

EXHIBIT 5
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DTV PROTECTION CONSIDERATIONS

Capital Broadcasting Corporation
Van Nuys, CA

There are two DTV facilities which require protection consideration from the operating facilities proposed for K38CY in the attached application:

KPXN-DT	San Bernardino, CA	Channel 38
KVEA-DT	Corona, CA	Channel 39

The proposed K38CY Channel 38 facilities will operate from a transmitter site located within the noise limited contour for both the allotment and construction permit facilities of KPXN-DT. Since both stations are authorized to operate on Channel 38, it is obvious that it would not be possible for K38CY to provide the required interference protection to KPXN-DT from a site located within KPXN-DT's noise limited contour. It should be noted, however, that K38CY has been evicted from its presently licensed transmitter site. The facilities proposed in the attached application are only intended as interim operating facilities to permit K38CY to continue operating while it continues to search for a suitable displacement channel for long term use. The applicant fully recognizes that the facilities proposed in the attached application fail to provide the required protection to KPXN-DT and that, as a result, these proposed facilities are not entitled to Class A protection from KPXN-DT or any other TV broadcast station, either analog or DTV. The applicant also acknowledges that it will be necessary for K38CY to cease operation with the facilities proposed in the attached application once KPXN-DT commences operation on Channel 38.

The proposed K38CY Channel 38 facilities will also operate from a transmitter site located within the noise limited contour for both the allotment and licensed facilities of

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KVEA-DT. Studies were conducted utilizing the procedures outlined in FCC OET Bulletin 69 to evaluate the predicted interference to both the allotment and licensed facilities of KVEA-DT from the proposed K38CY operating facilities. These interference studies were conducted utilizing the FCC's "FLR" computer program modified to run on a Windows 98/Windows NT platform and recompiled under the Compaq (DEC) Visual Fortran compiler. The version of the "FLR" program utilized in conducting these studies employed the same 2 kilometer cell size as was employed by the FCC in conducting the initial DTV allotment studies. This implementation of the "FLR" program was run for several stations utilizing the databases employed by the FCC to generate the benchmark values contained in Appendix B of the December 18, 1998 Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders and yielded results essentially identical to those found in Appendix B for these stations. Thus, it is felt that this implementation of the "FLR" program faithfully reproduces the results obtained by the FCC in their implementation of this program.

In conducting these interference studies, interfering NTSC stations holding a construction permit were considered to be operating with their construction permit facilities, while interfering NTSC stations not holding a construction permit were considered to be operating with their licensed facilities. Interfering DTV facilities who have not yet filed a construction permit application and authorized or proposed interfering DTV facilities which are based on a checklist application were considered to be operating with their DTV allotment facilities. For interfering DTV facilities which have a pending maximization application or have been authorized operating facilities based on a maximization application, the maximized facilities were considered in these studies only if they re-

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duced the DTV Service population below the value which occurs when the same station's DTV allotment facilities are considered or if it was obvious by inspection that the maximized facilities had a much greater potential to cause interference to the station being studied than the associated allotment facilities.

The results of these studies are tabulated in Table 5.0 for the KVEA-DT allotment facilities and in Table 5.1 for the KVEA-DT licensed facilities. These tables contain a complete listing of the stations which were included in these studies and the facilities which were considered for each station included. They also contain the output of the "FLR" program both with and without the proposed K38CY operating facilities. As shown by this data, the proposed K38CY operating facilities are not predicted to cause any interference whatsoever to either the allotment or licensed operating facilities of KVEA-DT. Thus, the proposed K38CY operating facilities comply with the applicable protection requirements to KVEA-DT, pursuant to Section 73.6013 of the FCC Rules.

Because, as noted above, the facilities proposed in the attached application are intended as interim operating facilities and must cease operation at such time as KPXN-DT commences operation on Channel 38, additional interference studies were also conducted to evaluate the predicted interference to KVEA-DT ignoring interference received from KPXN-DT. These additional studies were conducted utilizing the procedures outlined in FCC OET Bulletin 69 to insure that the proposed K38CY operating facilities would not result in new interference to KVEA-DT during this interim operation which, in a normal analysis, would be masked by interference from KPXN-DT. The results of these further studies are tabulated in Table 5.2 for the KVEA-DT allotment facilities and in Table 5.3 for the KVEA-DT licensed facilities and show that the pro-

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posed K38CY operating facilities are not predicted to cause any interference whatsoever to KVEA-DT, even when any potential masking interference from KPXN-DT is ignored.

Based on the above information, the proposed K38CY operating facilities fully comply with the protection requirements to all DTV facilities except KPXN-DT. Thus, it should be possible for the attached application to be granted to permit K38CY to continue operation on Channel 38 on an interim basis with these proposed modified facilities until such time as KPXN-DT commences operation or until K38CY secures a suitable displacement channel, whichever occurs first.

