

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

In re Application of )

**LANDOVER 2 LLC** )

For a New Digital Low Power Television )  
on Channel 18 at Hewitt, Minnesota )

File No. BNPTDL-20100505AKV

Facility ID 186028

**RECEIVED - FCC**

To: Chief, Video Division, Media Bureau

**JUN 11 2012**

Federal Communications Commission  
Bureau / Office

**OPPOSITION TO PETITION TO DENY**

1. Landover 2 LLC ("Landover") hereby opposes the Petition to Deny ("Petition") its above-captioned application ("Application") filed May 17, 2012, by Red River Broadcast Co., LLC ("Red River"). While not disputing that Landover's proposal complies with the Commission's interference rules for processing Low Power Television applications, Red River nevertheless claims that the Landover proposal should be dismissed because it will cause adjacent-channel interference to its full power television station KVRN, Fargo, North Dakota (Facility Id. No. 55372).

2. Red River's Petition should be dismissed or denied, because it alleges no rule violation by Landover. Rather, the Petition argues that some interference may occur in actual practice, given the "variable nature" of KVRN's signal "in its natural environment."<sup>1</sup> Red River's claim of possible interference is therefore based on speculation regarding possible real-life variations in propagation conditions rather than the interference analysis set out in sections 74.793 and 73.622(e) of the Commission's Rules,<sup>2</sup> which is not the standard by which the

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<sup>1</sup> Petition at 2.

<sup>2</sup> 47 C.F.R. §§ 74.793, 73.622(e).

Commission processes applications and is not practical for the Commission to apply given its limited available processing resources.<sup>3</sup>

3. The Commission's Rules contain specific guidance on how potential interference is to be calculated. First, existing DTV stations are generously protected on the basis of the "maximum technical facilities" specified for their allotments.<sup>4</sup> A digital low power TV proposal must not cause a loss of service to 0.5 percent or more of the population predicted to receive service from an existing DTV station.<sup>5</sup> In this case, it is undisputed that Landover's proposal is not predicted to cause a loss of service to more than 0.5 percent of the population within the protected contour served by KVRB; so it complies with the interference protection requirements.

3. Landover acknowledges its obligation as the newcomer to address any unpredicted interference that may occur in actual practice within KVRB's protected service area.<sup>6</sup> In this case, however, as KVRB and Landover will operate on first-adjacent channels rather than co-channel, the chances of actual interference are significantly reduced by the increasingly improved quality of consumer-grade DTV receivers. Moreover, even if a viewer does complain, remedies should be relatively simple to implement, including filters at the affected reception point and/or an upgraded emission mask at the LPTV transmitter. Similarly, Landover will be responsible under for correcting any interference to an existing cable system headend – again highly unlikely because of the use of professional receiving equipment.

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<sup>3</sup> See *Low Power Television Service*, 51 RR2d 476, ¶ 34 (1982) ("[I]t is necessary that we use an objective standard for where we consider that it is "apparent that interference will be caused.").

<sup>4</sup> 47 C.F.R. § 73.622(e)(3).

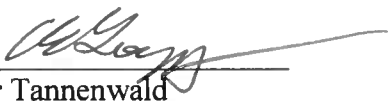
<sup>5</sup> 47 C.F.R. § 74.793(e).

<sup>6</sup> 47 C.F.R. § 74.703(c).

7. In light of the fact that there is no rule violation, there is no reason to deny or dismiss the Application. Landover's proposal is not predicted to cause impermissible interference to KVRR's operations, and there are ample rules and procedures available to resolve any interference issues that may arise in actual practice.<sup>7</sup> Accordingly, Landover submits that the Petition should be promptly dismissed or denied, and the Application granted.

Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17<sup>th</sup> St., 11<sup>th</sup> Floor  
Arlington, VA 22209-3801  
Tel. 703-812-0404

Respectfully submitted,

  
\_\_\_\_\_  
Peter Tannenwald  
Christine E. Goepp

Counsel for Landover 2 LLC

June 11, 2012

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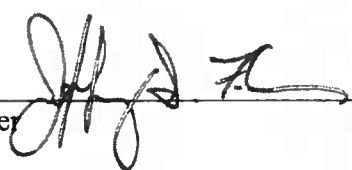
<sup>7</sup> See, e.g., 47 C.F.R. § 74.787(a)(4).

