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April 22, 2005

HAND DELIVERY

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APR 22 2005

Federal Communications Commission
Office of Secretary

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Station KWDK
Facility ID No. 35419
Tacoma, WA

Dear Ms. Dortch:

On behalf of Puget Sound Educational TV, Inc. ("Puget Sound"), licensee of analog television station KWDK, NTSC Channel 56, and permittee of digital television station KWDK-DT, DTV Channel 42, Tacoma, Washington, this will request Commission authority to: (i) cease analog broadcasting on NTSC Channel 56 as of March 31, 2006; and (ii) thereafter operate KWDK-DT as a single channel digital-only television station on DTV Channel 42. KWDK-DT has filed its license application for Channel 42 as authorized by BEPEDT-20040709ACU.

In its *Report and Order* in GN Docket No. 01-74 (*Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*), 17 FCC Rcd 1022 (2002)), the Commission adopted the reallocation of the 598-746 MHz spectrum from use by television broadcasters to new use on a flexible basis. The Commission also stated that it would consider requests by incumbent broadcasters on Channels 52-59 to voluntarily vacate their NTSC channels prior to the end of the DTV transition on a case-by-case basis, considering all relevant public interest factors.

The *Report and Order* and decisions with respect to early termination of NTSC broadcasting have identified the relevant factors to be (1) whether grant of the request would make new or expanded wireless services available to consumers; (2) whether grant would result in the loss of any of the four stations in the DMA with the largest audience share, or the loss of the community's sole noncommercial educational television service; and (3) whether grant would have a negative effect on the pace of the DTV transition in that market.

Grant of the instant request would make the Channel 55 spectrum available to QUALCOMM, Incorporated ("QUALCOMM") without adjacent channel interference. QUALCOMM, headquartered in San Diego, is the licensee of six Economic Area Grouping ("EAG") licenses in the Lower 700 MHz band (Channel 55, Block D), which are licenses in FCC Auction 49 and one in a private transaction from the Auction 44 winner. The call signs of QUALCOMM's six EAG licenses are as follows: WPZA235, WPZA236, WPZA237, WPZA238, WPZA239 and WPWU989.

QUALCOMM's wholly-owned subsidiary, MediaFLO USA, Inc ("MediaFLO"), is in the process of deploying and operating a nationwide network using these frequencies to offer a "medicast" service comprised of many channels of high-quality multimedia content to third generation wireless phones. The MediaFLO service will be offered as a shared resource for the commercial mobile radio service operators, enabling them to deliver a wide range of mobile, interactive multimedia content to their subscribers.

MediaFLO is currently conducting trials of its new FLO (Forward Link Only) technology in San Diego, California, under an experimental license on Channel 53, and will be expanding its trials to Denver, Colorado, on Channel 55 later in 2005. Commercial MediaFLO service is expected in the third quarter of 2006 in many markets across the country.

Attached hereto is a letter from Dean R. Brenner, QUALCOMM's Senior Director of Government Affairs, verifying that the statements made herein with respect to QUALCOMM are true and correct.

Under Part 27 of the FCC's rules, new lower 700 MHz licensees, such as QUALCOMM, are allowed to offer service using their licensed frequencies so long as

they are not causing harmful interference to incumbent TV and DTV stations during the DTV transition. In reaching an early band clearing agreement with Puget Sound, MediaFLO will be able to offer these new mobile multimedia services to millions of wireless consumers in the Seattle-Tacoma market and surrounding area as part of its initial commercial launch.

