christopher Cinnamon, Esq.
Suite 1020
307 N. Michigan Avenue
Chicago, Ill, 60601

Re: KTKA-TV, Topeka, Kansas, Facility ID. No. 49397, File No. BALCT-20050506AAA, Application for Assignment of License

Dear Applicants:

This is in regard to the application to assign the license of KTKA-TV, Topeka, Kansas from Northeast Kansas Broadcast Service, Inc. to Free State Communications, LLC (Free State), File No. BALCT-20050506AAA. For the reasons stated below, we grant the application.

Free State is controlled by the World Company (World), which publishes the Lawrence *Journal-World*, the daily newspaper published in Lawrence, Kansas. Lawrence, Kansas is completely encompassed by the predicted Grade A contour of KTKA-TV. Section 73.3555(d) of our rules states:

> No license for an AM, FM or TV broadcast station shall be granted to any party (including all parties under common control) if such party directly or indirectly owns, operates or controls a daily newspaper and the grant of such license will result in: […] (3) The Grade A contour of a TV station, computed in accordance with §73.684, encompassing the entire community in which such newspaper is published.

Free State has submitted an engineering showing which demonstrates that, due to unusual terrain, there are substantial gaps in KTKA-TV's coverage of Lawrence. Free State argues that, due to these gaps in coverage, the rule does not apply.

In its engineering statement, Free State first calculated the predicted Grade A signal contour (74 dBu, F50,50) using the standard Commission radial HAAT (3-16 km terrain average) methodology. This predicted contour encompasses the entire city of Lawrence. There are, however, terrain anomalies in Lawrence that call into question whether KTKA's predicted Grade

A contour would be the same as its actual contour. Specifically, Lawrence lies in a "bowl" which results in a significant portion of the city being at a lower elevation than expected in the standard prediction model. Therefore, Free State calculated the service provided by KTKA-TV using the Longley-Rice propagation model. This calculation revealed a large area within the center of Lawrence for which Grade A service is not predicted to be available. Free State next made field strength measurements of a set of points covering the city of Lawrence in a grid configuration pursuant to Section 73.686(c) of the Commission's rules. Those measurements demonstrate that only 6 of the 32 measurement locations on the grid have field strength values in excess of 74 dBu, the minimum field strength which defines a Grade A service level. Based on both the Longley-Rice calculations and the actual field strength measurements, Free State's engineering statement concludes that Grade A service is not provided by KTKA-TV to Lawrence, Kansas, except at a very few locations. On this basis, Free State argues that Section 73.3555(d) does not apply.

We have previously stated that the use of alternate methodologies is permitted to demonstrate that a station's actual Grade A coverage is different from its predicted coverage. *See, e.g., KRCA License Corp.,* 15 FCC Rcd 1794, 1795 n. 2 (1999); *Heritage Media Services, Inc.*, 13 FCC Rcd 5644, 5648 (1998). In particular, we have allowed the use of the Longley-Rice methodology to demonstrate that terrain anomalies prevent actual Grade A coverage from encompassing a particular community and preclude application of the newspaper/television cross-ownership rules. *Media General of South Carolina*, 17 FCC Rcd 842, 846 n. 4. In this case, Free State has shown that Lawrence lies in a "bowl" and has demonstrated, both by using Longley-Rice and by making actual measurements, that there are significant gaps in KTKA-TV's Grade A coverage of Lawrence, Kansas due to this terrain anomaly. We believe that the significant gaps in coverage within Lawrence itself preclude any meaningful encompassment of the city by KTKA-TV's signal. Based on these facts, we agree with Free State that the newspaper/television cross-ownership rule does not apply.

Having found the applicants fully qualified, we conclude that grant of the subject application would serve the public interest.

ACCORDINGLY, the application to assign the license of KTKA-TV, Topeka, Kansas from Northeast Kansas Broadcast Service, Inc. to Free State Communications, LLC, File No. BALCT-20050506AAA IS GRANTED.

Sincerely,

Donna C. Gregg
Acting Chief, Media Bureau