

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

 **ORIGINAL**

In re Application of)
)
LANDOVER 2 LLC)
)
For a New Digital Low Power Television)
on Channel 20 at Casselton, North Dakota)

File No. BNPTDL-20100505ALC
Facility ID 186037 **RECEIVED - FCC**

JUN 11 2012

To: Chief, Video Division, Media Bureau

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."¹ 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,² which is not the standard by which the

¹ Petition at 2.

² 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.³

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.⁴ 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.⁵ 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 KVRR; 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 KVRR's protected service area.⁶ In this case, however, as KVRR 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.

³ 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.").

⁴ 47 C.F.R. § 73.622(e)(3).

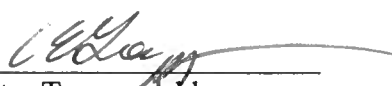
⁵ 47 C.F.R. § 74.793(e).

⁶ 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 KVRN's operations, and there are ample rules and procedures available to resolve any interference issues that may arise in actual practice.⁷ Accordingly, Landover submits that the Petition should be promptly dismissed or denied, and the Application granted.

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

Respectfully submitted,


Peter Tannenwald
Christine E. Goepp

Counsel for Landover 2 LLC

June 11, 2012

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

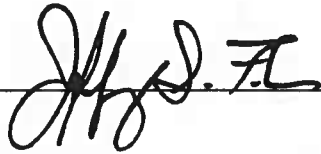
DECLARATION OF JEFFREY FISHER

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 20 to serve Casselton, North Dakota.
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 KVRR, 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



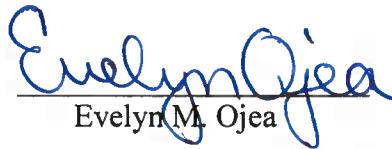
CERTIFICATE OF SERVICE

I, Evelyn M. Ojea, do hereby certify that I have, this 11th 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