



Federal Communications Commission
Washington, D.C. 20554

December 3, 2012

KSQA, LLC
c/o James L. Winston
Rubin, Winston, Diercks, Harris & Cooke, LLP
1201 Connecticut Avenue, NW
Suite 200
Washington, DC 20036

Re: KSQA(TV), Topeka, KS
Facility ID No. 61251
PSIP Waiver Request

Dear Counsel,

This letter is in reference to a request submitted by KSQA, LLC ("KSQA"), the licensee of KSQA(TV), Topeka, Kansas, digital RF channel 12, to waive Section 73.682(d), which requires digital broadcast television signals to comply with ATSC A/65C ("ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable, Revision C With Amendment No. 1 dated May 9, 2006") ("PSIP Standard").¹ KSQA(TV) is currently operating on virtual major channel 22 and now requests virtual major channel 12 in lieu of channel 22. CoxCom, LLC, d/b/a Cox Communication Kansas, LLC ("Cox") commented on KSQA, LLC's PSIP waiver request.² We find that the PSIP Standard mandates that KSQA(TV) operate on virtual major channel number 12, and that KSQA, LLC's PSIP waiver request is therefore moot.

The PSIP Standard explains, "For a new broadcaster without an existing NTSC license, the major channel number for the digital virtual channels controlled by the broadcaster shall be set to the FCC assigned RF channel number for ATSC digital TV broadcasts."³ KSQA(TV) did not hold an NTSC license prior to the digital transition⁴ and therefore qualifies as a new broadcaster without an existing NTSC license pursuant to the PSIP Standard. KSQA(TV)'s FCC assigned RF channel number for ATSC digital TV broadcasts is 12 and therefore should be operating on virtual major channel 12.

¹ 47 C.F.R. §73.682(d) (incorporated by reference, see §73.8000).

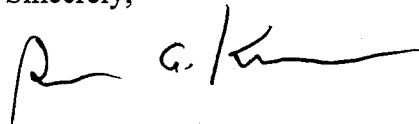
² Cox states that it takes "no position on the ultimate question of whether the Commission should grant KSQA's requested waiver," but that should the Commission grant "the PSIP [channel] [c]hange [r]request, any change to KSQA's PSIP designation be effective only prospectively, and that KSQA be granted no right to cable carriage on [c]hannel 12 until the mandatory carriage period commencing January 1, 2015. Cox's request concerning KSQA's cable carriage rights is outside the scope of this proceeding and will not be addressed herein.

³ PSIP Standard, Annex B at 1.2.

⁴ FCC File No. BNPCT-20060424ADV (Digital Construction Permit granted Aug. 11, 2006); FCC File No. BLCDT-20110919ABN (Digital License to Cover granted Nov. 29, 2011).

Therefore, KSQA, LLC, licensee KSQA(TV), Topeka, Kansas, is required to operate on virtual major channel 12 pursuant to the PSIP Standard and Section 73.682(d) of the Commission's Rules. KSQA(TV), Topeka, Kansas is directed to immediately commence operations on virtual major channel 12 as required by our rules. Furthermore, given that KSQA(TV) is directed to operate on digital major channel 12 in lieu of channel 22, we find that KSQA, LLC's PSIP waiver request is moot.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. A. Kreisman', written over a horizontal line.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc: CoxCom, LLC, d/b/a Cox Communications, LLC, c/o Gary S. Lutzker, Esq.