**DECLARATION OF JEFFREY FISHER**

I, Jeffrey S. Fisher, hereby declare and state as follows:

1. I am a contract engineer retained by Landover 2 LLC.
2. I have reviewed the foregoing Opposition of Landover to the Petition to Deny filed by Red River Broadcast Co., LLC regarding the Application filed by Landover for a new digital low power television station on Channel 18 to serve Hewitt, Minnesota.
3. In support of this Opposition, I have conducted an interference analysis pursuant to Sections 74.793 and 73.622(e) of the Federal Communications Commission's Rules, using V-Soft Communications Probe 4 software.
4. Based on my interference analysis, Landover's proposal as set out in its Application is not predicted to cause a loss of service to more than 0.5 percent of the population within the protected contour served by full power television station KVRP, Fargo, North Dakota (Facility Id. No. 55372).

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on June 8, 2012.

  
\_\_\_\_\_  
Jeffrey S. Fisher  
907 Marye St  
Fredericksburg, VA 22401  
(540) 455-4475

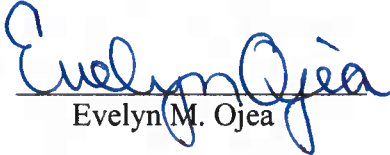
## CERTIFICATE OF SERVICE

I, Evelyn M. Ojea, do hereby certify that I have, this 11<sup>th</sup> day of June, 2012, caused a copy of the foregoing "Opposition to Petition to Deny" to be sent by first class United States mail, postage prepaid, to the following:

Charles R. Naftalin, Esq.  
Leighton T. Brown, Esq.  
Holland & Knight LLP  
2099 Pennsylvania Avenue, NW, Ste 100  
Washington, DC 20006-6801

In addition, on June 11, 2012, a copy will be sent by e-mail to:

Hossein Hashemzadeh, Associate Chief (hossein.hashemzadeh@fcc.gov)  
Video Division  
Media Bureau  
Federal Communications Commission  
Washington, DC 20554

  
Evelyn M. Ojea

ORIGINAL

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

In re Application of )  
 )  
LANDOVER 2 LLC )  
 )  
For Construction Permit for )  
A new Digital Low Power Television )  
Station on Channel 18 at Hewitt, MN )

File No. BNPDTL-20100505AKV  
Facility ID 186028

RECEIVED - FCC

MAY 30 2012

Federal Communications Commission  
Bureau / Office

To: Chief, Low Power Television Branch  
Video Division, Media Bureau

**REQUEST FOR EXTENSION OF TIME**

1. Landover 2, LLC ("Landover"), hereby requests an extension of time until June 11, 2012, to respond to the Petition to Deny ("Petition") its above captioned application, filed on May 17, 2012, by Red River Broadcasting Co., LLC ("Red River").<sup>1</sup>

2. Additional time is needed to analyze the interference issues raised by the Petition. The service copy of the Petition was not delivered until four days after filing with the FCC, because of an intervening weekend; and the Memorial Day holiday period also delayed preparation of Landover's response.

3. Counsel for Red River has advised Counsel for Landover that Red River will interpose no objection to a grant of this request.

Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17<sup>th</sup> St., 11<sup>th</sup> Floor  
Arlington, VA 22209-3801  
Tel. 703-812-0404  
Fax 703-812-0486  
E-mail: [tannenwald@fhhlaw.com](mailto:tannenwald@fhhlaw.com)

Respectfully submitted,



Peter Tannenwald

Counsel for Landover 2, LLC

May 30, 2012

<sup>1</sup> The Landover Application appeared on PGL 12-2, released April 17, 2012.

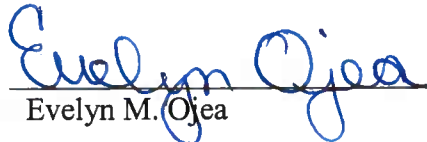
**CERTIFICATE OF SERVICE**

I, Evelyn M. Ojea, do hereby certify that I have, this 30<sup>th</sup> day of May, 2012, caused a copy of the foregoing "Request for Extension of Time" to be sent by first class United States mail, postage prepaid, to the following:

Charles R. Naftalin, Esq.  
Leighton T. Brown, Esq.  
Holland & Knight LLP  
2099 Pennsylvania Ave., N.W., Suite 100  
Washington, DC 20006-6801  
Counsel for Red River Broadcast Co., LLC

In addition, on May 31, 2012, a copy of the foregoing "Request for Extension of Time" will be sent by e-mail to the following:

Hossein Hashezmadeh, Esq. ([hossein.hashemzadeh@fcc.gov](mailto:hossein.hashemzadeh@fcc.gov))  
Associate Chief, Video Division  
Federal Communications Commission  
Washington, DC 20554

  
\_\_\_\_\_  
Evelyn M. Ojea

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re the Application of )  
 )  
LANDOVER 2 LLC )  
 )  
For a New Digital Low Power Television )  
Station on Channel 18 to Serve )  
Hewitt, Minnesota )

FCC File No. BNPDTL-20100505AKV  
Facility ID 186028FILED/ACCEPTED

MAY 17 2012

Federal Communications Commission  
Office of the Secretary

**PETITION TO DENY**

Red River Broadcast Co., LLC ("Red River"), the licensee of full power television station KVRR, Fargo, North Dakota (Facility ID 55372), by its attorneys and pursuant to Section 73.3584 of the Commission's rules, 47 C.F.R. §73.3584, hereby submits this Petition to Deny the above-captioned application (the "Application") of Landover 2 LLC ("Landover") for a new digital low power television station.<sup>1</sup> As established in the Application, Landover's proposed operation on Channel 18 would cause interference to KVRR's first-adjacent channel operations on Channel 19 to the extent that viewers within KVRR's protected 41 dBu contour would no longer be able to receive KVRR's signal. Indeed, as demonstrated in the attached Engineering Statement, the interference to KVRR predicted by Landover likely is the "best case" and well-recognized signal variability would cause considerably worse interference, possibly causing disruption of over-the-air reception of KVRR to thousands of viewers.<sup>2</sup>

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<sup>1</sup> On April 17, 2012, the Commission released a Public Notice announcing that the Application had been accepted for filing, thereby establishing May 17, 2012 as the deadline to file petitions to deny. See *Low Power/Television Translators: Proposed Construction Permits*, Public Notice, Report No. PGL12-2 (Apr. 17, 2012) ("Public Notice").

<sup>2</sup> Engineering Statement, p. 1-2.



KVRR broadcasts on Channel 19. Landover's proposed operations would be on first-adjacent Channel 18 and would be entirely within the 41 dBu protected service contour of KVRR.<sup>3</sup> In the Application, Landover predicts that only 2 persons would be deprived of KVRR's broadcast service because of its proposed operation.<sup>4</sup> In itself, that loss of service would harm the public interest in efficient propagation and reception of television broadcast signals. KVRR is the local Fox affiliate and an essential source of local news, weather, emergency information, and other local programming.

As a matter of reality, interference to KVRR likely would be far worse than Landover's "best case" prediction. As established in the Engineering Statement, the variable nature of television signal propagation in the plains environment of North Dakota, where KVRR operates, can cause variations in signal strength by as much as 20 dBu.<sup>5</sup> Therefore, on an intermittent basis, harmful interference to the KVRR service could be far worse than that predicted in the Application, with much greater disruption of reception to KVRR viewers. This interference also could affect reception of KVRR by cable television headends which receive KVRR's over-the-air signal for retransmission to subscribers.<sup>6</sup> Thus, interference to KVRR from Landover's proposal could, in fact, cause a significant percentage of KVRR's viewers to lose access to its valuable broadcast service.

A low power television station, as proposed by Landover, is secondary to a full power station,<sup>7</sup> such as KVRR, and the Application may be dismissed outright due to predicted

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<sup>3</sup> See *id.*, Exhibit (contour map).

<sup>4</sup> See Attachment to the Application.

<sup>5</sup> See Engineering Statement, p. 1-2.

<sup>6</sup> See *id.* at 2.

<sup>7</sup> The low power television service always has been secondary to the full power television service and must give way to full power operations, including full power digital television station

interference.<sup>8</sup> Even if the Application is granted, Section 74.703 of the Commission's rules makes it clear that the burden would be entirely on Landover to correct any interference that its Channel 18 operations subsequently caused to reception of KVRR, including, if necessary, by ceasing operations.<sup>9</sup> By its own "best case" analysis, Landover expects to interfere with broadcast reception of KVRR. Thus, it faces the obvious possibility that its proposed Channel 18 station would have to shut down.

Landover has applied for three other digital low power television stations to serve Hewitt, Minnesota, on Channels 27, 33 and 45, to which Red River has no objection.<sup>10</sup> In addition, the same Public Notice announcing Commission acceptance for filing of these Hewitt applications lists another 11 new digital lower power television stations proposed by Landover to serve various communities in Minnesota.<sup>11</sup> Moreover, a search of the Commission's public database

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operations. *See, e.g., Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Sixth Report and Order on Reconsideration*, 13 FCC Rcd 7418, 7461 (1998) (upheld in *Polar Broadcasting v. FCC*, 22 F.3d 1184 (D.C. Cir. 1994)).

<sup>8</sup> 47 C.F.R. §74.703(a) ("An application for a new low power TV, TV translator, or TV booster station or for a change in the facilities of such an authorized station will not be granted when it is apparent that interference will be caused."); *see* 47 C.F.R. §74.789 (applying §74.703 to digital low power television stations).

<sup>9</sup> 47 C.F.R. §74.703(b) ("It shall be the responsibility of the licensee of a low power TV, TV translator, or TV booster station to correct at its expense any condition of interference to the direct reception of the signal of any other TV broadcast analog station and DTV station operating on the same channel as that used by the low power TV, TV translator, or TV booster station or an adjacent channel which occurs as a result of the operation of the low power TV, TV translator, or TV booster station. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the low power TV, TV translator, or TV booster station, regardless of the quality of the reception or the strength of the signal so used. If the interference cannot be promptly eliminated by the application of suitable techniques, operation of the offending low power TV, TV translator, or TV booster station shall be suspended and shall not be resumed until the interference has been eliminated.") That rule is applicable to digital low-power television stations. *See* 47 C.F.R. §74.789.

<sup>10</sup> *See Public Notice*.

<sup>11</sup> *See id.*

reveals that Landover currently has a huge number of applications for new digital low power television stations pending before the Commission: a total of 41 applications proposing locations in Minnesota<sup>12</sup> and a total of 495 applications proposing various locations across the country.<sup>13</sup> The Commission also has recently granted Landover a very large number of construction permits for new digital low power television stations which were proposed in the same filing window: a total of 6 construction permits for locations in Minnesota<sup>14</sup> and a total of 283 construction permits for locations across the country.<sup>15</sup>

Under the circumstances, it would not serve the public interest to grant the Landover Application for Channel 18 for Hewitt, Minnesota. If constructed, the station likely would cause impermissible interference, leading to its shut-down. At the same time, Landover seeks hundreds of other digital low power television stations, including three more just for Hewitt and dozens more within Minnesota.

Accordingly, it would be a waste of FCC and private resources to grant the Application for Channel 18.<sup>16</sup> Therefore, the Application should be dismissed.

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<sup>12</sup> See CDBS Public Access: Station Search (using search criteria “Service: Digital TV Translator or LPTV Station,” “Applicant Name: Landover 2 LLC,” “State: MN,” and “Station Status: CP Applied For”) (last accessed May 16, 2012).

<sup>13</sup> See *id.* (using search criteria “Service: Digital TV Translator or LPTV Station,” “Applicant Name: Landover 2 LLC,” and “Station Status: CP Applied For”) (last accessed May 16, 2012).

<sup>14</sup> See *id.* (using search criteria “Service: Digital TV Translator or LPTV Station,” “Applicant Name: Landover 2 LLC,” “State: MN,” and “Station Status: CP Off Air”) (last accessed May 16, 2012).

<sup>15</sup> See *id.* (using search criteria “Service: Digital TV Translator or LPTV Station,” “Applicant Name: Landover 2 LLC,” and “Station Status: CP Off Air”) (last accessed May 16, 2012).

<sup>16</sup> See *Amendment of Section 73.202(b)*, Report and Order, 19 FCC Rcd 893, 898 (2004) (“Processing proposals that are not capable of being effectuated on the date of filing would cause an unnecessary expenditure of Commission resources and would impose an unfair burden on other parties.”).

Respectfully submitted,

RED RIVER BROADCAST CO., LLC

By: 

Charles R. Naftalin  
Leighton T. Brown  
Holland & Knight LLP  
2099 Pennsylvania Avenue, N.W., Ste. 100  
Washington, DC 20006-6801  
Phone: (202) 955-3000  
Fax: (202) 955-5564  
Email: leighton.brown@hklaw.com

May 17, 2012

*Its Attorneys*

ENGINEERING STATEMENT  
IN SUPPORT OF THE OBJECTION TO THE  
TV TRANSLATOR APPLICATION  
OF LANDOVER 2 LLC  
FCC FILE NO. BNPDTL-20100505AKV  
BY RED RIVER BROADCASTING CO., LLC, THE LICENSEE OF  
**KVRR-DT, FARGO, NORTH DAKOTA**  
CHANNEL 19 1000 KW MAX. ERP 379 METERS HAAT