TABLE 5.0

OET 69 INTERFERENCE STUDIES
 KVEA-DT - CORONA, CA
(ALLOTMENT FACILITIES)
 Capital Broadcasting Corporation
 Van Nuys, CA

STATION BEING STUDIED

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
KVEA-DT	Corona, CA	39	DTV	Allotment	

STATIONS CONSIDERED IN STUDIES

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
NEW	Bakersfield, CA	39	NTSC	Application	BPET-19960328KH
KNSD	San Diego, CA	39	NTSC	Licensed	BLCT-19921230KF
KTBN-TV	Santa Ana, CA	40	NTSC	Licensed	BLCT-19830418KH
KPMR	Santa Barbara, CA	38	NTSC	Licensed	BLCT-20010209ABS
KBLR	Paradise, NV	39	NTSC	CP	BMPCT-19990310KE
KPXN-DT	San Bernardino, CA	38	DTV	CP	BMPCDT-20021126AAU
K38CY	Van Nuys, CA	38	NTSC	Applicant	

STUDY RESULTS WITHOUT PROPOSED K38CY

	POPULATION	AREA (sq km)
within Noise Limited Contour	13489480	25227.8
not affected by terrain losses	12295422	18198.2
lost to NTSC IX	154946	1172.9
lost to additional IX by ATV	136182	152.1
lost to ATV IX only	193495	240.2
lost to all IX	291128	1325.0

STUDY RESULTS WITH PROPOSED K38CY

	POPULATION	AREA (sq km)
within Noise Limited Contour	13489480	25227.8
not affected by terrain losses	12295422	18198.2
lost to NTSC IX	154946	1172.9
lost to additional IX by ATV	136182	152.1
lost to ATV IX only	193495	240.2
lost to all IX	291128	1325.0

TABLE 5.0 (cont'd)

OET 69 INTERFERENCE STUDIES
 KVEA-DT - CORONA, CA
(ALLOTMENT FACILITIES)

SUMMARY OF STUDY RESULTS

	Without Proposed <u>K38CY</u>	With Proposed <u>K38CY</u>	<u>Increase/(Decrease)</u>
DTV Service	12,004,294	12,004,294	0
Percent Loss(Gain)*	0.55%	0.55%	0.00%

*Percent Loss calculations are based on the benchmark DTV Service value of 12,071,000 from Appendix B of the December 18, 1998 Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders in MM Docket 87-268.

TABLE 5.1

OET 69 INTERFERENCE STUDIES
 KVEA-DT - CORONA, CA
(LICENSED FACILITIES)
 Capital Broadcasting Corporation
 Van Nuys, CA

STATION BEING STUDIED

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
KVEA-DT	Corona, CA	39	DTV	Licensed	BLCDT-20030507AAW

STATIONS CONSIDERED IN STUDIES

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
NEW	Bakersfield, CA	39	NTSC	Application	BPET-19960328KH
KNSD	San Diego, CA	39	NTSC	Licensed	BLCT-19921230KF
KTBN-TV	Santa Ana, CA	40	NTSC	Licensed	BLCT-19830418KH
KPMR	Santa Barbara, CA	38	NTSC	Licensed	BLCT-20010209ABS
KBLR	Paradise, NV	39	NTSC	CP	BMPCT-19990310KE
KPXN-DT	San Bernardino, CA	38	DTV	CP	BMPCDT-20021126AAU
KNSD-DT	San Diego, CA	40	DTV	CP	BPCDT-20000501AEP
K38CY	Van Nuys, CA	38	NTSC	Applicant	

STUDY RESULTS WITHOUT PROPOSED K38CY

	POPULATION	AREA (sq km)
within Noise Limited Contour	13769840	29117.7
not affected by terrain losses	12753979	21913.4
lost to NTSC IX	267046	2131.6
lost to additional IX by ATV	188393	304.5
lost to ATV IX only	238076	524.9
lost to all IX	455439	2436.2

STUDY RESULTS WITH PROPOSED K38CY

	POPULATION	AREA (sq km)
within Noise Limited Contour	13769840	29117.7
not affected by terrain losses	12753979	21913.4
lost to NTSC IX	267046	2131.6
lost to additional IX by ATV	188393	304.5
lost to ATV IX only	238076	524.9
lost to all IX	455439	2436.2

TABLE 5.1 (cont'd)

OET 69 INTERFERENCE STUDIES
 KVEA-DT - CORONA, CA
(LICENSED FACILITIES)

SUMMARY OF STUDY RESULTS

	Without Proposed <u>K38CY</u>	With Proposed <u>K38CY</u>	<u>Increase/(Decrease)</u>
DTV Service	12,298,540	12,298,540	0
Percent Loss(Gain)*	(1.89)%	(1.89)%	0.00%

*Percent Loss calculations are based on the benchmark DTV Service value of 12,071,000 from Appendix B of the December 18, 1998 Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders in MM Docket 87-268.

