



Federal Communications Commission
Washington, D.C. 20554

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Excalibur Grand Junction, LLC
c/o Jack N. Goodman, Esq.
Law office of Jack N. Goodman
1200 New Hampshire Ave, NW
Suite 800
Washington, DC 20036

Gray Television Licensee, LLC
c/o Robert J. Foliar, III, Esq.
Cooley LLP
1299 Pennsylvania Avenue, NW, Suite 700
Washington, DC 20004-2400

Re: KJCT(TV), Grand Junction, CO
Facility ID No. 52593
KKHD-LP, Grand Junction, CO
Facility ID No. 128473
Request for Waivers of ATSC A/65C

Dear Counsel:

This is in reference to Excalibur Grand Junction, LLC (“Excalibur”) and Gray Television Licensee, LLC’s (“Gray”) (collectively “Petitioners”), request for waivers of 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”). Excalibur is the licensee of the KJCT(TV), Grand Junction, Colorado, RF channel 7, major channel 8.¹ Gray is the assignee of KKHD-LP, Grand Junction, Colorado,² RF and major channel 20.³ Excalibur and Gray request that stations KJCT(TV) and KKHD-LP exchange major channel numbers. We grant the waiver requests.

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,

¹ Excalibur intends to sell KJCT(TV) to a socially disadvantaged enterprise at a price that would merely reimburse transaction costs. Petition for Waiver at 3.

² Low power television stations are not required to implement the PSIP Standard, but may do so should they choose to. *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Report and Order, 19 FCC Rcd 19331, 19411-13 (2004).

³ File No. BALTTL-20140611AAI (granted July 28, 2014).

controlled by the broadcaster, shall be set to the current NTSC RF channel number.”⁴ Here, pursuant to the PSIP Standard, KJCT(TV) operates on major channel 8, as its NTSC license was for operation on RF channel 8.⁵ Likewise, KKHD-LP operates on major channel number 20, as its NTSC license was for operation on RF channel 20.⁶ 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.”⁷

Petitioners assert that it has they have “unique situation,” as contemplated by the *Second Periodic Review*,⁸ that warrants waiver of the PSIP Standard. Petitioners explain that for decades viewers have watched ABC programming on KJCT(TV) channel 8.⁹ However in the coming months, KJCT(TV)’s ABC programming will be transferred to KKHD-LP, which operates on major channel 20.¹⁰ Petitioners state that this programming transfer is part of a larger transaction that includes the unwinding of the Gray –Excalibur KJCT(TV) shared service agreement, Excalibur’s assignment of KJCT(TV) to a socially disadvantage enterprise, and Excalibur’s assignment of KJCT(TV) programing assets and license to Gray.¹¹ Thus, without grant of this waiver, Petitioners explain that “ABC programming in the Grand Junction-Montrose market will move from Virtual Channel 8 to Virtual Channel 20.”¹² Therefore in an effort to make the ABC programming transfer “as seamless as possible for local viewers,” Petitioners request that stations KJCT(TV) and KKHD-LP exchange major channel numbers.¹³ Finally, Petitioners demonstrate through contour maps that “given Grand Junctions isolation in the Rocky Mountains, the contours for KKHD-LP and KJCT(TV) will not overlap any other full power or Class A television station with the same virtual channel number.”¹⁴

Based on the record before us, we find that Petitioners present 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.¹⁵ The instant request is a unique circumstance as it will aid to avoid viewer confusion when KJCT(TV)’s programming is transferred to KKHD-LP; viewers in the Grand Junction-Montrose Market will continue to watch ABC programming on channel 8

⁴ PSIP Standard, Annex B at 1.1.

⁵ *Id.* File No. BLCT-19791019KJ (granted May 7, 1980).

⁶ *Id.* File No. BLTTL-20060901ACP (granted Dec. 7, 2006)

⁷ *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*”).

⁸ *Id.* at 18346.

⁹ Petition for Waiver at 2.

¹⁰ *Id.*

¹¹ *Id.*

¹² Petition for Waiver at 2. For purposes of the PSIP Standard, the terms major channel and virtual channel are interchangeable.

¹³ Petition for Waiver at 2.

¹⁴ *Id.* at 3.

¹⁵ *Second Periodic Review* at 18344.

as they have for decades. One of the reasons that the Commission instituted the PSIP standard is to avoid viewer confusion.¹⁶ Furthermore, based upon Petitioners' showings and the Commission's own studies, KJCT(TV)'s operation on major channel 20 and KKHD-LP's operation on major channel 8 is technically feasible as the stations' protected service contours will not overlap with the protected service contours of other stations on those major channel numbers.¹⁷ Therefore, Petitioners' request for waivers of ATSC A/65C is warranted as it presents a "unique situation" not accounted for by the PSIP Standard and the waivers are technically feasible.

Accordingly, IT IS ORDERED That, Excalibur Grand Junction, LLC and Gray Television Licensee, LLC requests for waivers of ATSC A/65C to operate KJCT(TV) on major channel 20 in lieu of major channel 8 and to operate KKHD-LD on major channel 8 in lieu of major channel 20 IS GRANTED.

Sincerely,

Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

¹⁶ *Second Periodic Review* at 18443-44.

¹⁷ *See 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.)*.