

## LAND MOBILE COMMUNICATIONS COUNCIL

April 30, 2021

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 L Street, N.E.  
Washington, DC 20554

RE: MB Docket No. 21-9  
Amendment of Section 73.622(i)  
Tulsa, Oklahoma  
*Ex Parte* Letter

Dear Ms. Dortch:

The Land Mobile Communications Council (“LMCC”) hereby submits this *ex parte* letter in the above-referenced proceeding.<sup>1</sup>

KTUL Licensee, LLC (“KTUL”) has proposed to substitute channel 14 for its current channel 10 assignment in Tulsa, Oklahoma. The LMCC filed an Opposition to that Petition for Rulemaking on the basis that a 1,000 kw television transmitter has an unacceptably high risk of causing harmful interference to a large number of land mobile licensees in the area.

KTUL’s response rejects the LMCC’s concerns out-of-hand. It also claims that the LMCC has proposed precautions that would require an FCC rule change and could require KTUL to abruptly terminate over-the-air ABC programming with “loss of revenue and adverse impact on the public interest.”<sup>2</sup> This alternatively dismissive and hyperbolic response both misstates the LMCC’s recommendation and understates the challenge of adopting KTUL’s proposed solution for land mobile receiver desensitization.

The LMCC has no desire to prevent KTUL from improving its service by moving to a UHF channel, and it said so in its Opposition.<sup>3</sup> Its only interest is in ensuring the continued operation of land mobile systems in the area without interference from an adjacent 1,000 kw television

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<sup>1</sup> In the Matter of Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Tulsa, Oklahoma), *Notice of Proposed Rulemaking*, DA 21-40 (rel. Jan. 12, 2021).

<sup>2</sup> KTUL Reply at 5.

<sup>3</sup> LMCC Opposition at 4.

transmitter. Contrary to KTUL's description, the LMCC did not "blithely" suggest that KTUL move to a channel other than 14.<sup>4</sup> Rather, it suggested that the Commission – and KTUL - should investigate whether alternative UHF channels might be viable substitutes.<sup>5</sup> KTUL and its Consulting Engineer say there are none - that there is no channel to which it would be "technically feasible" for KTUL to move.<sup>6</sup> It is not clear what "technically feasible" means in this context and the LMCC urges the FCC to conduct its own assessment of Tulsa channel availability prior to taking action in this proceeding.

With regard to KTUL's concern about the possibility of land mobile interference complaints requiring the interruption of ABC programming, that obviously is a misreading of the LMCC Opposition. KTUL acknowledges, as it must, that FCC Rule Section 73.687(e)(4)(ii) requires it to "...submit evidence that no interference is being caused [to normal land mobile operation] before it will be permitted to transmit programming on the new facilities..."<sup>7</sup> While KTUL states that it has done more than the rule requires by committing to perform outreach to potentially affected land mobile licenses,<sup>8</sup> it is questionable how it would be able to provide evidence to satisfy the rule without such outreach. If land mobile licensees are not aware of a new channel 14 in their area, they might not attribute a loss of coverage to the introduction of that station. It is common practice for broadcasters seeking programming authority on even low-power channel 14 transmitters to notify land mobile licensees in the surrounding area when they plan to conduct interference testing for just that purpose. They typically also provide contact information should interference need to be reported. The LMCC recommended that KTUL have the equivalent of an experimental licensee's "stop buzzer" contact during that testing period so the transmitter could be turned off if interference occurred.<sup>9</sup> Since KTUL would not be authorized to transmit programming until after it provides evidence that no interference is being caused,<sup>10</sup> the public would not be at risk of losing access to ABC television, KTUL would not suffer any loss of revenue, and no rulemaking would be required.

KTUL claims that the LMCC essentially concedes in its filing that the filters KTUL proposes to use will eliminate any OOB interference.<sup>11</sup> While that goes beyond what LMCC has stated, the LMCC is encouraged by the fact that filtering has addressed OOB interference in a number

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<sup>4</sup> KTUL Reply at n. 10.

<sup>5</sup> LMCC Opposition at 1, 4, and 5.

<sup>6</sup> KTUL Reply at n. 10; Exhibit A at 2.

<sup>7</sup> 47 C.F.R. § 73.687(e)(4)(ii).

