

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.622(b))	MB Docket No. ____
DTV Table of Allotments)	RM No. ____
(Visalia, California))	

To: Office of the Secretary
Attn: Chief
Video Division,
Media Bureau

JOINT PETITION FOR RULEMAKING AND REQUEST FOR WAIVER

DIOCESE OF FRESNO EDUCATION CORP.

and

**VENTURA TV VIDEO AND APPLIANCE
CENTER, INC.**

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Date: August 9, 2019

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SUMMARY

Diocese of Fresno Education Corp. (“Diocese”), licensee of non-commercial educational television station, KNXT(DT), Visalia, California (Facility ID No. 16950) (“KNXT”) in the Fresno-Visalia DMA, and Ventura TV Video and Appliance Center, Inc. (“Ventura”) (collectively, “Petitioners”), jointly petition the Federal Communications Commission (“FCC,” or “Commission”) to initiate a rulemaking proceeding to amend the DTV Table of Allotments to dereserve KNXT’s pre- and post-auction channels (Channels *50/*22).

Petitioners seek to dereserve Visalia Channels *50/*22 to permit the Diocese to sell KNXT to Ventura as a commercial station. KNXT currently offers community-focused, religious-based programming to Fresno-Visalia area viewers 24 hours a day, 7 days a week. Due to financial difficulties and an inability to sell the station to any non-commercial licensees, the Diocese will be forced to cease operations of KNXT absent its sale to Ventura – which pledges to continue broadcasting KNXT’s unique non-commercial programming on a subchannel of the station. In support of this Petition, Petitioners also request that the Commission reserve Channel 2 in Visalia, California – thereby ensuring that two reserved NCE DTV channels will continue to serve the Fresno-Visalia DMA following KNXT’s dereservation.

Petitioners also request waiver of the FCC’s uncodified rule requiring newly dereserved television channels be made available for competing applications. Petitioners submit that it is in the public interest to waive this rule because: (1) the Diocese has received no substantive offers to purchase KNXT – except for Ventura; (2) Ventura has pledged to continue providing KNXT’s unique non-commercial programming on a subchannel; and (3) absent waiver, Ventura will withdraw its offer for the station and this Petition – resulting in KNXT going dark.

Finally, Petitioners request expedited processing of this Petition. Time is of the essence as KNXT’s construction permit for post-auction facilities is due to expire in November 2019.

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JOINT PETITION FOR RULEMAKING AND REQUEST FOR WAIVER

Diocese of Fresno Education Corp. (“Diocese”), licensee of non-commercial educational television station, KNXT(DT), Visalia, California (Facility ID No. 16950) (“KNXT”), and Ventura TV Video and Appliance Center, Inc. (“Ventura”) (collectively, “Petitioners”), by their attorneys and pursuant to Section 1.401 of the Commission’s rules,¹ hereby jointly petition the Federal Communications Commission (“FCC,” or “Commission”) to initiate a rulemaking proceeding to amend Section 73.622(d) of the Commission’s rules, the DTV Table of Allotments,² to dereserve: (1) Channel *50, Visalia, California – on which KNXT is currently licensed to operate;³ and/or (2) Channel *22, Visalia, California – on which KNXT has a construction permit for its post-auction facilities.⁴ Additionally, pursuant to Section 1.3,⁵ Petitioners request waiver of the Commission’s uncodified rule requiring that newly dereserved

¹ 47 C.F.R. § 1.401 *et seq.*

² *Id.* at § 73.622(b).

³ See File No. BLEDT-20060706AFB (granted Oct. 4, 2006).

⁴ See LMS File No. 0000028226.

⁵ 47 C.F.R. § 1.3.

television channels be made available for competing applications to effectuate KNXT's assignment to Ventura, as a commercial licensee.

