

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Application of)
)
MARANATHA CHURCH OF) File No. BMJADTL-20100524AIH
LAREDO/GOOD NEWS) Facility No. 130275
BROADCASTING OF TEXAS)
)
For Major Amendment to Application for)
Construction Permit (File No. BNPTTL-)
20000830BLS) for New LPTV Station at)
Victoria, Texas)

To: Office of the Secretary
Attention: Chief, Media Bureau, for referral
to Assistant Chief, Video Division

PETITION TO DENY

Saga Broadcasting, LLC (“Saga”), by its counsel, and pursuant to Title 47 U.S.C. § 309 and 47 C. F. R. § 73.3584(c), hereby respectfully files its petition to deny the above-captioned application of Maranatha Church of Laredo/Good News Broadcasting of Texas (“Maranatha Church”) an original construction permit for a new low power television (“LPTV”) station on Channel 18 at Victoria, Texas. The application, as amended, must be denied because it is in violation of the FCC’s rules governing interference to Saga’s LPTV Station KMOL-LP, Victoria, Texas.¹

Standing

Saga has standing to file this petition to deny because it is the licensee of a LPTV station in Victoria, Texas, that would receive interference from Maranatha Church’s

¹ This petition is supported by the declaration of Jeff Pryor, Vice President of Saga and General Manager of Station KMOL-LP, Victoria, Texas.

proposed LPTV station. See, *NBC v. FCC (KOA)*, 238, 132 F.2d 545 (1942), *aff'd*, 319 U.S. 239, 63 S.Ct. 1035, 87 L.Ed. 1374 (1943).²

Introduction

As noted above, Saga is licensee of KMOL-LP, Victoria, Texas, which operates on analog Channel 17³ at Victoria, Texas. The station has been operating at its current site and with its current facilities for nearly six years. An application (File No. BDFCDTL- 20090115AHV) is pending to “flash-cut” KMOL-LP to Channel 17 digital. It was Saga’s attempt to learn why the application had not yet been acted upon that revealed the existence of the Maranatha Church application.

As detailed in the attached Engineering Statement of Benjamin L. Pidek, P.E., on August 30, 2000, Maranatha Church filed an application (BNPTTL-20000830BLS) to construct an analog LPTV station approximately 8.3 miles southeast of Laredo, TX. While the application was subsequently amended on October 31, 2005, it was still pending on March 25, 2010 when the Commission released a *Public Notice* (DA 10-496) (the “Digital Public Notice”) requiring all applicants with pending analog LPTV application to submit amendments to their pending applications to specify digital operation by May 24, 2010.

² The only notice to the public of the filing of the amendment is *Public Notice* Report No. 27247, released June 1, 2010. No proposed grant list has yet been issued, so far as Saga can determine. Saga only recently learned of the existence of this application since the Public Notice lists the location as “TX, Laredo,” while review of the application itself shows the community to be Victoria, Texas, which is 285 km distant from Laredo. Nevertheless, should the Commission determine that this pleading does not qualify as a petition to deny, Saga would request that it be treated as an Informal Objection to the grant of the Maranatha Church application.

³ File No. BLTTL-20050427AAC, Facility ID 128455.

Per the FCC requirement, Maranatha Church filed a major amendment to its pending analog application to specify digital operation and, as part of the process, the amended application was assigned a new file number by the Commission (BMJADTL-20100524AIH). The major amendment not only included the required change to digital operation but also specified a new channel and new location, Victoria, Texas, with significantly different parameters. The facility parameters specified in the amended application are listed in Mr. Pidek's Engineering Statement in a table, to which the reader is respectfully referred. The amended application specifies a new channel in a completely different location approximately 285 km northeast from the Laredo, TX location.

**The Maranatha Church Application Must Be Dismissed
As It Violates Title 47 CFR §74.793(h)**

Saga first urges the Commission to dismiss the Maranatha Church application on the grounds that the major amendment does not propose digital facilities mutually-exclusive with those proposed in the pending analog application. If an amendment such as proposed by Maranatha Church is permissible, an LPTV applicant for Laredo, Texas, or some other small town, could just as well amend its application to propose to serve any community in the United States. That would turn on its head any appearance of administrative certainty in the LPTV service.⁴

⁴ The Commission has imposed geographic restrictions on the filing of new station and major change applications, only permitting applications that specify transmitter sites located more than 121 kilometers (75 miles) from the reference coordinates of highly populated cities, such as Chicago. See *Public Notice, Scheduling of Limited Low Power Television/Television Translator/Class A Television Auction Filing Window from July 31 through August 4, 2000*, 15 FCC Rcd 10854 (2000), *erratum*, 15 FCC Rcd 10854 (2000).

However, should the Commission temporize with the Maranatha Church application, as amended, the proposed new location, coupled with the change in proposed channel (from Ch. 51 to Ch. 18), if acceptable as filed, would place an adjacent channel LPTV facility approximately 16 km from the KMOL-LP transmitter site. Saga is concerned about the significant potential for interference from this proposed new facility to its KMOL-LP analog low power station on Ch. 17 which may continue in operation until 2012.

As detailed in the Engineering Statement, Interference studies were run on the proposed Maranatha Church facility with software that emulates the software used by the FCC (OET-69 analysis). The results of the study show that the new Maranatha Church facility on Ch. 18, assuming the parameters specified in the attached Engineering Statement, is predicted to cause 27.4% interference to the KMOL-LP analog facility on Ch. 17. This far exceeds the FCC limit of 2% new interference from a proposed digital LPTV facility to an existing analog LPTV facility. Thus, the pending application (BMJADTL-20100524AIH) does not meet the FCC interference criteria as specified in Section 74.793(h) and, is therefore, technically deficient.

