

Before the
Federal Communications Commission
Washington, D.C. 20554

Accepted / Filed

NOV 17 2016

Federal Communications Commission
Office of the Secretary

In re Application of)	
)	
VENTURE TECHNOLOGIES GROUP, LLC)	File No. 0000004579
)	Facility ID No. 129651
For Minor Modification of the Facilities of)	
KRPE-LP, San Diego, California)	

PETITION FOR RECONSIDERATION

San Diego Community College District (“SDCCD”), by its attorneys, hereby seeks reconsideration of the grant of the above-captioned application (the “Application”) of Venture Technologies, LLC (“Venture”) for modification of the license for low power television station KRPE-LP, San Diego, California, due to the fact that the proposed facilities are predicted to cause serious destructive interference to SDCCD's Station KSDS(FM), Facility ID 58818, operating on 88.3 MHz (Channel 201B), at San Diego, California.¹

As an initial matter, SDCCD points out that its station, KSDS is a primary broadcast facility, authorized as a full-service noncommercial educational broadcast station. KRPE-LP, on the other hand, is a low power TV (“LPTV”) station, which is designated at a secondary service. In light of these relative positions, it is incumbent upon Venture to remedy any interference which may arise to KSDS. In order to eliminate the unnecessary expenditure of resources by both Venture in constructing the facilities and SDCCD in seeking to enforce its rights and restore service to those who will lose it, SDCCD is seeking reconsideration of the grant at this time.

¹ KSDS is licensed to operate with 22 kW ERP at 75 meters above average terrain.

KRPE-LP operates on analog Channel 6, 82-88 MHz. The normal audio channel for a Channel 6 analog television station is at or near 87.75 MHz. It is SDCCD's information and belief believes that a number of analog Class A and Low Power Television stations move their audio carrier to 87.9 MHz to facilitate reception on consumer FM radio receivers. KSDS operates on 88.3 MHz, FM Channel 202B1, the second lowest channel in the FM broadcast band, closely adjacent to TV Channel 6. An audio signal on 87.9 MHz is the equivalent of a second-adjacent channel radio broadcast station.

If KRPE-LP had applied for an FM broadcast station second-adjacent to KSDS with the facilities requested in the Application, its proposal would have been summarily dismissed because of interference to be caused to KSDS. The application cannot be treated differently just because it is an LPTV rather than an FM application. The audio signal of an analog LPTV station is frequency modulated, so it is the same as an FM audio signal as far as interference to other FM stations is concerned and is indeed often received and listened to on conventional FM radio receivers.

The KRPE-LP Application proposes an effective radiated power ("ERP") of 3.0 kW, at an antenna height that appears to be 789 meters above average terrain ("HAAT").² At that combination of power and height, KRPE-LP would be treated as greater than a full Class B FM station, and between a full Class B and a Class C1 station. Indeed, the power and height combination results in a facility more than twice as powerful as a full Class B station. The

² HAAT was determined based on the proposal in the KSFV Application for an antenna radiation center 1680 meters above mean sea level and using the HAAT calculation tool on the Commission's website. In addition, the letter sent by the International Bureau to seek Mexican concurrence also specifies an HAAT of 789 meters.

proposed HAAT far exceeds the 150-meter HAAT class limit for Class B stations under Section 73.211(b)(1) of the Commission's Rules; therefore, under Section 73.211(b), ERP would have to be reduced to 1.150 kW. As a Class B1 station, the maximum ERP would be 0.290 kW; and as a Class A station, the maximum ERP would be 0.083 kW.³

SDCCD has been informed and believes that some LPTV and Class A television stations have directed most of their ERP into the aural signal, in the belief that the LPTV rules do not mandate any specific division of ERP between visual and aural power. But even if KRPE-LP were to limit its aural ERP to the full power TV maximum of 22%, the resulting ERP would be 0.66 kW, far in excess of the Class B1 limit.

The proposed KRPE-LP transmitter site is only 63.6 km away from the KSDS licensed transmitter site. This figure is well below the 77 km second-adjacent channel separation required by Section 73.207(b) of the Commission's Rules for spacing between Class B1 and Class C1 commercial stations. Furthermore, the separation also is also substantially less than the 71 km second-adjacent channel separation required between a Class B1 and a full Class B station, which has substantially less facilities, by more than a factor of two, than those proposed for KRPE-LP. No matter which way one looks at the problem, the severity of the predicted interference is enormous. The Commission clearly recognizes the potential for interference between TV Channel 6 stations and FM broadcast stations in Section 73.525 of the Rules. That section by its terms limits the facilities of FM stations to avoid interference to TV; but there has previously been no need to have a rule working in the other direction, because full power TV

³ Maximum ERP for excess HAAT was determined using the "FMpower" tool on the Commission's website.

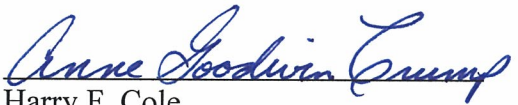
channels are listed in a Table of Allotments (Sections 73.606 and 73.622), so their locations are known and can be taken into account in planning FM stations. When Section 73.525 was written, it was not contemplated that LPTV stations, which have no allotment table and are secondary services, would move on to Channel 6 and establish new sources of interference to FM stations. The problem is no less real with or without an explicit rule, however, and the Commission must address it if it is to manage the spectrum rationally. Not to address the problem would constitute an involuntary modification of KSDS's license under Section 316 of the Communications Act, which requires notice to KSDS and an opportunity to be heard. That section also contemplates a hearing prior to any involuntary modification. SDCCD does not waive any of its rights under that statute.

Before the facilities can be constructed, Venture must first be required to make commitments as to the specific frequency to be used for its aural carrier and the maximum aural ERP it will use. Those commitments must be imposed as conditions on any authorization. In addition, however, Venture must be required to demonstrate how it will provide adequate interference protection to KSDS's adjacent-channel signal. SDCCD believes that it will be impossible for Venture to make such a showing and that accordingly, the Application must ultimately be dismissed.

WHEREFORE, the premises considered, SDCCD hereby respectfully requests that the Commission rescind the grant of the above-captioned KRPE-LP modification application and deny that Application.

Respectfully submitted,

SAN DIEGO COMMUNITY
COLLEGE DISTRICT

By: 
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Its Attorneys

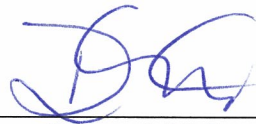
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November 17, 2016

CERTIFICATE OF SERVICE

I, Deborah N. Lunt, a secretary with the law firm of Fletcher, Heald & Hildreth, PLC, hereby state that a true copy of the foregoing PETITION FOR RECONSIDERATION was mailed, first class mail, postage prepaid on this 17th day of November, 2016, to the following:

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Deborah N. Lunt