KNXT was displaced from Channel *50 to Channel *22 as a result of the FCC's broadcast incentive auction.⁶ The FCC's DTV Table of Allotments has not yet been updated to reflect that KNXT's repack channel (Channel *22) is reserved and replaces out of core Channel *50. Out of an abundance of caution, Petitioners request dereservation of both Channels *50 and *22, Visalia, California, as necessary for purposes of this Petition. KNXT's construction permit to operate on its post-auction channel is subject to tolling.⁷ KNXT is currently operating on Channel *22 from a temporary (interim) facility pursuant to Special Temporary Authority (STA)⁸ while it awaits delivery of the antenna necessary for its permanent post-repack facility. Time is of the essence on this request since the tolling of KNXT's construction permit for post-auction facilities (Channel *22) expires November 25, 2019. Petitioners therefore request expedited processing of the instant Petition.

I. "COMPELLING CIRCUMSTANCES" JUSTIFY DERESERVATION OF CHANNELS *50/*22, VISALIA, CALIFORNIA

Ventura desires to purchase KNXT but cannot do so long as KNXT's channel is listed as a reserved channel in the FCC's DTV Table of Allotments. The Commission generally disfavors the dereservation of reserved television channels, but will consider dereservation requests under

⁶ See LMS File No. 0000028226 (construction permit) (granted July 28, 2017), *as extended* 0000062822 (granted Nov. 20, 2018, expires Nov. 25, 2019).

⁷ See LMS File No. 0000073546 (granted June 13, 2019, expires Nov. 25, 2019).

⁸ See LMS File No. 0000062753 (granted Oct. 19, 2018), *as extended* 0000062753 (granted Oct. 19, 2018, expired Apr. 18, 2019), 0000079889 (granted Aug. 6, 2019, expires Nov. 25, 2019).

“compelling circumstances” made through petitions for rulemaking.⁹ “The FCC has repeatedly utilized rulemaking procedures to amend the table of allotments, and Section 316 to modify a station’s license to conform to the change in allotment, where those actions have been found to serve the public interest, convenience and necessity.”¹⁰ Petitioners assert that there are compelling circumstances justifying the dereservation of KNXT’s pre- and post-auction channels, Channels *50/*22, Visalia, California, and that doing so is in the public interest. For the reasons stated below, Petitioners request that the Commission initiate a rule making proceeding to: (1) dereserve Channels *50/*22, Visalia, California; and (2) modify KNXT’s license and repack construction permit to conform with the requested change in allotment to allow operation as a commercial station so that KNXT may be assigned to Ventura.

A. Operation of KNXT as an NCE Television Station is not Financially Viable

The Diocese cannot operate KNXT as a financially-viable non-commercial station. In previous decisions, the Commission has permitted the dereservation of an NCE television station’s channel due to financial difficulties.¹¹ During the last 10 years, KNXT has operated at a loss – averaging an annual deficit greater than \$900,000.00.¹² Despite extensive fundraising efforts, the Diocese has been unable to generate the necessary revenue to operate the station.¹³

⁹ See *Amendment of the Television Table of Allotments to Delete Noncommercial Reservation on Channel *16, 482-488 MHz, Pittsburgh, Pennsylvania*, Report and Order, 17 FCC Rcd. 14038, 14054, ¶ 45 (2002) (“2002 WQEX Dereservation Order”).

¹⁰ See *id.* at 14932-33, ¶ 8 (citing *Amendment of Section 73.606(b), Buffalo, New York*, Report and Order, 14 FCC Rcd. 11856 (1999), *aff’d*, 16 FCC Rcd. 4013 (2000) (other citations omitted)). See also 47 U.S.C. § 316.

¹¹ See *2002 WQEX Dereservation Order*, 17 FCC Rcd. at 14053, ¶ 41 & 14054, ¶ 45.

¹² Declaration of Most Reverend Joseph V. Brennan ¶ 4 (“Rev. Brennan Declaration”), attached hereto as **Attachment A**.

¹³ Declaration of Mark Shirin ¶ 7 (“Shirin Declaration”), attached hereto as **Attachment B**.