Based upon the foregoing, the Maranatha Church application, as amended, must be dismissed.

Respectfully submitted,

SAGA BROADCASTING, LLC

By Gary S. Smithwick
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Its Attorney

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February 25, 2011


DECLARATION

Jeff Pryor, under penalty of perjury, declares as follows:

I am a vice president of Saga Broadcasting, LLC, licensee of KMOL-LP, Victoria, Texas.

I have read a draft of the foregoing Petition to Deny and the statements made therein are true and correct to the best of my knowledge and belief.

Executed this 2nd day of February 2011.



Jeff Pryor

Attachment

**Engineering Statement of
Benjamin L. Pidek, P.E.**



ENGINEERING STATEMENT

OF

BENJAMIN L. PIDEK, P.E.

IN SUPPORT OF

PETITION TO DENY

RE: MARANTHA CHURCH OF LAREDO, INC.

APPLICATION BMJADTL-20100524AIH

VICTORIA, TX

SUBMITTED BY

SAGA BROADCASTING, LLC

Background

Saga Broadcasting, LLC (Saga) is the licensee of low power television station KMOL-LP, Ch. 17, (BLTTL-20050427AAC, Facility ID 128455) at Victoria, TX. Saga has been operating KMOL-LP in its current configuration for nearly six years.

On August 30, 2000, Maranatha Church of Laredo, Inc/Good News Broadcasting TX (MCL) filed an application (BNPTTL-20000830BLS) to construct an analog low power television station approximately 8.3 miles southeast of Laredo, TX. The application specified the following facility parameters:

Coordinates: 27° 24' 00" N (NAD27)
99° 26' 41" W
Channel: 51
ERP (kW): 9.4 (Omni)
RCAMSL (m): 256



While the application was subsequently amended on October 31, 2005, it was still pending on March 25, 2010 when the Commission released a Public Notice (DA 10-496) requiring all applicants with pending analog low power television applications to submit amendments to their pending applications to specify digital operation by May 24, 2010^{1/}. Per the FCC requirement, MCL filed a major amendment to its pending application for a low power station to specify digital operation and, as part of the process, the amended application was assigned a new file number by the Commission (BMJADTL-20100524AIH). Curiously, the major amendment submitted by MCL not only included the required change to digital operation but also specified a new channel and new location with significantly different parameters. The facility parameters specified in the amended application are listed below in a table, along with the previous parameters for comparison.

Parameters	BNPTTL- 20000830BLS	BMJADTL- 20100524AIH
Coordinates:	27° 24' 00" N	27° 24' 00" N
(NAD27)	99° 26' 41" W	99° 26' 41" W
Channel:	51	18
ERP (kW):	9.4	15.0
RCAMSL (m)	256.0	114.9

It is unclear why the amended application specifies a new channel in a completely different location than that specified in the previous application (approximately 285 km northeast from the Laredo, TX location) or if these changes are even permissible as part of the major amendment envisioned by the Commission; however, the proposed new location, coupled with the change in proposed channel (from Ch. 51 to Ch. 18), if acceptable as filed, would place an adjacent channel low power facility approximately 16 km from the KMOL-LP transmitter site. Saga is concerned about the significant potential for interference from this proposed new facility to its KMOL-LP analog low power station on Ch. 17 which may continue in operation until 2012^{2/}.

^{1/} Per the FCC Public Notice, all such amendments were considered a "major change" to the pending analog application.


^{2/} Saga has a pending application specifying digital operation on Ch. 17 which has not yet been granted.

B**Interference**

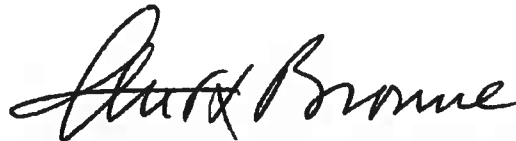
Interference studies were run on the proposed MCL facility with software that emulates the software used by the FCC (OET-69 analysis). The results of the study show that the new MCL facility on Ch. 18, assuming the parameters specified above, is predicted cause 27.4% interference to the KMOL-LP analog facility on Ch. 17 which far exceeds the FCC limit of 2% new interference from a proposed digital low power facility to an existing analog low power facility. Accordingly, Saga is petitioning the FCC to deny the pending application (BMJADTL-20100524AIH) on the basis that it does not meet the FCC interference criteria as specified in Section 74.793(h) and, is therefore, technically deficient.

Certification

I hereby certify that the foregoing report or statement was prepared by me but may include work performed by others under my supervision or direction. The statements of fact contained therein are believed to be true and correct based on personal knowledge, information and belief unless otherwise stated; with respect to facts not known of my own personal knowledge, I believe them to be true and correct based on their origin from sources known to me to be generally reliable and accurate. I have prepared this document with due care and in accordance with applicable standards of professional practice.



Benjamin L. Pidek, P.E.




John F. X. Browne, P.E.
February 25, 2011

CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, do hereby certify that a copy of the foregoing "Petition to Deny" was either hand delivered or mailed, by First Class U.S. Mail, postage prepaid, this 25th day of February, 2011, to the following:

*Mr. Hossein Hashemzadeh
Media Bureau
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