May 17, 2016

NRJ TV LA License Co., LLC

NRJ TV San Diego Co., LLC

c/o Ari Meltzer, Esq.

Wiley Rein LLP

1776 K Street NW

Washington, DC 20006

Re: KUAN-LP, Poway, CA

Facility ID No. 35609

KSKT-CD, San Marcos, CA

Facility ID No. 58927

Virtual Channel Designation

Dear Counsel,

This letter is in reference to the request for virtual channel designation pursuant to 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) submitted by NRJ TV LA License Co., LLC (NRJ LA), permittee of KUAN-LP, Poway, California, digital RF channel 36,[[2]](#footnote-2) and NRJ TV San Diego Co., LLC (“NRJ SD”), licensee KSKT-CD, San Marcos, California, digital RF channel 36.[[3]](#footnote-3) NRJ LA requests that KUAN-LP operate on virtual channel 18. NRJ SD requests that KSKT-CD operate on virtual channel 43. We find that the PSIP Standard allows for the requested virtual channel designations.[[4]](#footnote-4)

The PSIP Standard explains, “For a translated signal, the major/minor channel numbers shall remain the same as the original broadcast station unless the major channel conflicts with a broadcaster operating in the service area of the translator.”[[5]](#footnote-5) KUAN-LP serves as a translator for station KSCI(DT), Long Beach, California,[[6]](#footnote-6) virtual channel 18.[[7]](#footnote-7) Through the Commission’s own studies and the technical showing submitted by NRJ LA, KUAN-LP’s use of virtual channel 18 will not conflict with a broadcaster operating in KUAN-LP’s service area. Therefore, KUAN-LP’s operation on virtual channel 18 is pursuant to the PSIP Standard.

The PSIP Standard also explains, “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.”[[8]](#footnote-8) KSKT-CD’s former NTSC license was for RF channel 43;[[9]](#footnote-9) pursuant to the PSIP Standard, KSKT-CD’s digital virtual channel is channel 43.

Moreover, the PSIP Standard provides that “A broadcaster may include in the transmitted multiplex programming originating from a different licensed broadcaster and use the major/minor channel numbers of the original broadcast if the major/minor channel number combinations are coordinated in the local broadcast area to avoid conflicts.”[[10]](#footnote-10) Therefore, once KUAN-LP’s digital companion channel is operational and licensed,[[11]](#footnote-11) KUAN-LP may include it its transmitted multiplex programming stream the major/ minor channel number combination of KSKT-CD, and vice versa, as long as there is no duplication with the major/ minor channel combination of any broadcaster whose DTV service area overlaps with the emitting station’s DTV service area.

Accordingly, NRJ TV LA License Co., LLC is directed to operate KUAN-LP, Facility ID No. 35609, on virtual channel 18, and NRJ TV San Diego Co., LLC is directed to operate KSKT-CD, Facility ID No. 58927, on virtual channel 43. Furthermore, once KUAN-LP holds a digital license and is operational, KUAN-LP and KSKT-CD may include in their transmitted multiplex programming streams the major/ minor channel number combination of the other station, if technically feasible.

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) (“LPDTV Order”); 47 C.F.R. 73.682(d) (incorporated by reference, see §73.8000); *Id*. at §73.6024(a) (Provides that Class A television stations must meet the requirements of sections 73.682 of the Commission’s Rules.). [↑](#footnote-ref-1)
2. FCC File No. 0000007906 (March 21, 2016). [↑](#footnote-ref-2)
3. FCC File No. 0000001101 (March 18, 2015). [↑](#footnote-ref-3)
4. 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). [↑](#footnote-ref-4)
5. PSIP Standard, Annex B at 1.10. [↑](#footnote-ref-5)
6. Facility ID No. 35608. [↑](#footnote-ref-6)
7. BLCDT-20011114ABO (digital RF channel 18 license to cover granted Jan. 28, 2005). [↑](#footnote-ref-7)
8. PSIP Standard, Annex B at 1.1. [↑](#footnote-ref-8)
9. FCC File No. BLTT-19941201JC (NTSC RF channel 43 license to cover granted Feb. 28, 1995). [↑](#footnote-ref-9)
10. PSIP Standard, Annex B at 1.7. [↑](#footnote-ref-10)
11. KUAN-LP holds a digital companion channel construction permit to operate on the identical operating facilities as KSKT-CD; the two stations are co-owned and have accepted interference. FCC File No. 0000007906 (March 21, 2016). [↑](#footnote-ref-11)