The Nielsen DMA Market Atlas lists 17 television stations in the Seattle-Tacoma, Washington DMA. They are: KOMO-TV, Seattle, Channel 4 (ABC); KING-TV, Seattle, Channel 5 (NBC); KIRO-TV, Seattle, Channel 7 (CBS); *KCTS-TV, Seattle, Channel 9 (ETV); KSTW, Tacoma, Channel 11 (IND); KVOS-TV, Bellingham, Channel 12 (IND); KCPQ, Tacoma, Channel 13 (Fox); *KCKA, Centralia, Channel 15 (ETV); KONG-TV, Everett, Channel 16 (IND); KTBW-TV, Tacoma, Channel 20 (IND); KTWB-TV, Seattle, Channel 22 (IND); KBCB, Bellingham, Channel 24, (IND); KBTC-TV, Tacoma, Channel 28 (ETV); KWPX, Bellevue, Channel 33 (IND); KHCY, Seattle, Channel 45 (IND), KWOG, Bellevue, Channel 51 (IND); *KWDC, Tacoma, Channel 56 (ETV).

The KWDC market share in the DMA is far from the top four. It is carried on cable systems in the DMA, as well as on DirecTV and DISH. 2004-2005 cable penetration in this DMA was 72.3% while DBS penetration was 14.4%

Grant of this request will not result in the loss of the sole noncommercial educational television station in the community. Stations KCTS, operating on NTSC Channel 9; KCKA, operating on NTSC Channel 15; and KBTC-TV, operating on NTSC Channel 28 will continue to be noncommercial educational television stations. Moreover, station KCTS also is licensed to operate on DTV Channel 41 and KBTC is licensed on DTV Channel 27.

Finally, grant of this request will have no negative effect on the pace of the DTV transition in the market. If there is any effect, it should be to encourage the pace of the transition since those off-air viewers, although they may be relatively few, who will not be able to view Channel 56 may be inclined to purchase digital receivers.

In keeping with requirements imposed with respect to previous requests, Puget Sound will accommodate all cable systems carrying its digital signal so that they can translate the KWDC-DT signal to an analog signal. Puget Sound will also broadcast announcements informing viewers of its intent to change to digital-only operations.

The above demonstrates that the criteria for allowing the early termination of analog broadcasting, and the transition to digital-only broadcasting have been met in this instance. Accordingly, it is respectfully requested that the instant request be granted, and that Puget Sound be permitted to cease broadcasting on NTSC Channel 56 as of March 31, 2006, and thereafter broadcast only on DTV Channel 42.

Marlene H. Dortch, Secretary
Federal Communications Commission
April 22, 2005
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Should further information be desired in connection with this matter, please communicate with this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Olender". The signature is written in a cursive style with a large, prominent initial "R".

Robert L. Olender
Counsel for
Puget Sound Educational TV, Inc.

RLO/mp

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April 14, 2005

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Station KWDK (TV)
Facility ID No. 35419
Tacoma, WA

Dear Ms. Dortch:

On behalf of QUALCOMM Incorporated ("QUALCOMM"), I am writing in connection with a request (the "Request") by Puget Sound Educational TV, Inc. ("Puget"), licensee of analog TV station KWDK, NTSC Channel 56, and permittee of DTV station KWDK-DT DTV Channel 42, Tacoma, WA to: (i) cease analog broadcasting on NTSC Channel 56 as of March 31, 2006; and (ii) thereafter operate KWDK-DT as a single channel digital-only television station on DTV Channel 42.

Puget states that a grant of the Request would make the Channel 55 spectrum available to QUALCOMM, which holds licenses for the channel (Block D in the Lower 700 MHz Band) covering the area served by KWDK along with the rest of the nation, because a grant of the Request would allow QUALCOMM to operate on Channel 55 in the Tacoma market without having KWDK on the adjacent Channel 56. QUALCOMM's wholly-owned subsidiary, MediaFLO USA, Inc., will use the Channel 55 spectrum to deploy and operate a network to offer a "mediacast" service to deliver many channels of high-quality multimedia content to third generation wireless phones after Channel 56 is cleared via a grant of this Request. These statements, along with the other statements in the Request relating to QUALCOMM, are true and correct.

A grant of the Request as expeditiously as possible will greatly assist QUALCOMM's efforts to launch its innovative MediaFLO network. The Commission staff should contact me if any additional information is needed in the course of processing the Request.

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner
Senior Director, Government Affairs
QUALCOMM Incorporated