May 16, 2016

City of San Antonio

c/o Joseph C. Chautin, III

Hardy, Carey, Chautin & Balkin, LLP

1080 West Causeway Approach

Mandeville, LA 70471

Re: KGSA-LD, San Antonio, Texas

Facility ID No. 28794

PSIP Standard Waiver Request

Dear Counsel,

This is in reference to the City of San Antonio’s request for a waiver 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”).[[1]](#footnote-1) The City of San Antonio is the licensee of station KGSA-LD, digital RF channel 23, San Antonio, Texas.[[2]](#footnote-2) The City of San Antonio requests to operate on virtual channel 21.[[3]](#footnote-3)  We deny the City of San Antonio’s request.

Pursuant to the PSIP Standard, KGSA-LD is required to operate on virtual channel 16. The PSIP Standard states that “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]](#footnote-4) KGSA-LD’s NTSC RF channel number was 23;[[5]](#footnote-5) however, station KHCE-TV, San Antonio, Texas is currently operating on virtual channel 23 in San Antonio. Therefore, KGSA-LD cannot operate on virtual channel 23.[[6]](#footnote-6) As a default, the PSIP Standard states that “If, after the transition, a previously used NTSC RF channel in a market is assigned to a newly-licensed DTV broadcaster in that market, the newly-licensed DTV broadcaster shall use, as his major channel number, the number of the DTV RF channel originally allocated to the previous NTSC licensee of the assigned channel.”[[7]](#footnote-7) Thus, KGSA-LD should operate on KHCE-TV’s digital RF channel,[[8]](#footnote-8) virtual channel 16.

The City of San Antonio asserts that KGSA-LD cannot operate on virtual channel 16 because it is the virtual channel number used by KADT-LD, Facility ID No. 2565, Austin, Texas, which is “a mere 56 miles away.”[[9]](#footnote-9)   In the *Second Periodic Review* 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.”[[10]](#footnote-10) Based on the record before us, we find that there are no grounds to grant the waiver request of KGSA-LD to operate on virtual channel 21 in lieu of virtual channel 16; the City of San Antonio has not presented a “unique situation” as contemplated by the *Second Periodic Review*. The City of San Antonio’s technical showing and the Commission’s own studies, reveal that KGSA-LD’s operation on virtual channel 16 is technically feasible as the station’s protected service contour will not overlap with the protected service contour of another station operating on virtual channel 16.[[11]](#footnote-11)  The protected service contours of stations KGSA-LD and KADT-LD, both which operate on virtual channel 16, do not overlap.  We find therefore, that the City of San Antonio’s waiver request is denied and KGSA-LD is directed to operate on virtual channel 16.

Accordingly, IT IS ORDERED That, the City of San Antonio’s request for waiver of the PSIP Standard, ATSC A/65C, to operate on virtual channel 21 in lieu of virtual channel 16 IS DENIED.

Sincerely,

Hossein Hashemzadeh

Deputy Chief, Video Division

Media Bureau

1. Low power licensees are not required to comply with the ATSC A65/B standard, but may choose to implement the ATSC A/65B PSIP standard; should a low power licensee choose to implement PSIP they must comply with the PSIP Standard. *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television*, Report and Order, 19 FCC Rcd 19331, 19413 (2004); 47 C.F.R. 73.682(d). [↑](#footnote-ref-1)
2. FCC File No. 000008476 (digital RF channel 23 license granted April 5, 2016). [↑](#footnote-ref-2)
3. The terms “virtual channel” and “major channel” are often used interchangeably. Pursuant to the PSP Standard, however, the “two-part” channel number navigational concept is called a virtual or PSIP channel. The first part of the two-part number is called the “major” channel number and the second part of the channel number is called the “minor” channel number. The minor channel number identifies one program service within the group of services defined by the major number. *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, para.153 (2004) (“*Second Periodic Review*”). [↑](#footnote-ref-3)
4. PSIP Standard, Annex B at 1.1. [↑](#footnote-ref-4)
5. FCC File No. BLTTL-20110531ACJ (NTSC RF channel 23 licenses to cover granted August 9, 2011). [↑](#footnote-ref-5)
6. KGSA-LD and KHCE-TV have overlapping service contours and therefore cannot operate on the same virtual channel. PSIP Standard, Annex B at 1.8; *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.). [↑](#footnote-ref-6)
7. PSIP Standard, Annex B at 1.4. [↑](#footnote-ref-7)
8. File No. BLEDT-20050209AKG (digital RF channel 16 license to cover granted March 18, 2005). [↑](#footnote-ref-8)
9. KGSA PSIP Request at 1. [↑](#footnote-ref-9)
10. *Second Periodic Review* at 18346, para. 153. [↑](#footnote-ref-10)
11. PSIP Standard, Annex B at 1.8; *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.). [↑](#footnote-ref-11)