TABLE 5.2

OET 69 INTERFERENCE STUDIES
 KVEA-DT - CORONA, CA
 (ALLOTMENT FACILITIES)
(IGNORES INTERFERENCE FROM KPXN-DT)
 Capital Broadcasting Corporation
 Van Nuys, CA

STATION BEING STUDIED

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
KVEA-DT	Corona, CA	39	DTV	Allotment	

STATIONS CONSIDERED IN STUDIES

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
NEW	Bakersfield, CA	39	NTSC	Application	BPET-19960328KH
KNSD	San Diego, CA	39	NTSC	Licensed	BLCT-19921230KF
KTBN-TV	Santa Ana, CA	40	NTSC	Licensed	BLCT-19830418KH
KPMR	Santa Barbara, CA	38	NTSC	Licensed	BLCT-20010209ABS
KBLR	Paradise, NV	39	NTSC	CP	BMPCT-19990310KE
K38CY	Van Nuys, CA	38	NTSC	Applicant	

STUDY RESULTS WITHOUT PROPOSED K38CY

	POPULATION	AREA (sq km)
within Noise Limited Contour	13489480	25227.8
not affected by terrain losses	12295422	18198.2
lost to NTSC IX	154946	1172.9
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	154946	1172.9

STUDY RESULTS WITH PROPOSED K38CY

	POPULATION	AREA (sq km)
within Noise Limited Contour	13489480	25227.8
not affected by terrain losses	12295422	18198.2
lost to NTSC IX	154946	1172.9
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	154946	1172.9

TABLE 5.2 (cont'd)

OET 69 INTERFERENCE STUDIES
 KVEA-DT - CORONA, CA
 (ALLOTMENT FACILITIES)
(IGNORES INTERFERENCE FROM KPXN-DT)

SUMMARY OF STUDY RESULTS

	Without Proposed <u>K38CY</u>	With Proposed <u>K38CY</u>	<u>Increase/(Decrease)</u>
DTV Service	12,170,476	12,170,476	0
Percent Loss(Gain)*	(0.82)%	(0.82)%	0.00%

*Percent Loss calculations are based on the benchmark DTV Service value of 12,071,000 from Appendix B of the December 18, 1998 Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders in MM Docket 87-268.

TABLE 5.3

OET 69 INTERFERENCE STUDIES
 KVEA-DT - CORONA, CA
 (LICENSED FACILITIES)
(IGNORES INTERFERENCE FROM KPXN-DT)
 Capital Broadcasting Corporation
 Van Nuys, CA

STATION BEING STUDIED

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
KVEA-DT	Corona, CA	39	DTV	Licensed	BLCDT-20030507AAW

STATIONS CONSIDERED IN STUDIES

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
NEW	Bakersfield, CA	39	NTSC	Application	BPET-19960328KH
KNSD	San Diego, CA	39	NTSC	Licensed	BLCT-19921230KF
KTBN-TV	Santa Ana, CA	40	NTSC	Licensed	BLCT-19830418KH
KPMR	Santa Barbara, CA	38	NTSC	Licensed	BLCT-20010209ABS
KBLR	Paradise, NV	39	NTSC	CP	BMPCT-19990310KE
KNSD-DT	San Diego, CA	40	DTV	CP	BPCDT-20000501AEP
K38CY	Van Nuys, CA	38	NTSC	Applicant	

STUDY RESULTS WITHOUT PROPOSED K38CY

	POPULATION	AREA (sq km)
within Noise Limited Contour	13769840	29117.7
not affected by terrain losses	12753979	21913.4
lost to NTSC IX	267046	2131.6
lost to additional IX by ATV	0	0.0
lost to ATV IX only	2687	60.1
lost to all IX	267046	2131.6

STUDY RESULTS WITH PROPOSED K38CY

	POPULATION	AREA (sq km)
within Noise Limited Contour	13769840	29117.7
not affected by terrain losses	12753979	21913.4
lost to NTSC IX	267046	2131.6
lost to additional IX by ATV	0	0.0
lost to ATV IX only	2687	60.1
lost to all IX	267046	2131.6

TABLE 5.3 (cont'd)

OET 69 INTERFERENCE STUDIES
 KVEA-DT - CORONA, CA
 (LICENSED FACILITIES)
(IGNORES INTERFERENCE FROM KPXN-DT)

SUMMARY OF STUDY RESULTS

	Without Proposed <u>K38CY</u>	With Proposed <u>K38CY</u>	<u>Increase/(Decrease)</u>
DTV Service	12,486,933	12,486,933	0
Percent Loss(Gain)*	(3.45)%	(3.45)%	0.00%

*Percent Loss calculations are based on the benchmark DTV Service value of 12,071,000 from Appendix B of the December 18, 1998 Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders in MM Docket 87-268.