MAY 2012

COHEN, DIPPELL AND EVERIST, P.C.  
CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington           )  
  ) ss  
District of Columbia        )

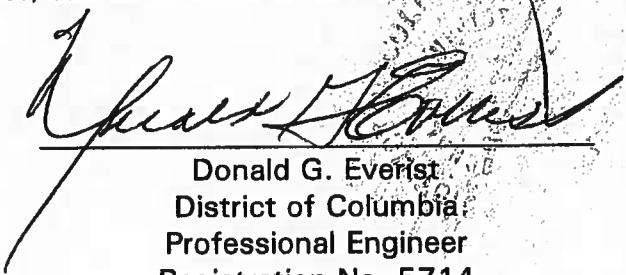
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President, Secretary and Treasurer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1420 N Street, N.W., Suite One, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

  
Donald G. Everist  
District of Columbia  
Professional Engineer  
Registration No. 5714

Subscribed and sworn to before me this 16<sup>th</sup> day of May, 2012.

  
Notary Public

My Commission Expires: 2/28/2013

Introduction

This Engineering Statement has been prepared on behalf of Red River Broadcast Co., LLC ("Red River") the licensee of full-power television station KVRR-DT, Fargo, North Dakota ("KVRR"). The statement is in support of Red River's Objection to the pending low-power television translator application of Landover 2 LLC, FCC File No. BNPDTL-20100505AKV, for a new station to serve Hewitt, Minnesota, on Channel 18, with 2.0 kW ERP at 136.1 meters RC/AMSL. That proposed operation is located inside the noise limited contour generated by the licensed operation of KVRR-DT, and as demonstrated below, likely would cause interference to various off-the-air reception for cable systems.

KVRR-DT is licensed to operate (FCC File No. BLCDT-20090820ABE) on Channel 19 with 1000 kW Max and are 379 meters HAAT with the following NAD-27 geographic coordinates:

North Latitude: 46° 40' 29"

West Longitude: 96° 13' 40"

Technical Analysis

The programming of KVRR-DT is received by a number of outlying cable systems.

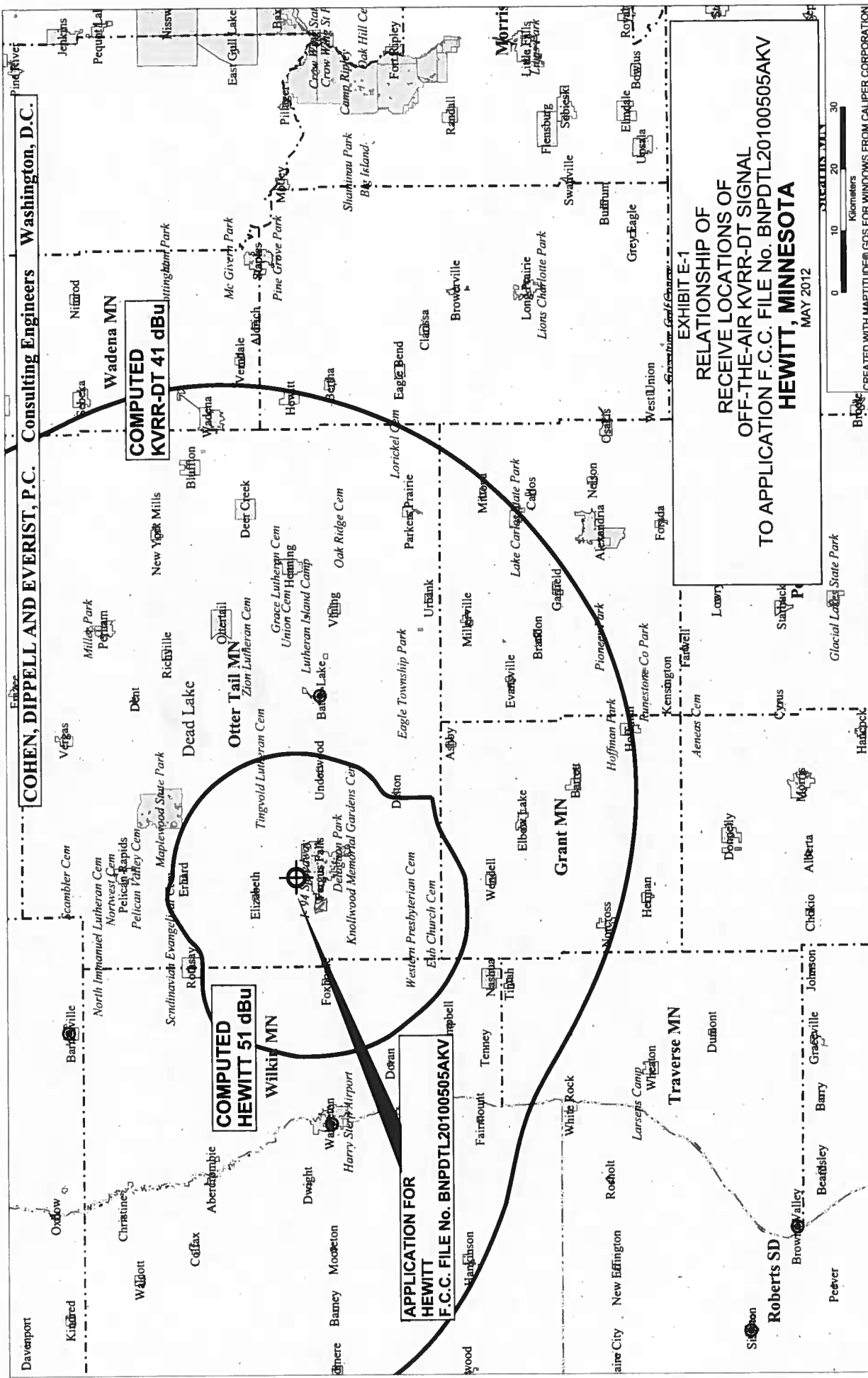
This affiant has been a broadcast consulting engineer for decades. He has observed that the proposed propagation environment in the plains, such as in North Dakota where KVRR-DT operates a UHF Channel 19 signal level such as for KVRR-DT, will vary daily and seasonally up to and over 20 dB in signal strength. This affiant believes that the predicted interference shown in the Landover 2 LLC application, of lost KVRR-DT broadcast service of 2 persons, is a "best case" analysis and does not take into account the variable nature of the KVRR-DT broadcast signal in its natural