In an effort to cut costs, the Diocese accepted an offer from the CatholicTV Network to reduce KNXT's operation and production costs.¹⁴ Pursuant to the arrangement, the CatholicTV Network would provide KNXT with its network feed at no cost to the Diocese—resulting in the Diocese being responsible for only 20% of KNXT's programming.¹⁵ KNXT began rebroadcast of the CatholicTV Network in June 2017. In early 2019, it became apparent to the Diocese that the anticipated cost-savings for KNXT created by the arrangement with the CatholicTV Network were not being realized.¹⁶ Without any other source of financially-viable programming to sustain the station, on March 7, 2019, the Diocesan Financial Task Force recommended that the Diocese sell KNXT as soon as possible, or the station would be forced to cease operations altogether.¹⁷

The Diocese's efforts to sell KNXT to a non-commercial licensee have also been unsuccessful. The Diocese first considered selling the station in 2014, but due to the impending broadcast incentive auction, it decided to wait and see if there would be an auction payoff for the station.¹⁸ Unfortunately, however, there was no spectrum needed for the Fresno-Visalia DMA.¹⁹

In 2017, the Diocese began efforts to sell KNXT as a non-commercial station. In that year, the Diocese signed a 12-month brokerage agreement with Patrick Communications, LLC

¹⁴ Rev. Brennan Declaration ¶ 7.

¹⁵ *Id.*

¹⁶ *Id.* ¶ 8.

¹⁷ *Id.*

¹⁸ *Id.* ¶ 5.

¹⁹ *Id.* See also *Incentive Auction Closing and Channel Reassignment Public Notice*, Public Notice, 32 FCC Rcd. 2786 (2017).

(“Patrick Communications”) to sell KNXT.²⁰ Pursuant to the agreement, Patrick Communications prepared an offer to sell package for KNXT, and conducted a nationwide marketing effort for the station.²¹ Patrick Communications identified approximately 20 potential buyers for the station, including: the California State University – Fresno, the EWTN Network, and the Catholic TV Boston.²² In June 2017, Patrick Communications concluded its efforts to sell KNXT after the Diocese informed it that the station commenced rebroadcast of the CatholicTV Network.²³

Unfortunately, during the period of Patrick Communications’ engagement with the Diocese, no interested parties came forward to make formal offers to purchase KNXT as an NCE television station.²⁴ Patrick Communications generally found little interest from religious and public broadcasters in purchasing the station.²⁵ The Diocese also offered to sell or transfer KNXT at no cost to CatholicTV Network, but the network’s board rejected the proposal.²⁶ As observed by Patrick Communications’ Managing Partner, Gregory J. Guy, the licensing requirements placed on NCE television stations have significantly limited the ability of NCE licensees to sell their stations to other non-commercial broadcasters.²⁷ This has resulted in very few transactions involving NCE television stations during the last 10 years – as these stations

²⁰ Rev. Brennan Declaration ¶ 6; Declaration of Gregory J. Guy ¶ 3 (“Guy Declaration”), attached hereto as **Attachment C**.

²¹ Rev. Brennan Declaration ¶ 6; Guy Declaration ¶ 4.

²² Rev. Brennan Declaration ¶ 6; Guy Declaration ¶ 4.

²³ Guy Declaration ¶ 4.

²⁴ Rev. Brennan Declaration ¶ 6; Guy Declaration ¶ 4.

²⁵ Guy Declaration ¶ 4.

²⁶ Rev. Brennan Declaration ¶ 7.

