

Mark Colombo

From: Shaun Maher
Sent: Monday, June 28, 2021 8:23 AM
To: mike couzens
Cc: Mark Colombo; Kevin Harding; Mohan Simon
Subject: RE: [EXTERNAL]: Re: County of San Bernardino Area 70

The license cancelled per operation of section 312(g) of the Communications Act when the station was silent for more than 12 consecutive months. Licenses can be reinstated and extended in the name of “equity and fairness” – however, the Commission has rarely done so and only if it finds “compelling circumstances” prevented the station from resuming operations in a timely manner. Unless you can show some compelling circumstance that prevented the station from resuming operations the past 7 years, the license was cancelled and the digital CP along with it.

Shaun Maher

From: mike couzens <cuz@well.com>
Sent: Friday, June 25, 2021 3:18 PM
To: Shaun Maher <Shaun.Maher@fcc.gov>
Cc: Mark Colombo <Mark.Colombo@fcc.gov>; Kevin Harding <Kevin.Harding@fcc.gov>; Mohan Simon <Mohan.Simon@fcc.gov>
Subject: Re: [EXTERNAL]: Re: County of San Bernardino Area 70

Shaun, I hope that you will reconsider your position. We are not aware of any Commission warning or advisal that licensees needed to continue an analog stream, even after they were granted authority to build out the digital replacement.

In the recent analog warning Public Notice, DA 21-684, released on June 11, 2021, the licensees were cautioned:

Analog LPTV/translator stations without a valid digital construction permit as of 11:59 p.m. local time on July 13, 2021, will find that their analog license has been automatically cancelled and will have their call signs deleted.

To avoid automatic cancellation of their station license, remaining analog LPTV/translator stations that do not have a digital construction permit should immediately file an application for one to ensure that they will be considered before the July 13, 2021, analog termination deadline. The Bureau recommends filing an application for on-channel digital conversion (“flash-cut”) wherever possible in order to expedite processing.

This Notice is stating that the issuance of a valid construction permit will keep the authorization viable, even after the analog shut-off. If the Commission instead were following your new approach, it would hold that the facility could be preserved only by the grant prior to July 13 of a digital license to cover. You state that the analog and digital are part of “one unified license,” but this would appear actually to have the opposite meaning to what you suggest, at least in the singular event of the digital transition.

Policy factors against what you now state are significant also. Both the licensee, County Service Area 70-TV2, and the Commission were intent on moving the digital transition forward as smoothly and as expeditiously as possible. In a multi-channel translator service, the perpetuation of any analog stream alongside the digital channels would have served no purpose but to confuse the viewers and impede the switch-over. Also, to apply this approach now, much later, to bar the licensing of just one more digital channel dis-serves the public interest. A long-standing freeze on major

change and new translator applications allows for no alternatives, to address increasing demand for service in rural areas.

For these reasons, respectfully, I hope that you will re-think and reconsider your approach.

Michael Couzens
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On Jun 24, 2021, at 6:44 AM, Shaun Maher <Shaun.Maher@fcc.gov> wrote:

Not correct. The digital CP had no such effect on the analog license. The analog license stays in effect until a digital LICENSE is granted and at that point it replaces the analog license. Since this station never was granted a digital LICENSE, it remained an analog station. Since it remained silent on its analog license for more than 12 consecutive months, its license cancelled. Any digital CPs that the station had at the time was forfeited as well. This is because the analog and digital authorizations are part of one unified license. Since this happened in 2015, I don't see a path for the station to request reinstatement and extension of its license.

Shaun Maher

From: mike couzens <cuz@well.com>
Sent: Thursday, June 24, 2021 4:06 AM
To: Shaun Maher <Shaun.Maher@fcc.gov>
Subject: Re: [EXTERNAL]: Re: County of San Bernardino Area 70

No that's not what I understand. The station's authority to broadcast in analog was superseded by a valid and granted digital flash cut construction permit for the same channel. The station's authority to continue in analog would have expired automatically once the digital license was applied for and granted. And prior to that, the authority to broadcast in analog ceased automatically by operation of law, as the result of a continuous year's being off the air, Sec. 312(g). The digital CP should still be in effect.

On Jun 23, 2021, at 5:06 PM, Shaun Maher <Shaun.Maher@fcc.gov> wrote:

So the station's license was cancelled per operation of section 312(g) in March 2015.

From: mike couzens <cuz@well.com>
Sent: Wednesday, June 23, 2021 7:46 PM

To: Shaun Maher <Shaun.Maher@fcc.gov>

Subject: Re: [EXTERNAL]: Re: County of San Bernardino Area 70

The confusion is not necessarily yours. The flash cut to digital channel 21 was regarded by us as a superseding event. Analog and digital could not co-exist on Channel 21. The flash cut CP even conferred a new call sign K21GI-D. We assumed that everyone assumed that the analog service was deceased. The viewers were so informed. The analog service on Channel 21 ceased in March, 2014. All rebroadcast services at Morongo Valley were moved onto co-located and licensed digital stations.

