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Federal Communications Commission
Washington, DC 20554

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In Response Refer to:
1800E2-EBK

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In re: LPTV Displacement Application of:
Venture Technologies Group, LLC ID: 49704
KSFV-LP Channel 26 San Fernando Valley, CA
BPTVL-20021018AAZ Channel 6
BLTVA-20021125ABK

Dear Applicant and Petitioners:

This refers to the above-captioned applications for displacement relief and Class A Eligibility for Low Power Television Station KSFV-LP, Channel 26, San Fernando

Valley, California, authorized to Venture Technologies Group, LLC (Venture) to operate on channel 6. The University of Southern California, (USC), licensee of non-commercial radio station KUSC (FM), (KUSC) Los Angeles, California, KTLA, Inc., (KTLA) licensee of full service station KTLA-TV, Los Angeles, California, and Radio Television, S.A. de C.V., licensee of television station XETV, Tijuana, B. C., Mexico and Bay City television, Inc., its U.S. programming and sales representative (jointly RTSA), filed informal objections to Venture's applications. Venture filed a consolidated response to the objections on February 13, 2003.

The USC Objection. First, in its objection, USC states that because KSFV seeks to mount its antenna on top of KUSC's pre-existing antenna, it will distort KUSC's carefully designed directional antenna pattern and cause it to operate outside of its authorized pattern requirements, resulting in objectionable interference to several other stations in violation of FCC rules. Moreover, USC asserts that operation of the KSFV channel 6 proposal threatens to interfere with its listening audience in its community of license and within its protected contour." In support, USC provides an engineering statement from Doug Vernier who asserts that "KSFV's proposed antenna will intrude 2.6 meters (8.5 feet) into the vertical and horizontal space required for KUSC to maintain its directional pattern."¹ USC asserts that its antenna must be separated by a minimum of 10 feet from the nearest obstruction. On January 31, 2002, Venture filed amendments to both applications to address USC's concerns about the proximity of its transmitting antenna to that of the proposed station. Venture's amendment proposes to relocate its transmitting antenna to a site 61 meters away from the current co-located site. Additionally the amendment proposes to change the antenna model, and height above mean sea level. Therefore, in its consolidated response, Venture concludes that the "the facilities proposed in the KSFV applications, as amended, will not have any adverse impact on KUSC."²

The KTLA Objection. Second, in its objection, KTLA, licensee of full-service station KTLA-TV, Channel 5, Los Angeles, California, asserts that KSFV's operation on channel 6 would receive extensive interference from KTLA and that 97.4% of KSFV's service population will be subject to interference or will be unable to receive KSFV. KTLA asserts that this would be an inefficient use of the broadcast spectrum. Moreover, KTLA asserts that Venture's operation on channel 6 could limit its ability to make future modifications to station KTLA, especially if KSFV-LP is granted Class A status. In response, Venture asserts that the Commission's rules do not "require Class A-eligible

¹See *Engineering Statement of Doug Vernier*, pg. 1, ¶4.

² See *Consolidated Response, Engineering Statement of Lawrence Rogow*, Pg. 1, ¶¶ 2, 3.

stations to serve a certain percentage of the population in its community of license,”³ and that:

Given the difficulties associated with locating an acceptable displacement channel in the spectrum-congested Los Angeles, [it] has developed a proposal that will permit KSFV to continue to serve some portion of its audience. Absent displacement relief, the Station will ultimately be forced off the air, and will no longer be able to serve any part of its audience. KTLA does not present any credible reason why that result, as opposed to a displacement facility serving a smaller but still substantial population, would be in the public interest.⁴

Additionally, Venture asserts that “no Commission Rule or policy...supports the notion that KSFV should be precluded from displacement relief by the speculative possibility of some future modification of KTLA’s facilities;”⁵ and that the Commission’s Class A rules protect Class A stations from interference by proposed NTSC full-power station modifications from the date of receipt of an acceptable certification of Class A eligibility.

The RTSA Petition. Finally, in its objection, RTSA, licensee of television station XETV, Tijuana, B. C., asserts that if implemented, KSFV’s proposal would “cause interference to nearly one-quarter million potential XETV viewers, in violation of U.S./Mexico treaties and FCC Rules....[and] it and the associated Class A Application (File No. BLTVA-20021125ABK) cannot be granted. In response, Venture states the following:

As Radio Television acknowledges, the U.S./Mexico LPTV Agreement does not require prior notification or approval by the Mexican government for applications proposing an ERP of up to 0.5 kW, with a HAAT of up to 1000 meters, and a distance from the border of more than 140 km. Radio Television further admits that the KSFV applications, [do not require Mexican concurrence under Section 3 M bis. 3(g) of the U.S./Mexican LPTV Agreement] [because

³ *Id.*, Pg. 2, ¶2; See also *Establishment of a Class A Television Service*, 15 FCC Rcd 6355, 6367, (2000), ¶28 (*Class A Order*), on reconsideration, *Establishment of a Class A Television Service*, 16 FCC Rcd 15053 (2001).

⁴ *Consolidated Response*, Pgs. 4, 5 ¶3.

⁵ *Id.*, Pg. 5, ¶2.