²⁷ Guy Declaration ¶¶ 6-8.

trade at a significant discount compared to commercial television stations.²⁸ Therefore, the viability of many of these stations are at risk – especially for NCE licensees, such as the Diocese, who are operating financially unviable stations.²⁹

Ventura’s President, Mark Shirin, a long time, very active Fresno business owner,³⁰ was a member of KNXT’s advisory board from 2012 to 2016.³¹ During that time, Mr. Shirin became acutely aware of the station’s financial plight, and its inability to “break even” despite the extensive fundraising efforts in which he participated for the station.³² Mr. Shirin was “disheartened” by the news that the Diocese needs to either sell KNXT or cease operations altogether.³³

For this reason, Mr. Shirin approached Diocesan officials earlier this year with an offer for Ventura to purchase KNXT *if the station’s conversion to commercial is successful* – both to save KNXT and to preserve the station’s ability to provide its unique community-focused, religious-based programming to viewers in the Fresno-Visalia area.³⁴ Ventura is a commercial entity. It currently owns and/or operates three low power television stations (“LPTVs”) in the Fresno-Visalia market and it believes that operating KNXT beside the LPTVs would have synergies and efficiencies and would expand programming to the public while preserving the important programming currently provided by the Diocese. Ventura, however, is unable to

²⁸ *Id.* ¶ 7.

²⁹ *Id.* ¶ 8.

³⁰ Ventura was founded in 1951 when Mr. Shirin’s father, Edward Shirin, opened an appliance store near downtown Fresno. Shirin Declaration ¶ 2.

³¹ Shirin Declaration ¶ 5.

³² *Id.* ¶ 7.

³³ *Id.*

³⁴ *Id.* ¶ 8.

purchase KNXT as long as its channel remains a reserved channel.³⁵ Since Ventura is currently the *only* buyer who has expressed any concrete interest in the station, Ventura and the Diocese believe that – absent Ventura’s purchase of KNXT – the station will be forced to cease operations by December 31, 2019 and the license cancelled.³⁶ If the Diocese shuts KNXT down, the Fresno-Visalia area will be deprived of the station’s unique community-focused, religious-based programming.

The financial inability of the Diocese to continue operating KNXT, its inability to sell the station to a non-commercial licensee combined with a willing buyer committed to continuing to provide the Diocese’s programming (and, as discussed further below, the availability of a channel that could be added to the DTV table of allotments as a reserved channel in compliance with the FCC’s rules) present compelling circumstances justifying the dereservation of KNXT’s pre- and post-auction channels.³⁷

B. Operation of KNXT as a Commercial Television Station would not have a Negative Impact on the Fresno-Visalia Market

Operating KNXT as a commercial station following the station’s sale to Ventura would not negatively impact the Fresno-Visalia market. KNXT provides community-focused,

³⁵ See *id.*

³⁶ See *id.* ¶ 13; Rev. Brennan Declaration ¶¶ 10-11. Cf. 2002 *WQEX Dereservation Order*, 17 FCC Rcd. at 14053, ¶ 41 (“We also find it significant that no educator or non-profit organization expressed any interest in . . . tak[ing] over the operation of WQEX(TV) . . . given [its licensee’s] financial struggles over the past six years.”).

³⁷ Cf. 2002 *WQEX Dereservation Order*, 17 FCC Rcd. at 14050, ¶¶ 34-35 (noting that WQEX’s licensee “has no comparable alternative to dereservation to resolve its severe financial difficulties . . . [and] is in sufficient financial distress that it has diminished ability to provide service to the people of Pittsburgh”); *id.* at 14053, ¶ 41 (“We also find it significant that no educator or non-profit organization expressed any interest in . . . tak[ing] over the operation of WQEX(TV) . . . given [its licensee’s] financial struggles over the past six years.”).

religious-based programming to both Catholic and non-Catholic viewers in the Fresno-Visalia area.³⁸ While KNXT provides Catholic programming including the broadcast of Mass, the holy rosary, novenas, and bible studies, the station also provides contemporary cultural programming including movies, music, children's programming, and women's programming.³⁹ KNXT has also served as a forum for social justice and interfaith dialog by producing and broadcasting many programs with representatives participating not just from the area's Catholic community, but from the area's Muslim, Jewish, Hindu, Sikh, and Buddhist faith communities as well.⁴⁰

In an effort to save the station, Ventura has offered to purchase KNXT if it can be converted to a commercial operation – while committing to airing KNXT's current religious based programming on a subchannel of the station after closing.⁴¹ Since Petitioners intend to continue broadcasting KNXT's non-commercial programming following the dereservation of Channels *50/*22 and sale to Ventura and since there is another channel that can be reserved to Visalia in place of Channel *50/*22 (see discussion below), operation of KNXT as a commercial station would not have a negative impact on the Fresno-Visalia market.