environment and its approximate 20 dB variability. Therefore, this affiant believes that there would be far greater, but variable, interference to over-the-air reception of KVRR-DT from the proposed Channel 18 operation than Landover 2 LLC predicts for it.

The proposed Channel 18 operation of Landover 2 LLC, a first-adjacent channel to KVRR-DT's Channel 19, could also impact the signal levels to outlying cable systems headends. Therefore, if the reception of the KVRR-DT signal received interference at cable headend will diminish cable home reception.

This engineering statement demonstrates that the Channel 18 television translator facilities proposed by Landover 2 LLC could cause variable interference to the direct reception of the KVRR-DT signal within KVRR-DT's normally protected 41 dBu service contour, including possible disruption to various cable headends that receive KVRR-DT and distribute it to cable consumers. Therefore, it would be prudent to dismiss the Landover 2 LLC application for a new television translator station on Channel 18 for Hewitt, Minnesota (FCC File No. BNPDTL-20100505AKV).





COHEN, DIPPELL AND EVERIST, P.C. Consulting Engineers Washington, D.C.

COMPUTED  
KVR-RT 41 dBu

COMPUTED  
HEWITT 51 dBu

APPLICATION FOR  
HEWITT  
F.C.C. FILE NO. BNPD TL20100505AKV

RELATIONSHIP OF  
RECEIVE LOCATIONS OF  
OFF-THE-AIR KVR-RT SIGNAL  
TO APPLICATION F.C.C. FILE NO. BNPD TL20100505AKV  
HEWITT, MINNESOTA  
MAY 2012



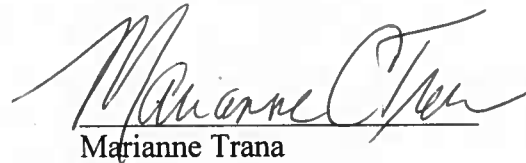
CREATED WITH MAPITITUDE® GCS FOR WINDOWS FROM CALIPER CORPORATION

Certificate of Service

I, Marianne Trana, a legal secretary with the law firm of Holland & Knight LLP, hereby certify that on May 17, 2012 a copy of the foregoing Petition to Deny was deposited in the U.S.

Mail, postage prepaid, addressed to:

Peter Tannenwald  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17th Street  
Arlington, VA 22209-3801



Marianne Trana