<sup>8</sup> KTUL Reply at 4.

<sup>9</sup> LMCC Opposition at 1-2, 5.

<sup>10</sup> The rule states "no interference." KTUL apparently interprets that absolute prohibition as an obligation to "substantially eliminate objectionable interference." KTUL Reply at 3. The LMCC assumes the rule means what it says and that KTUL will be held to that standard.

<sup>11</sup> KTUL Reply at 6.

of situations involving low-power channel 14 transmitters. It hopes for the same result even with KTUL's proposed 1,000 kw transmitter.

KTUL is correct that the LMCC Opposition focused on the likelihood of front end overload of land mobile receivers and stated the LMCC was unaware of any technical fix.<sup>12</sup> Given KTUL's response, perhaps the LMCC should have stated "any technically feasible" fix.

The LMCC and the land mobile licensees it represents are fully aware of band stop filters. It does not consider them a viable solution in a situation like this where large numbers of systems and even larger numbers of associated mobiles and portables are involved.

First, adding filters to land mobile receivers has an impact beyond protection against desense from an adjacent channel transmitter operating at 1,000 kw. Introduction of the filter is likely to cause some attenuation on the land mobile channel so sharp cutoff filters would be required. The Surface Acoustic Wave ("SAW") filter is one example but its on-channel insertion loss is at least 3 dB and more likely 6 dB or more. At 6 dB, that is one-quarter of the received power at the antenna getting to the receiver and even a 3 dB loss will have a noticeable impact on operations. Licensees do not add these filters routinely for just that reason. Whether system performance is compromised by the impact of the TV transmitter on the land mobile receiver without a filter or by the loss produced by the addition of a filter really is a Hobson's choice. The land mobile system will be adversely affected in either case.

Moreover, this problem could affect many hundreds of land mobile radios that would have to be retrofitted with filters. Most modern mobiles are very compact, and installing the filter might be difficult or impossible unless it is installed in the feedline from the radio to the antenna. In that case, the land mobile radio would also be transmitting through the filter, which likely could not handle the power. The difficulty of adding a filter is even worse for handheld units. There is no possibility of adding a filter inside the case of the radio, and handheld receivers are classically more sensitive to overload because they do not contain the level of front-end filtering found in base station receivers.

Finally, who would be responsible for the cost of the filters and their installation? Who would be responsible for the cost of organizing the process for getting the radios to a location where the filters could be installed, since even radios in a single system are not typically housed in a single convenient location or available at the same time? They are workhorses that are out in the field, often at random hours, and frequently are taken home at night by the employee. Some land mobile systems such as school bus operations are legally prohibited from sending

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<sup>12</sup> LMCC Opposition at 4.

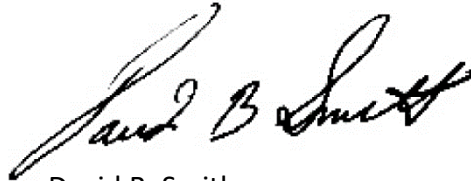
vehicles out without two-way radios. Who would be responsible for the cost of lost productivity while this work was done?

KTUL can rest assured that the LMCC is fully familiar with the pros and cons of filters and the significant challenges of using them as a “fix” for a situation like this. Unless and until the issues above are resolved and the questions answered, KTUL’s assumption that they would be a viable solution, in the LMCC’s opinion, is unfounded. KTUL should be required to address the land mobile interference concerns through on-air testing and should not be granted programming authority until the land mobile interference question is fully resolved. In this way, no viewer will be impacted, KTUL will have no loss of income due to being off the air, and the land mobile interference issue can be adequately investigated before live programming begins.

Please refer any questions regarding this matter to the undersigned.

Respectfully submitted,

**LAND MOBILE COMMUNICATIONS COUNCIL**

A handwritten signature in black ink that reads "David B. Smith". The signature is written in a cursive style with a large, looping initial "D".

David B. Smith  
President  
(541) 485-8441  
[dave@landmobile.com](mailto:dave@landmobile.com)

cc via e-mail:

Paul A. Cicelski [pcicelski@lrmansenter.com](mailto:pcicelski@lrmansenter.com)

David D. Burns [dburns@lrmansenter.com](mailto:dburns@lrmansenter.com)