C. The Public Interest Benefits of Operating KNXT as a Commercial Station Outweigh the need for 2 NCE Television Stations in the Fresno Market

Putting aside the availability of another/substitute channel that can be reserved to Visalia (discussion below), operating KNXT as a commercial station outweighs the need to ensure that Fresno-Visalia market continues to be served by two NCE television stations. The Fresno-Visalia DMA is currently served by two NCE television stations: (1) KNXT; and

³⁸ Rev. Brennan Declaration ¶¶ 2-4.

³⁹ *Id.* ¶ 2.

⁴⁰ *Id.* ¶ 4.

⁴¹ Shirin Declaration ¶ 9; Rev. Brennan Declaration ¶ 9.

(2) KVPT(DT), Fresno, California (Facility ID No. 69733) (“KVPT”) – which is licensed to Valley Public Television, Inc.,⁴² and is a PBS affiliate.⁴³

While KVPT will be the only NCE television station following KNXT’s conversion to a commercial station, the public interest outweighs the need for two NCE television stations to serve the Fresno-Visalia market for two reasons. First, as discussed above, the conversion of KNXT to a commercial station as a result of dereserving its pre- and post-auction channels will *not* deprive viewers of the station’s non-commercial programming. In the *2002 WQEX Dereservation Order*, the Commission permitted the dereservation of Channel *13, Pittsburgh, Pennsylvania because, *inter alia*, Pittsburgh did not need to be served by two NCE television stations operating on reserved channels.⁴⁴ The Commission noted that Pittsburgh’s two NCE television stations, WQED(TV) and WQEX(TV), provided exactly the same non-commercial programming since WQEX was simulcasting WQED’s PBS feed.⁴⁵ The FCC found that dereservation of WQEX’s channel – thereby permitting the sale of the station to a commercial entity – was in the public interest because “the Pittsburgh community” would be better served by “one strong NCE station [(i.e., WQED)] with sufficient financial resources to . . . produce educational programming than it would be if it continues to have two under-funded and struggling stations.”⁴⁶ Here, unlike the *2002 WQEX Dereservation Order*, since Ventura is committed to continuing to air the programming of the Diocese on a subchannel, the Fresno area

⁴² See LMS File No. 0000063002 (DTV license).

⁴³ See generally Valley PBS, <https://valleypbs.org/>.

⁴⁴ See *2002 WQEX Dereservation Order*, 17 FCC Rcd. at 14052, ¶ 40.

⁴⁵ See *id.* at 14052, ¶ 40 & 14056, ¶ 48.

⁴⁶ See *id.* at 14052-53, ¶ 40.

effectively will continue to be served by *two* sources of non-commercial programming following the dereservation of KNXT's channel.

While committed to airing the specialized programing currently delivered by the Diocese, Shirin and Ventura also recognize the value of ensuring that another reserved channel is available in the DMA in the event that another NCE operator comes forward prepared to apply for and program a television on a reserved channel. Ventura commissioned Jeff Reynolds of duTriel, Lundin and Rackley, Inc. to conduct a channel study to determine whether a channel exists that could be substituted/designated as a reserved channel in Visalia concurrently with the dereservation of *50/*22. As reflected in the Reynolds showing attached hereto as

Attachment D, Channel 2 could be reserved to Visalia in compliance with the FCC's rules.⁴⁷

