



Federal Communications Commission
Washington, D.C. 20554

September 30, 2013

Entravision Holdings, LLC
c/o Barry A. Freidman
1920 N Street, NW
Washington, DC 20554

Re: KCWT-CA, La Feria, TX
Facility ID No. 40058
Request for Waiver of Section 73.682(d)

Dear Counsel:

This is in reference to Entravision Holdings, LLC's ("Entravision") request for a waiver of Section 73.682(d) of the Commission Rules, which requires digital broadcast television stations 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 Entravision is the permittee of KCWT-CA, La Feria, TX, digital RF channel 23,² which will be authorized to operate on major channel 30.³ Station KCWT-CA is located in the Weslaco-Brownsville-McAllen DMA. Entravision requests to operate KCWT-CA on major channel 21 in lieu of major channel 30. We grant Entravision's waiver request.

The PSIP Standard explains, "For broadcasters with existing NTSC licenses, the major channel number for the existing NTSC channels, as well as the digital virtual channels, controlled by the broadcaster, shall be set to the current NTSC RF channel number."⁴ Here, pursuant to the PSIP Standard, KCWT-CA is required to operate on major channel 30, as its former NTSC license was for operation on RF channel 30.⁵ In the *Second Periodic Review*, however, the Commission states, "To the extent broadcasters have a unique situation that is not provided for in PSIP, the Commission may grant exceptions on a case-by-case basis."⁶

Entravision asserts that it has a "unique situation," as contemplated by the *Second Periodic Review*,⁷ which warrants waiver of Section 73.682(d). Entravision states that KCWT-

¹ 47 C.F.R. §73.682(d) (incorporated by reference, see §73.8000); *Id.* at §73.6024(a) (Provides that Class A television stations must meet the requirements of Sections 73.682 of the Commission's Rules.).

² File No. BDISDTA-20090629AAI.

³ PSIP Standard, Annex B at 1.1 (KCWT-CA is currently licensed on NTSC RF channel 30 at La Feria. Entravision is currently preparing to flash-cut to digital mode and requests this waiver in anticipation of its transition to digital mode. Entravision Request for Waiver of Section 73.682(d) at 1).

⁴ *Id.*

⁵ *Id.*

⁶ *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, FCC 04-192, 19 FCC Rcd 18279, 18346 (2004) ("*Second Periodic Review*").

⁷ *Id.* at 18346.

CA has determined that the operation of KCWT-CA on major channel 25 will result in viewer confusion, as the government of the United Mexican States has allotted digital RF channel 30 to television stationXHAB(DT), Matamoros, Tamaulipas.⁸ Entravision explains that the Mexican Government has licensedXHAB(DT) to operate on digital RF channel 30, but as the Mexican Government does not adhere to the PSIP Standard, XHAB(DT) is utilizing major channel 30 for PSIP purposes.⁹ Entravision states that this will be problematic because La Feria, TX is located adjacent to Matamoros, Tamaulipas along the common border between the United States and the United Mexican States,¹⁰ and that KCWT-CA and XHAB(DT) have overlapping protected service contours.¹¹ Therefore, according to Entravision, “over-the-air viewers in the Harlingen-Weslaco-Brownsville-McAllen DMA, who tune to [major] channel 30 will have the Mexican channel appear on their monitors rather than KCWT-CA,” because the Mexican station is a higher power full-service station.¹²

Entravision proposes the use of major channel 21 rather than major channel 23, the station’s digital RF channel number, as station KVEO-TV, Brownsville, Texas is currently using major channel 23 in the Harlingen-Weslaco-Brownsville-McAllen DMA. Therefore, Entravision explains that it “has undertaken its own review of available stations on both sides of the boarder,” and “It believes that [c]hannel 21 is available and will enable the [s]tation to meet its obligations under the PSIP Standard.”¹³

Based on the record before us, we find that Entravision presents a “unique situation” that is not provided for in the PSIP Standard. The *Second Periodic Review* provides that waiver of the PSIP Standard is to be evaluated on a case-by-case basis for those unique situations that are not accounted for by the PSIP Standard.¹⁴ The PSIP Standard does not take into account the potential interference that major channel numbers sanctioned by the United Mexican States may cause to television stations located in the United States of America and licensed by the Federal Communications Commission. Furthermore, based upon Entravision’s technical showing and the Commission’s own studies, KCWT-CA’s operation on major channel 21 is technically feasible as the station’s protected service contour will not overlap with the protected service contour of another station operating on major channel 21.¹⁵ Therefore, Entravision’s request for a waiver of 73.682(d) of the Commission Rules is warranted as it has presented a “unique situation” not accounted for by the PSIP Standard and the waiver is technically feasible.

⁸ Entravision Request Change in PSIP Channel at Exhibit B, paras. 4-5.

⁹ *Id.* at Exhibit B, para. 5.

¹⁰ Entravision Supplement to Request for Change in PSIP Channel at 1.

¹¹ *Id.* at Figure 1.

¹² *Id.* at Exhibit B, para.5.

¹³ Entravision Request Change in PSIP Channel at 2.

¹⁴ *Second Periodic Review* at 18344.

¹⁵ Second Amendment to Entravision Request for Waiver of Section 73.682(d) at 1; *See also Letter from Barbara A Kreisman, Chief, Video Division to Associated Christian Television System, Inc., c/o James A. Koerner, Esq., 25 FCC Rcd. 9237, 9238 (Vid. Div. 2010) (WACX(TV)’s use of major channel 40 interfered with WWSB(TV)’s use of major channel 40 as the two stations contours overlapped and consequently caused WWSB(TV) viewers’ receivers to lock onto station WACX(TV) signal incorrectly.)*

Accordingly, IT IS ORDERED That, Entravision Holdings, LLC's request for waiver of Section 73.682(d) to operate station KCWT-CA, La Feria, TX on major channel 23 in lieu of major channel 30 IS GRANTED.

Sincerely,

Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau