



Federal Communications Commission  
Washington, D.C. 20554

DA 06-2319  
November 17, 2006  
1800E3-JLB

Johnson Broadcasting of Dallas, Inc.  
c/o Arthur Belendiuk, Esq.  
Smithwick & Belendiuk, PC  
5028 Wisconsin Avenue, N.W.  
Washington, D.C. 20016

Re: KLDT-TV, Lake Dallas, Texas  
Facility ID No. 17433

Dear Licensee:

On April 13, 2006, Johnson Broadcasting of Dallas, Inc. ("JBI"), licensee of KLDT-TV, analog channel 55, and permittee, by special temporary authority, of KLDT-DT, digital channel 54, Lake Dallas-Fort Worth, Texas, filed a letter requesting Commission authority to: (i) cease analog broadcasting on NTSC Channel 55 and surrender its license for the channel prior to the end of the DTV transition period; and (ii) thereafter operate KLDT-DT as a single channel, digital-only television station on DTV Channel 54.<sup>1</sup> JBI's proposal appeared on public notice on May 22, 2006.<sup>2</sup>

In its *Report and Order* in GN Docket No. 01-74, the Commission adopted the reallocation of the 598-746 MHz Spectrum Band (television channels 52-59) from use by television broadcasters to new use on a flexible basis.<sup>3</sup> The Commission also stated that it would consider requests by incumbent broadcasters on channels 52-59 to voluntarily vacate their NTSC channels prior to the end of the DTV transition on a case-by-case basis, considering all relevant public interest factors.<sup>4</sup>

In support of JBI's request to voluntarily vacate NTSC Channel 55, we note that it has two paired out-of-core channels. The Commission has permitted such licensees extra flexibility in choosing how to operate during the transition period. In the *Second Periodic Review*, the Commission ruled that these licensees have the option to elect to operate only on their analog channel, surrender their out-of-core DTV channel, and "flash cut" to digital on their eventual in-core DTV channel assignment at the end of the

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<sup>1</sup> JBI has since filed a license to cover the construction of its fully-authorized DTV facility (File No. BLCDDT-20060928AKX).

<sup>2</sup> See *Media Bureau Receives Request by Analog Television Station in the Lower 700 MHz Band to Cease Analog Broadcasting, Surrender NTSC License, and Operate as a Single Channel, Digital-Only Television Station*, 21 FCC Rcd 5808 (2006).

<sup>3</sup> *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, 17 FCC Rcd 1022 (2002).

<sup>4</sup> *Id.* at 1096. The Commission identified a number of relevant factors, including whether grant of the request would make new or expanded wireless services available to consumers or deploy wireless service to underserved areas, or whether grant would result in the loss of any of the four stations in the DMA with the largest audience share, the loss of sole service licensed to the local community, or the loss of a community's sole noncommercial educational television service. The Commission will also consider whether a grant would have a negative effect on the pace of DTV transition in that market. *Id.* at n.549.

transition.<sup>5</sup> When JBI filed its band clearing request, KLDT-DT was operating on its out-of-core DTV channel pursuant to a low-power STA. However, as part of its band-clearing agreement with QUALCOMM Incorporated (QUALCOMM), which holds licenses for channel 56 (Block B in the Lower 700 MHz band) covering the entire nation, JBI has now constructed the maximized facilities authorized in its DTV construction permit. According to JBI, over 390,000 people who did not receive KLDT(TV) service now receive service from the fully authorized KLDT-DT. While JBI has agreed to allow MediaFLO to interfere with up to 1% of the service area of KLDT-DT's channel 54 service area, the agreed-upon potential interference is in an area where only 0.86 percent of the people covered by KLDT-DT's Grade B contour reside, and this interference will not extend beyond the end of the DTV transition period, when KLDT-DT will be required to move to an in-core channel. We conclude that this temporary loss of service is outweighed by the fact that over 390,000 people will receive KLDT-DT service for the first time.

JBI also states that KLDT-TV is not among the "top four" stations in the Dallas-Ft. Worth market. While KLDT-TV is the sole analog station licensed to Lake Dallas, affected viewers will continue to receive service from at least 16 other analog television stations and 17 other digital television stations. JBI further asserts that grant of its request will make new or expanded wireless services available to consumers and submits a letter from QUALCOMM, stating that grant of JBI's request will allow MediaFLO USA, Inc., a wholly-owned subsidiary of QUALCOMM, to deploy and operate a network to offer a "mediacast" service to deliver many channels of multimedia content to third generation wireless phones.

Based upon the foregoing, we believe the public interest would be served by permitting JBI to surrender its license for NTSC Channel 55, Lake Dallas, Texas and operate as a digital-only station on channel 54. Accordingly, JBI's request IS GRANTED. Prior to discontinuing analog service and surrendering its NTSC license, we expect JBI to supply all cable systems carrying its digital signal with the conversion equipment necessary to translate KLDT-DT's signal to an analog signal.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>5</sup> *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18,279, 18,321-22 (2004).