

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )  
 )  
Station K15CU ) File No. BLSTA-20100218ADU  
Salinas, CA )  
Facility ID No. 64979 )

**RECEIVED - FCC**

**APR - 8 2011**

Federal Communications Commission  
Bureau / Office

To: Media Bureau

**PETITION FOR RECONSIDERATION**

NBC Telemundo License LLC (the "Licensee"), licensee of TV Translator Station K15CU (the "Station"), hereby petitions for reconsideration of the cancellation of the Station's license for failure to transmit broadcast signals for a consecutive 12-month period.<sup>1</sup> As explained more fully below, the Station did not fail to transmit broadcast signals for a consecutive 12-month period, but rather inadvertently failed to notify the Commission of the resumption of broadcasting after a brief silent period following a lightning strike that disabled the Station. Based on these circumstances, the Licensee believes the public interest would be served by granting this petition and reinstating the Station's license. Accordingly, we urge the Commission to exercise its authority under 47 U.S.C. § 312(g) to reinstate the license in the interest of equity and fairness.

The Station has been rebroadcasting the signal of an affiliate of the Telemundo Network for a number of years with the consent of that station. During

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<sup>1</sup> See Letter dated March 10, 2011, to NBC Telemundo License Co. (former licensee name) from Hossein Hashemzadeh, Deputy Chief, Video Division, Media Bureau; see also 47 U.S.C. § 312(g); 47 C.F.R. § 73.1740(c).

the week of February 8, 2010, the Station was struck by lightning, which damaged the remote telemetry/controller and two of its power supplies. On February 18, 2010, the Licensee filed a request for special temporary authority to remain off the air while it obtained replacement parts and made the necessary repairs.<sup>2</sup> That STA request remained pending until it was dismissed by the Commission on March 10, 2011, in connection with the license cancellation.

When the STA request was filed on February 18, 2010, the Licensee had already placed an expedited order for replacement parts, but still anticipated being off the air for at least two weeks. On March 11, 2010, the Station was put back on the air, but was able to operate at only 40% of its authorized effective radiated power. At that point, the Licensee should have filed a notice with the Commission advising the Commission of the Station's restored on-air status at reduced power. Through an inadvertent oversight, however, the notice was not filed. In the meantime, the Station's engineering staff continued to work on restoring the Station to full power and eventually were able to restore it to approximately 80% of its authorized power. However, the STA request to remain off-air was not dismissed and remained pending at the Commission.

On February 10, 2011, the Station went off the air again, due to an electrical power distribution problem. However, it was returned to the air at 30% of authorized power shortly thereafter, and the Station placed an expedited order for the parts needed to bring it back up to full power. In the process of preparing the request for special temporary authority to continue to operate at reduced power during repairs,

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<sup>2</sup> See FCC File No. BLSTA-20100218ADU.

the Licensee discovered that the required resumption of operations notice had not been filed with the Commission. Shortly thereafter, the Licensee received notice that the license had been cancelled. Upon receipt of the cancellation notice, the Licensee promptly turned off the Station's transmitter.<sup>3</sup>

As the foregoing makes clear, the Station was off the air for a very short period of time – fewer than 30 days out of the 12-month period triggered by the filing of the off-air STA request on February 18, 2010. For the remainder of that 12-month period, the Station was on the air at its authorized location and was providing a Telemundo Network program service, albeit at reduced power ranging from 80% to 30%. These facts distinguish this case from other cases addressed by the Commission in which petitioners either failed to provide any service during the 12-month period, briefly broadcast a test pattern before going dark again, or transmitted a broadcast signal from unauthorized facilities to avoid the automatic forfeiture.<sup>4</sup> Further, the Licensee has taken steps (even before receipt of the notice of cancellation) to improve its system of docketing deadlines to ensure that resumption-of-service and other required notices are timely filed.

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<sup>3</sup> The Licensee is filing concurrently a request for special temporary authorization to return the Station to on-air status.

<sup>4</sup> See, e.g., *Erwin G. Krasnow, Esq.*, 25 FCC Rcd 1842 (MB 2010); *Great Lakes Community Broadcasting, Inc.*, 24 FCC Rcd 8239 (MB 2009); *A-O Broadcasting Corp.*, 23 FCC Rcd 603 (2008).

Based on the circumstances set forth above, we respectfully request the Commission to exercise its discretion under Section 312(g) and reinstate the Station's License.

NBC TELEMUNDO LICENSE LLC


By: 

Margaret L. Tobey  
Assistant Secretary  
300 New Jersey Avenue, NW  
Suite 700  
Washington, DC 20001  
202-524-6401

Dated: April 9, 2011

## DECLARATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

A handwritten signature in cursive script that reads "Margaret L. Tobey". The signature is written in black ink and is positioned above the printed name.

Margaret L. Tobey  
Assistant Secretary  
NBC Telemundo License LLC  
300 New Jersey Avenue, NW  
Suite 700  
Washington, DC 20001

Dated: April 9, 2011