

# LAND MOBILE COMMUNICATIONS COUNCIL

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May 4, 2004

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John B. Muleta, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Rm. 3-C252  
Washington, DC 20554

RE: INTERFERENCE PROBLEM KSEE-DT (CH 16)/LAND  
MOBILE FACILITIES IN SAN FRANCISCO/LOS ANGELES

Dear Mr. Muleta:

The Land Mobile Communications Council ("LMCC") is writing to express its very serious concern about the destructive interference being caused to primary land mobile systems in the San Francisco and Los Angeles markets by a new co-channel digital television station, KSEE-DT, operated by Granite Broadcasting Corporation in the Fresno, CA area.<sup>1</sup> The LMCC urges the Federal Communications Commission ("FCC") to take prompt action to eliminate this ongoing interference to land mobile facilities while a long-term solution to the problem is identified and implemented.

Private land mobile radio ("PLMR") users in both San Francisco and Los Angeles are authorized for primary, protected use of TV Channel 16. The San Francisco allocation was included in the original land mobile/TV sharing proceeding more than thirty years ago and licensees have made intensive use of this spectrum since then.<sup>2</sup> Subsequently, in 1986, the FCC made a special allocation of this same channel for public safety use in Los Angeles.<sup>3</sup> The Channel 16 frequencies in San Francisco are used by a variety of public safety, private internal and commercial systems. In Los Angeles, the channels handle virtually all radio communications for the Los Angeles County Sheriff's

<sup>1</sup> See Request for Issuance of Cease and Desist Order, Station KSEE – Channel 16 DTV, Fresno, CA filed by Champion Communication Services, Inc. (filed Feb. 3, 2004) ("Champion Request"); Interference Complaint and Petition filed by the County of Los Angeles (filed March 5, 2004) ("County Petition").

<sup>2</sup> *Second Report and Order*, Docket No. 18261, 22 RR 2d 1691 (1971) ("Docket No. 18261").

<sup>3</sup> Amendment of Parts 2, 73 and 90 of the Commission's Rules and Regulations to Allocate Additional Channels in the Band 470-512 MHz for Public Safety, Gen. Docket No. 84-902, *Report and Order*, 59 RR 2d 910 (1986).

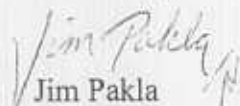
Department. PLMR licensees in both areas had operated without interference since these allocations were made.<sup>4</sup>

In May 2003, KSEE-DT began broadcasting digitally. Almost immediately, land mobile users in both markets began experiencing destructive interference. It has been determined, and KSEE-DT does not dispute, that the interference is being caused by its facility. The station is located more than 250 km from the centers of both San Francisco and Los Angeles and, therefore, satisfies the separation requirement established in FCC Rule Section 73.623(e). However, that rule does not consider the antenna height or power level of the broadcast station, but relies entirely on a distance separation. KSEE-DT operates from Meadow Lakes, one of the higher peaks on the eastern side of the San Joaquin Valley, an area of recognized anomalous propagation characteristics.<sup>5</sup> The result is KSEE-DT's presumably unintentional but, nevertheless, intractable interference to public safety and other important land mobile operations.<sup>6</sup>

It has been almost three months since the FCC was formally notified of the existence of ongoing destructive interference to numerous, primary land mobile operations in the San Francisco area. The FCC has been on notice about interference to critical public safety operations in Los Angeles for almost two months. No action has yet been taken to the best of the land mobile community's knowledge, and there is no indication that this matter will be resolved satisfactorily without prompt Commission intervention.

LMCC urges the Commission to delay no longer. Appropriate steps should be taken immediately to eliminate the current interference problem while a permanent solution to this situation is identified and implemented.

Sincerely,

  
Jim Pakla  
President

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<sup>4</sup> The land mobile/television sharing arrangement authorized pursuant to Docket No. 18261 has a long and successful history. Thousands of PLMR facilities have operated without receiving interference from or causing interference to co-channel or adjacent channel broadcast stations for more than three decades in eleven major urban areas. LMCC believes that the instant situation is unique, specific to the geographic area involved and even, perhaps, to the particular transmitter site selected by KSEE-DT. LMCC has every expectation that additional land mobile shared use of this valuable, and currently underutilized, spectrum could be implemented without interference problems. See ET Docket No. 02-380, Comments of the LMCC filed Apr. 17, 2003.

<sup>5</sup> See, e.g., 47 C.F.R. § 90.621(b) Table 1.

<sup>6</sup> KSEE and the County of Los Angeles cooperated in field testing that identified KSEE as the source of the Sheriff's interference and quantified the impact of its operation. However, those tests did not result in KSEE taking any steps to eliminate the interference problem. See County Petition at p. 2.