

**REQUEST FOR ACCEPTANCE OF LATE-FILED SILENT STATION STA REQUEST,  
ISSUANCE OF SILENT STATION STA, AND WAIVER OF SECTION 312(g) OF THE  
COMMISSION'S RULES**

KJLA, LLC ("KJLA"), a Latino-controlled and Latino-community serving broadcaster, the licensee of Station KFUL-LD, San Luis Obispo, California ("Station"), hereby requests that the Commission accept its late-filed Request for a Silent Station STA, grant the Station a Silent Station STA, and waive Section 312(g) of the Commission's Rules (collectively, the "Request").

The Station went silent on November 23, 2020.<sup>1</sup> Pursuant to Section 74.763(b) of the Commission's Rules, LPTV stations are required to notify the Commission they are not intending to operate for 30 days or more. While KJLA did not do so, the failure was inadvertent and is fully explained herein. Further, unlike with full-service stations, the Commission does not expect that LPTV stations will adhere to regular programming operations. Section 74.763(a) provides:

A low power TV, TV translator, or TV booster station is not required to adhere to any regular schedule of operation. However, the licensee of a TV translator or TV booster station is expected to provide service to the extent that such is within its control and to avoid unwarranted interruptions in the service provided.

While the Request is now being submitted, KJLA recognizes that it is late filed and is asking, consistent with the other relief being sought, that the filing date for its notice be waived and the notice be accepted at this time, consistent with the Station not having control over its ability to program the Station. Likewise, KJLA recognizes that, operating on a basis that the

---

<sup>1</sup> As KFUL-LD was operating on Output Channel 44, which is located in what is known as the duplex gap, the Station was subject to a termination of operations following completion of the post-auction repack. See *In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order*, 29 FCC Rcd 6567, 6841 (2014)

of the Commission's rules, governing the length of time a station may remain silent without jeopardizing its license, and it is seeking a waiver of that rule along with the reinstatement of silent station authority for KFUL-LD.

In support of its requested relief, KJLA submits that there are ample and material bases for a grant of the relief sought. In the *Incentive Auction Report and Order*, 29 FCC Rcd 6567, 6806-6807 (2014), the Commission advised that, in connection with the repack, it would give due consideration to not holding licensees to the strict provisions of Section 312(g). In that regard, it announced that it would be receptive to waivers of Section 312(g), by "tak[ing] into account the extent to which a station has been involuntarily forced to remain dark as a result of the repacking process and whether, in light of the facts presented, equity and fairness dictate a license extension or reinstatement and a waiver." This policy, in the context of low-power television station displacement applications, was ratified in later actions of the Commission. *Public Notice*, 32 FCC Rcd 858, 873-874 (IATF/MB 2017); *Public Notice*, 33 FCC Rcd 1234, 1237 (IATF/MB 2018). Waivers have been granted to other licensees similarly situated to KJLA and impacted by these policies, including waiver of Section 312(g) and reinstatement of licenses and Silent Station Authority. KJLA, therefore, submits that equity and fairness call for such relief to be granted for KFUL-LD as well. See, e.g., *Letter to Edge Spectrum, Inc. – Multiple Stations* (Chief, V.D., July 13, 2021); *Letter to Edge Spectrum – Multiple Stations* (Chief V.D., July 12, 2021).

The failure to file itself was inadvertent and arose from the significant post-repack work that the licensee has been undertaking during and following the commencement of the repack process. As for the requested waiver of Section 312(g), KJLA wishes to bring to the Commission's attention the following information in support of why its requests for silent station



authority, waiver of Section 312(g), and tolling/waiver of its construction permit,<sup>2</sup> should all be granted at this time.

### **Why the Station Was Taken Silent by the Licensee**

As previously discussed herein, the Station was required to be silent because one of the requirements of the repack was that digital LPTV stations, licensed to operate on Channels 44-46, the so-called duplex gap, were not permitted to continue doing so after the completion of the digital repack transition on July 13, 2020. The Station's licensed output channel is Channel 44 and, accordingly, there was no basis for the Station to continue to operate on that output channel. Thus, the silence of KFUL-LD was because of regulatory reasons beyond its control. Had a timely request been filed, KJLA believes that there was every reason for KFUL-LD to have been entitled to a silent station STA and renewal thereof, pending compliance with Section 312(g) or a waiver of it. Further, KJLA submits that KFUL-LD would also have been entitled to tolling or a waiver arising from the fact that had the Station not been licensed to a channel that was not in the duplex gap, it could have continued to operate until this day or until an entity authorized to operate on its output channel requested that it terminate operations.

