Federal Communications Commission
Washington, D.C. 20554

August 26, 2016

DTV America Corporation
c/o Mark B. Denbo
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W. Suite 301
Washington, DC 20016

Re: KAHC-LD, Sacramento, CA
Facility ID 67970
Virtual Channel Designation

Dear Licensee:

This is with respect to the above-referenced facility and their 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] DTV America Corporation (DTV America) requests the Commission for a waiver of the PSIP Standard to permit station KAHC-LD, Sacramento, California, to operate on virtual channel 43. For the reasons set forth below, the request is granted.

Background. The PSIP Standard states, "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."[2] KAHC-LD's former NTSC license and current digital license is for RF channel 45.[3] Here, pursuant to the PSIP Standard, KAHC-LD should operate on virtual channel 45.

However, virtual channel 45 is already in use by station KFTY-LD, Middletown, California[4] and stations KAHC-LD and KFTY-LD have overlapping service contours and therefore cannot both operate concurrently on the same virtual channel. In this case, the PSIP Standard states that station KAHC-LD has to use the RF channel of the station in conflict as their virtual channel number. KAHC-LD would then be

[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.).

[2] PSIP Standard, Annex B at 1.1.

[3] *See* FCC File No. 0000011705 and FCC File No. BLTT-20040325AAX.

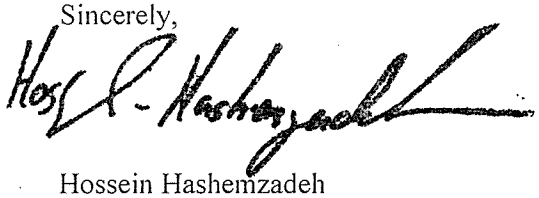
[4] *See* FCC File No. BPDVL-20140620ABA.

assigned KFTY-LD's RF channel 02 as its virtual channel. Again, KAHC-LD is unable to operate on virtual channel 02 due to a conflict with station KTVU, Oakland, California.[5] KAHC-LD's service contour will overlap with that of station KTVU on virtual channel 02.

Discussion. 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."[6] KAHC-LD asserts it has a unique situation which warrants waiver of section 73.682(d), and requests operation on virtual channel 43 in lieu of virtual channel 02. We find that the request is a unique circumstance as KAHC-LD is unable to operate on both virtual channels 45 and 02. KAHC-LD has provided engineering maps that demonstrate KAHC-LD's service contour will overlap with that of station KFTY-LD on virtual channel 45 and with station KTVU on virtual channel 02. We have recognized in the past that when two stations with overlapping service contours operate on the same virtual channel, viewers' receivers in the overlapping service contour areas may lock onto the incorrect signal. Furthermore, the PSIP Standard also recognizes that two stations with the same virtual channel number cannot have overlapping DTV service contours.[7] The Commission concurs that KAHC-LD presents a unique situation not accounted for by the PSIP Standard and that the station's waiver request is technically feasible. Based on KAHC-LD's showings, and the Commission's own studies, KAHC-LD's use of virtual channel 43 will not overlap with the protected service contours of another station operating on virtual channel 43. Therefore, KAHC-LD's request for a waiver of ATSC A/65C is warranted.

Accordingly, IT IS ORDERED that DTV America's request for a waiver of ATSC A/65C, the PSIP Standard, to operate KAHC-LD, Sacramento, California, on virtual channel 43 IS GRANTED.

Sincerely,



Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

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[5] *See* FCC File No. BLCDT-20120606AAD.

[6] *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Report and Order,* Report and Order,19 FCC Rcd 18279, 18346, para. 153 (2004).

[7] PSIP Standard, Annex B at 1.8.