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On Jun 23, 2021, at 4:23 PM, Shaun Maher <Shaun.Maher@fcc.gov> wrote:

I am confused. According to CDBS and LMS records, K21GI-D is an analog TV translator. I have no record of it ever converting to digital – no digital license was filed for this station. Is this station still operating in analog? If not, when did it terminate analog operations and go silent?

Shaun Maher

From: mike couzens <cuz@well.com>

Sent: Wednesday, June 23, 2021 6:11 PM

To: Shaun Maher <Shaun.Maher@fcc.gov>

Subject: Re: [EXTERNAL]: Re: County of San Bernardino Area 70

Re: K21GI-D

All County of San Bernardino analog services were terminated in 2014. As per our web site County Service Area 70-TV2 terminated analog in favor of digital in late March, 2014.

We believed K21GI-D was a valid and effective construction permit for digital facilities, [BDFCDTT-20120109ACZ](#), granted 7/18/2013, which predated the termination of analog. This was seen as superseding the analog, in an orderly process of transition. The County has been spending taxpayer's money on equipment to build this station as part of the DTV transition.

Section 312(g) of the Act does not apply to construction permits.

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On Jun 21, 2021, at 12:21 PM, Shaun Maher
<Shaun.Maher@fcc.gov> wrote:

Ok – got it.

From: mike couzens <cuz@well.com>
Sent: Monday, June 21, 2021 3:17 PM
To: Shaun Maher <Shaun.Maher@fcc.gov>
Subject: Re: [EXTERNAL]: Re: County of San Bernardino Area 70

Sorry I misspoke. Its other other way around. We want to kill off K36GO and we are almost done with K21GI-D, which will be on the air as soon as we receive the fixed up exciter from Technalogix in Canada.

I've applied to dismiss the extension for Channel 36.

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On Jun 21, 2021, at 6:04 AM, Shaun
Maher <Shaun.Maher@fcc.gov> wrote:

For K21GI-D, you need to withdraw the
extension application, and request
cancelation of the station's analog
license. I am adding our recent PN with
instructions on how to cancel a license.

On K36GO, I don't see an amendment
to the extension.

Shaun Maher

From: mike couzens <cuz@well.com>
Sent: Friday, June 18, 2021 5:12 PM
To: Shaun Maher
<Shaun.Maher@fcc.gov>
Subject: Re: [EXTERNAL]: Re: County of
San Bernardino Area 70

Shaun, the County of San Bernardino
made a business decision that they do
not want to build out a fifth DTV
channel at Morongo Valley.
Accordingly. I'm instructed to request
that you dismiss the application for

K21GI-D, terminate the authorization for K21GI and delete the call sign.

As far as underlying analog operations on Channel 36 I was never advised to report the station silent by STA. As mentioned in the new exhibit, DTV operations for that station should be ready in days or, at most, a few weeks.

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On Jun 18, 2021, at
5:46 AM, Shaun Maher
<Shaun.Maher@fcc.gov>
> wrote:

What are the
operational status of
these stations? If silent,
when did they go
silent?

On K36GO-D – is the
station not going to
transition to digital?

Shaun Maher

From: mike couzens
<cuz@well.com>
Sent: Thursday, June
17, 2021 5:19 PM
To: Shaun Maher
<Shaun.Maher@fcc.gov>
>
Subject: [EXTERNAL]:

Re: County of San
Bernardino Area 70

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Hi Shaun.

An amendment has been submitted explaining the need for a brief extension to the CP for K21GI-D.

The analog transmissions for this facility had previously ceased.

With respect to K36GO-D, the permittee hereby requests that the underlying flash cut permit BDFCDTT20120110ADH be dismissed.

Amendment to an
Extension of a
Construction

Permit Application Submitted

• [FAQ](#)

[Download Reference Copy](#)

Your application has been submitted for processing.

- Use the assigned **File Number** when referencing this application in the future.
- The progress of this application can be tracked on the **Applications** page.

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On Jun
16,
2021,
at 7:16
AM,
Shaun
Maher
<Shaun.Maher@fcc.gov>
wrote:

This
concern
s the
below
referen
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applicat
ion for
extensi
on of
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K21GI	MORONGO VALLEY	CA	11539	Analog TV Translator	LI
K36GO	MORONGO VALLEY	CA	11534	Analog TV Translator	LI

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Shaun
Maher
Video
Division
Media
Bureau
202-
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2324