KSFV]...proposes to lower its operation to 0.5 kW ERP [and to lower its HAAT to] 871 meters HAAT from a site that is 206 Km from the Mexican border.⁶

Therefore, Venture asserts that RTSA's objection should be denied.

Discussion. The informal objections will be denied. First, we note that on January 31, 2003, Venture amended its pending construction permit and Class A eligibility applications to alleviate the concerns of KUSC (FM), KTLA-TV and RTSA. First, with respect to the USC objection regarding a distortion of its KUSC (FM) signal, and specifically KSFV's proximity to station KUSC(FM). In its amendment Venture proposes to relocate the KSFV transmitting antenna to a tower 61 meters from its current site where it is co-located with KUSC(FM), change the antenna model to a Jampro JAPD-1/3 (3) OM 6 antenna, with a cavity-backed resonator, which will provide greater pattern control than the initially proposed Scala TVO-2 antenna, and change the height above mean seal level.

Secondly, Venture acknowledges that it will receive interference from station KTLA, and as a result, that it will be impacted by the loss of viewers in some areas. However, we concur with Venture that it is not required to serve "a certain percentage of the population in its community of license."⁷ LPTV stations may not cause interference to full service stations. However, the rules do not prohibit LPTV stations from receiving interference from existing stations, as KTLA suggest. In the *Class A Order, supra*, the Commission stated the following:

The rules require new LPTV stations to protect existing LPTV and TV translator stations within their defined protected contours...[h]owever, the rules do not prohibit new stations from receiving interference from existing stations. LPTV and TV translator stations may also enter into written agreements to accept interference from other LPTV or TV translator stations...[a]s a result of these provisions, many LPTV stations or proposed stations may be predicted to receive interference within their protected contours from...earlier authorized stations...[t]herefore, any interference from existing LPTV facilities within the protected contours of later authorized and proposed

⁶ *Id.*, Pg. 7, ¶1.

⁷ *Id.*, Pg. 4, ¶2

LPTV and TV translator facilities is permitted by the LPTV rules...⁸

While this rule specifically addresses LPTV reception of interference from existing LPTV stations, the Commission equally applies this rule to LPTV station which receive interference from full service television stations. Additionally, KSFV is correct that as a Class A eligible LPTV station it is protected from interference by proposed NTSC full-power stations' modifications from the date of receipt of an acceptable certification of Class A eligibility.⁹ KSFV's initial application (File No. BLTTA-20010712AHU) was dismissed on August 5, 2002¹⁰ because of predicted interference to DTV station KVCR-DT, Channel 24, San Bernardino, California. Therefore, the Commission denied Ventures petition for reconsideration of the dismissal of its application on September 26, 2002. In denying the petition for reconsideration, the Commission stated that "KSFV continues to remain eligible for Class A Television status," and directed [Venture] to file construction permit and Class A license applications when it was able to locate a displacement channel for KSFV and/or KSFV no longer caused interference to DTV facilities. Since KSFV is Class A Eligible, KTLA is not entitled to interference protection from KSFV to future modifications of the KTLA facility.

Finally, the VHF LPTV Agreement in force between the United States and Mexico specifies that LPTV assignments may be authorized without coordination if certain conditions regarding power, antenna height above average terrain, and distance from the border are met. Since stations that satisfy these regulations are not required to be registered internationally, the operating restrictions placed on LPTV assignments by these rules preclude any possibility for harmful interference to existing or future television assignments of the other administration. Specifically, the U.S./Mexico LPTV agreement provides that notification or approval by the Mexican government *is not* required for applications proposing an ERP of up to 0.5 kW, a HAAT of up to 1000 meters, and a distance from the border of more than 140 km. In its amendment to its application, KSFV's proposes to move the channel 6 station to a site 206 km from the Mexican border, to lower its operating power to 0.5kW ERP, and to lower its HAAT to 871 meters. Thus, Venture's proposal fully complies with the U.S./Mexico LPTV Agreement and does not require Mexican approval.

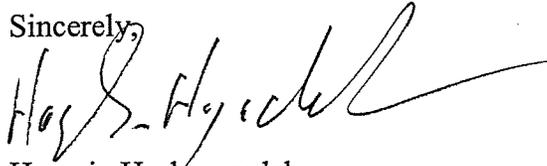
⁸ *Class A Report and Order, supra* at 81; see also §§74.703(a) and 74.707 of the Commission's Rules.

⁹ *Recon. of Class A Order*, at ¶ 56.

¹⁰ *See*, Letter from Hossein Hashemzadeh, Associate Chief, Video Division, Media Bureau, to Venture Technologies Group, LLC (Aug. 5, 2001).

In view of the foregoing, the informal objections filed The University of Southern California, (USC), KTLA, Inc., and Radio Television, S.A. de C.V. and Bay City Television, Inc. ARE HEREBY DENIED; and, the applications of Venture Technologies Group, LLC for displacement relief (File No. BPTVL-20021018AAZ) and Class A Eligibility (File No. BLTVL-20021125ABK) for LPTV station KSFV-LP ARE HEREBY GRANTED .

Sincerely,



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