As a result, Petitioners are also requesting that the Commission *add* Channel 2 as reserved channel to the DTV Table of Allotments for Visalia, California – thereby ensuring that the Fresno-Visalia market will have two reserved channels both before and after the dereservation of Channel *50/*22 as sought herein. Thus, unlike in the *2002 WQEX Dereservation Order*, where the Pittsburgh market was reduced to only *one* reserved NCE DTV channel following WQEX's dereservation,⁴⁸ the Fresno-Visalia market would continue to have *two* reserved NCE DTV channels (i.e., Channels *32 and *2).⁴⁹ Accordingly, Petitioners submit that it is in the public interest to permit the conversion of KNXT to a commercial station as there will be no net

⁴⁷ See generally Engineering Statement of W. Jeffrey Reynolds, attached hereto as **Attachment D**.

⁴⁸ See *2002 WQEX Dereservation Order*, 17 FCC Rcd. at 14038, ¶ 1.

⁴⁹ KVPT was displaced from Channel *40 to *32 as a result of the FCC's broadcast incentive auction. See LMS File No. 0000063002 (license) (granted Oct. 24, 2018). See also 47 C.F.R. § 73.622(d).

loss in the number of reserved NCE DTV channels serving the Fresno-Visalia market if Channel 2 is simultaneously allotted for reserved status.

II. IT IS IN THE PUBLIC INTEREST TO WAIVE THE FCC'S UNCODIFIED RULE THAT NEWLY DERESERVED CHANNELS BE MADE AVAILABLE TO COMPETING APPLICATIONS

The Commission's may grant a waiver for good cause shown.⁵⁰ A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.⁵¹ In addition, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁵² A waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁵³

Generally, for a reserved channel to be used on a commercial basis, the FCC requires a "petition for [dereservation] and to 'file an application for a new license, *in competition with any others who may seek the channel.*'"⁵⁴ Nevertheless, the Commission may, "in a rulemaking proceeding *limit the potential applicants' ability to apply for channels* if, in the Commission's judgment, such action will promote the public interest, convenience and necessity."⁵⁵ In the 2002 *WQEX Dereservation Order*, the FCC found that:

⁵⁰ 47 C.F.R. § 1.3.

⁵¹ *Ne. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁵² *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Ne. Cellular*, 897 F.2d at 1166.

⁵³ *Ne. Cellular*, 897 F.2d at 1166.

⁵⁴ 2002 *WQEX Dereservation Order*, 17 FCC Rcd. at 14055, n.58 (emphasis added) (quoting *Amendment of Section 3.606 of the Commission's Rules and Regulations*, Sixth Report and Order, 41 F.C.C. 148, 212, n.51 (1952)).

⁵⁵ *Amendment of the Television Table of Allotments to Delete Noncommercial Reservation of Channel *39, 620-626 MHz, Phoenix, Arizona, and to Add Noncommercial Reservation on*

The public interest benefits of dereservation – *alleviating QED’s financial distress, and ensuring QED’s continued ability to provide noncommercial educational programming* to meet the local needs of the Pittsburgh market in the future – will not be realized *unless the Commission waives the uncodified rule requiring that newly dereserved channels be opened to competing applications*⁵⁶

In addition, the FCC found that waiver of the uncodified rule is justified where petitioners “would withdraw their [dereservation] request if competing applications were allowed, thereby resulting in a waste of Commission, public and licensee resources.”⁵⁷

Ventura’s interest in purchasing the station is obvious given that no substantive expressions of interest were received as a result of the Diocese’s efforts to sell KNXT – except for Ventura. Neither Ventura nor the Diocese would proceed with this rulemaking unless they were very serious. The fact that Ventura pledges to continue airing the Diocese’s programming on a KNXT subchannel establishes its dedication to meeting the interests of the current KNXT viewers, and serving the public interest. That said, if the FCC were to make the channel available for competing applications, the benefit of this petition to Ventura and risk to its goal of preserving the station and its programming would be too high and Ventura would withdraw this

Channel 11, 198-204 MHz, Holbrook, Arizona, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 19 FCC Rcd. 14930, 14932-33, ¶ 8 (2005) (emphasis added) (citing first *Storer Broadcasting v. FCC*, 351 U.S. 192 (1956); and then citing *Malrite of New York, Inc.*, Memorandum Opinion and Order, FCC 84-338 (rel. July 31, 1984)).

