ORIGINAL

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

In re the Application of	)	
	)	
LANDOVER 2 LLC	)	FCC File No. BNPDTL-20100505ALC
	)	Facility ID 186037
For a New Digital Low Power Television	)	
Station on Channel 20 to Serve	)	
Casselton, North Dakota	)	

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.[1] As established in the Application, Landover's proposed operation on Channel 20 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.[2]

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[1] 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*").

[2] Engineering Statement, p. 1-2.

KVRR broadcasts on Channel 19. Landover's proposed operations would be on first-adjacent Channel 20 and would be almost entirely within the 41 dBu protected service contour of KVRR.[3] In the Application, Landover predicts that 609 persons would be deprived of KVRR's broadcast service because of its proposed operation.[4] 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.[5] 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 satellite television headends which receive KVRR's over-the-air signal for retransmission to subscribers.[6] Thus, interference to KVRR from Landover's proposal could, in fact, cause a large 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,[7] such as KVRR, and the Application may be dismissed outright due to predicted

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[3] *See id.*, Exhibit (contour map).

[4] *See* Attachment to the Application.

[5] *See* Engineering Statement, p. 1-2.

[6] *See id.* at 2.

[7] 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.[8] 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 20 operations subsequently caused to reception of KVRR, including, if necessary, by ceasing operations.[9] 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 20 station would have to shut down.

Landover has applied for two other digital low power television stations to serve Casselton, North Dakota, on Channels 29 and 43, to which Red River has no objection.[10] In addition, the same Public Notice announcing Commission acceptance for filing of these Casselton applications lists another 8 new digital lower power television stations proposed by Landover to serve various communities in North Dakota.[11] Moreover, a search of the

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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)).

[8] 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).

[9] 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.

[10] *See Public Notice.*

[11] *See id.*

Commission's public database reveals that Landover currently has a huge number of applications for new digital low power television stations pending before the Commission: a total of 37 applications proposing locations in North Dakota[12] and a total of 495 applications proposing various locations across the country.[13] 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 53 construction permits for locations in North Dakota[14] and a total of 283 construction permits for locations across the country.[15]

Under the circumstances, it would not serve the public interest to grant the Landover Application for Channel 20 for Casselton, North Dakota. 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 Casselton and dozens more within North Dakota.

Accordingly, it would be a waste of FCC and private resources to grant the Application for Channel 20.[16] Therefore, the Application should be dismissed.

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[12] *See* CDBS Public Access: Station Search (using search criteria "Service: Digital TV Translator or LPTV Station," "Applicant Name: Landover 2 LLC," "State: ND," and "Station Status: CP Applied For") (last accessed May 16, 2012).

[13] *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).

[14] *See id.* (using search criteria "Service: Digital TV Translator or LPTV Station," "Applicant Name: Landover 2 LLC," "State: ND," and "Station Status: CP Off Air") (last accessed May 16, 2012).

[15] *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).

[16] *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

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Its Attorneys

May 17, 2012

ENGINEERING STATEMENT
IN SUPPORT OF THE OBJECTION TO THE
TV TRANSLATOR APPLICATION
OF LANDOVER 2 LLC
FCC FILE NO. BNPDTL-20100505ALC
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 16th day of May, 2012.

Notary Public

My Commission Expires: 7/28/2013

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-20100505ALC, for a new station to serve Casselton, North Dakota on Channel 20, with 1.75 kW ERP at 152.7 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 off-the-air reception by DirectTV and Dish Network for retransmission.

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

North Latitude: 46° 40' 29"

West Longitude: 96° 13' 40"