### **What Has the Licensee Done to Resume Operations**

The key fact for consideration here is that the licensee participated in the Commission's Second Displacement Window process<sup>3</sup> and, in doing so, sought and received a displacement construction permit to operate on Channel 23, within the repacked broadcast band (LMS No. 000052471).

---

<sup>2</sup> The tolling request is pending in LMS No. 0000162740.

<sup>3</sup> *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (2017).

In order to undertake that channel substitution, KJLA reviewed the equipment associated with KFUL-LD. It determined that new equipment was required and, as evidenced in Exhibit A, it has acquired, in an order placed on August 20, 2020, and holds in a warehouse, a new UAXTE-2 transmitter. Other equipment is also being acquired, but only the transmitter is needed at the commencement of operations. The remaining equipment needed, as evidenced in the Form 399 submissions it has made, will be secured and installed upon receipt of authority to proceed.

### **The Circumstances that Have Delayed the Station's Channel Substitution**

There is a single and overarching reason why KJLA has been unable to complete work on KFUL-LD: the volume of other work it has faced in completing the post-auction repack. KJLA is a very small television broadcaster. Its broadcast portfolio consists of one full-service station, Station KJLA(TV), Ventura, California, and four low-power television stations. It also works with three other low-power stations that share partial common ownership and rebroadcasts of the full-service station and one unrelated full-service station. However, as a small station, KJLA lacks the engineering, financial and operational resources of the major broadcast groups it faces in the markets it operates in. This small staff confronted a tidal wave of engineering work and, except for KFUL-LD, has successfully handled it.

The work that KJLA undertook as a result of the incentive auction and repack are as follows:

#### **Station KJLA(TV), Ventura, California**



Station KJLA went from a stand-alone operation to being repacked, as a sharee, with Station KXLA(TV), Rancho Palos Verdes, California. This was a complex process involving equipment changes at the Mount Wilson antenna farm in Arcadia, California. There were two licenses to cover (LMS Nos. 0000058520 and 000082240) filed. More importantly, dealing with a major tower owner, developing a new transmission service, arranging for channel sharing, and operating from a multi-user tower at one of the major antenna farms in the nation, took an overwhelming amount of managerial and engineering effort.

**Station KSGA-LD, San Bernardino, California**

The operation of any low-power television station in the Los Angeles DMA is a difficult and complex process. KJLA's Station KSGA-LD was displaced from its long-time operation on Channel 30 as a result of the repack. The process of dealing with the impending displacement included seeking a displacement channel in the Special Displacement Window followed by settlement negotiations with a mutually exclusive party in order to avoid a potential auction. Pursuant to the negotiations, KJLA agreed to share Channel 3 with the licensee of Station KVHD-LD, Los Angeles, California.

As more fully explained in LMS No. 0000150147, KJLA was on schedule to construct a new facility at the Mount Wilson antenna farm. However, the entire process, that had gone smoothly, was upset by a development that KJLA had not expected. The sharee was deemed unacceptable by the tower owner at Mount Wilson, owing to financial issues that had developed between the parties.

As a result, KJLA had to expend substantial effort locating a new transmitter site, modifying the equipment proposal, and undertaking construction at a transmitter site it was not familiar with. It took a considerable amount of effort, and two waivers of Section 312(g), but

KSGA-LD's facilities were completed on September 16, 2021 and the Station commenced its shared operations on October 1, 2021.

**Station KLFA-LD, Santa Maria, California**

KLFA-LD has been a station of concern for KJLA over whether the post-repack environment would allow it to operate with a service that could provide a viable signal to the community it serves. KJLA has been reviewing the post-repack service environment as it determines what modifications are needed for the Station to remain viable.

While it evaluates what is best for the Station, it has had to invest in Station equipment in order to maintain its operations. In November, 2020, KJLA was required to install a new transmitter and filter.