Technical Analysis

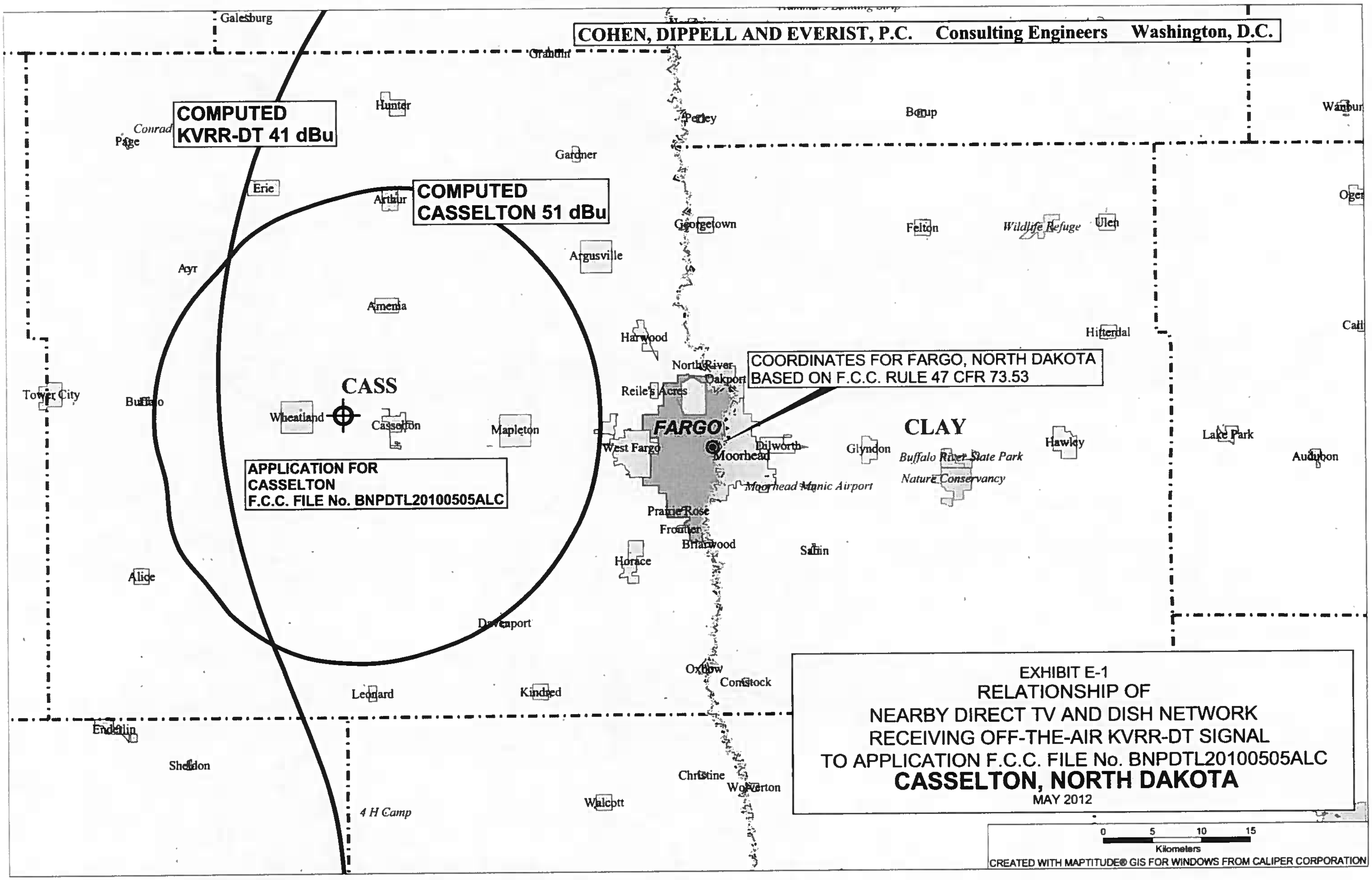
The programming of KVRR-DT is received by a number of satellite subscribers.

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 by the facilities in the Landover 2 LLC application, of lost KVRR-DT broadcast service to 609 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. It is noted that the Landover 2 LLC application's interference analysis does not include the KVRR-DT licensed operation. Therefore, this application is deficient. This affiant believes that there would be far greater, but variable, interference to over-the-air reception of KVRR-DT from the proposed Channel 20 operation than Landover 2 LLC predicts for it.

The proposed Channel 20 operation of Landover 2 LLC, a first-adjacent channel to KVRR-DT's Channel 19, could also impact the received signal levels to the satellite providers, Direct TV and Dish Network. Therefore, if the reception by Direct TV and Dish Network of the KVRR-DT signal receives interference the satellite customer's reception of KVRR-DT will be diminished.

This engineering statement demonstrates that the Channel 20 television translator facilities proposed by Landover 2 LLC would 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 the pickup by satellite providers, Direct TV and Dish Network, that receive KVRR-DT and distribute it to satellite customers. Therefore, it would be prudent to dismiss the Landover 2 LLC application for a new television translator station on Channel 20 for Casselton, North Dakota (FCC File No. BNPDTL-20100505ALC).

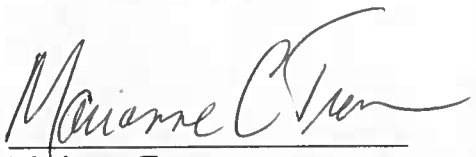


COHEN, DIPPELL AND EVERIST, P.C. Consulting Engineers Washington, D.C.
COMPUTED KVRR-DT 41 dBu
COMPUTED CASSELTON 51 dBu
APPLICATION FOR CASSELTON F.C.C. FILE No. BNPDTL20100505ALC
COORDINATES FOR FARGO, NORTH DAKOTA BASED ON F.C.C. RULE 47 CFR 73.53
CASS
CLAY
FARGO
Galesburg
Hunter
Conrad
Page
Gardner
Erie
Arthur
Ayr
Argusville
Amenia
Harwood
North River
Oakport
Reile's Acres
Tower City
Buffalo
Wheatland
Casselton
Mapleton
West Fargo
Moorhead
Dilworth
Glyndon
Hawley
Lake Park
Audubon
Buffalo River State Park
Nature Conservancy
Moorhead Municipal Airport
Prairie Rose
Frontier
Briarwood
Horace
Sabin
Alice
Davenport
Oxbow
Comstock
Leonard
Kindred
Enderlin
Sheldon
Christine
Wolverton
Walcott
4 H Camp
Perley
Borup
Georgetown
Felton
Wildlife Refuge
Ulen
Hitterdal
EXHIBIT E-1
RELATIONSHIP OF
NEARBY DIRECT TV AND DISH NETWORK
RECEIVING OFF-THE-AIR KVRR-DT SIGNAL
TO APPLICATION F.C.C. FILE No. BNPDTL20100505ALC
CASSELTON, NORTH DAKOTA
MAY 2012
0 5 10 15
Kilometers
CREATED WITH MAPTITUDE® GIS 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. 17h Street
Arlington, VA 22209-3801



Marianne Trana