**Station KBAB-LD, Santa Barbara, California**

This is another displacement station. In LMS No. 000052475, the licensee of Station KBAB-LD was authorized to displace to Channel 31. That displacement work was completed on July 6, 2020 and a license to cover was granted in LMS No. 11712.

**Station KLSV-LD, Las Vegas, Nevada**

This is the final displacement station. In LMS No. 000052473, the licensee of Station KLSV-LD was authorized to displace to Channel 21. Following the December, 2018 installation of a new transmitter, the licensee applied for a received a license to cover in LMS No. 0000064058.

Taking all of this work into consideration, during the period from April 11, 2018, when its displacement permit was issued, to the present time, KJLA has been fully occupied with a series of major technological challenges, let alone the day-to-day work necessary to operate broadcast stations. The combination of all of these projects, in a short period of time, was



overwhelming for a small organization that operates a single full-service station and a number of LPTV ones. These clearly evidence that there were compelling circumstances present in this case. Like the proverbial circus juggler, KJLA attempted to keep all of its balls in motion. While it was generally successful, KFUL-LD was the one case where it could not keep the ball in the air.

### **What Is Required for the Station to Resume Operations**

KJLA is pleased to say that there is only a small amount of that it has to do, once it receives the necessary authority, in order to commence operation on Channel 23.

As previously indicated, the needed transmitter currently sits in warehouse waiting to be taken to the transmitter site and installed. It is the licensee's estimate that it needs approximately 90 days in which to organize a crew to move the transmitter to the rural site and complete the installation process. In this regard, as there is no antenna to install, KJLA does not require the services of a tower crew and it has arrangements available to secure the services of an installation crew, in support of KJLA's in-house and consulting engineers, to be able to complete work on an expedited basis.

KJLA is ready, willing and able to operate KFUL-LD in service to the public once it is permitted to do so. It submits to the Commission that equity, fairness and the continuation of a Latino-community programming service to a small community in rural California all support issuance of the requested relief in the form of a 90-day Silent Station STA allowing KJLA to complete the displacement of KFUL-LD to Channel 23 within that time period.

## **EXHIBIT A**



## Remit To: Send Checks to:

GatesAir, Inc  
P.O. Box 732502  
Dallas, TX 75373-2502

## ACH/EFT:

Account Name: GatesAir, Inc.  
Account Number: 441389496  
Routing Number: 102001017  
Bank Name/Address: Chase N.A.  
1125 17th Street  
Denver, CO 80202



Connecting What's Next

## Bill To:

KJLA-TV - KFUL  
2323 Corinth Avenue  
Los Angeles CA, 90064

GatesAir  
3200 Wismann Lane  
Quincy, IL USA 62301

Invoice Number: US0341355

Order Contact:	Ginger Obert	Invoice Date:	November 25, 2020
Payment Due:	Immediate	Account Number:	0525287
Method of Shipment:	Bestway	Purchase Order:	4866
Order Date:	August 26, 2020	Sales Order Number:	JWG0004753

  

Call Letters	Market	Product, GA Quote Number	Equipment Value	%	Amount Due
KFUL-LD	Los Angeles, CA	Calls: KFUL-LD			
		Facility ID: 14001			
		Licensee: KJLA, LLC			
		UAXTE-2-G2 Transmitter per Quote Q-88944			
		A. Transmitter	36,173.50		
		B. Mask Filter	4,304.21		
		Freight	2,670.83		
			<b>43,148.54</b>		<b>43,148.54</b>
		Payment received, CHK# 40597	<b>(20,238.86)</b>		<b>(20,238.86)</b>
		<b>Balance Due:</b>	<b>22,909.68</b>		<b>22,909.68</b>

Questions regarding this invoice?

FEIN 46-4956212

Contact: Angie Christ

Phone: 217.221.7190

achrist@gatesair.com

This Invoice is subject to the Standard Terms and Conditions of Sale for GatesAir and are located at <http://www.gatesair.com/company/legal-compliance/terms-conditions>, which are incorporated herein by reference. The Standard Terms and Conditions for GatesAir shall apply to the exclusion of any other terms and conditions except where expressly agreed in writing and signed by GatesAir.  
For a hard copy of these terms and conditions, please call U.S. (513) 459-3502 or fax your request to (513) 459-3796, Attn: Legal Dept., or email your request to GAContracts@gatesair.com.