⁵⁶ 2002 *WQEX Dereservation Order*, 17 FCC Rcd. at 14055, ¶ 47 (emphasis added).

⁵⁷ *Id.* at 14055, n.61 (observing that WQEX’s “situation is analogous to that of licensees seeking to voluntarily exchange channels pursuant to the Commission’s intra-band channel swapping policy” under Section 1.420(h) of the Commission’s rules). *See also Amendments to the Television Table of Assignments to Change Noncommercial Educational Reservations*, Report and Order, 59 RR 2d 1455, ¶ 20 (1986) (“Providing parties with a theoretical opportunity to apply for unreserved channels will not in fact create competition for these channels or provide the Commission with a wider selection of applicants to choose from. Rather . . . it is likely to simply freeze the existing assignment pattern without any countervailing public benefit.”), *aff’d Rainbow Broad. Co. v. FCC*, 949 F.2d 405 (1991).

petition.⁵⁸ Therefore, Petitioners request waiver of the Commission's uncodified rule that newly dereserved channels be made available to competing applications in order to ensure that KNXT's unique community-based, religious-programming continues to serve Fresno-Visalia area viewers.

CONCLUSION

For the foregoing reasons, Petitioners request that the Commission: (1) initiate a rulemaking proceed to amend Section 73.622(d) of the Commission's rules, DTV Table of Allotments, to dereserve KNXT's pre- and post-auction channels, Channels *50/*22, Visalia, California; (2) substitute Channel *2 in the DTV Table of Allotments as a new reserved channel available to non-commercial station applicants; and (3) waive its uncodified rule requiring that newly dereserved television channel be made available for competing applications, enabling the assignment of KNXT to Ventura as a commercial licensee of the station. Time is of the essence as only a few months remain on KNXT's Channel *22 repack construction permit. Thus, Petitioners request expedited processing of this Petition.

⁵⁸ Shirin Declaration ¶ 12.

Respectfully submitted,



DIOCESE OF FRESNO EDUCATION CORP.

and



**VENTURA TV VIDEO AND APPLIANCE
CENTER, INC.**

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Date: August 9, 2019

ATTACHMENT A

Declaration of Most Reverend Joseph V. Brennan

**Before the
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(Visalia, California))	

DECLARATION OF MOST REVEREND JOSEPH V. BRENNAN

I, Most Reverend Joseph V. Brennan, hereby declare as follows:

1. I am the Bishop of the Diocese of Fresno, the parent entity of the Diocese of Fresno Education Corp. (“Diocese of Fresno”), which is the licensee of non-commercial educational (“NCE”) digital television station, KNXT, Visalia, California (Facility ID No. 16950), Channel *50 (“KNXT”).¹ I make this declaration in voluntary support of the joint petition for rulemaking and request for waiver (“Petition”) of Ventura TV Video and Appliance Center, Inc. (“Ventura TV”) and the Diocese of Fresno with respect to the proposed dereservation of KNXT.
2. KNXT is the nation’s only full-power television station providing Catholic programming, 24 hours a day, 7 days a week. Since KNXT went on the air in November 1986, the station has served viewers living across seven counties in the Central Valley of California. KNXT locally produces programming broadcast on the station in four different languages (i.e., English, Spanish, Portuguese, and Hmong). In addition to broadcasting Mass, the holy rosary, novenas, bible studies, etc., KNXT provides contemporary cultural programming appealing to the wider non-Catholic faith community including movies, music, children’s programming, women’s programming, and travel. KNXT also produces and hosts programming that addresses relevant social justice issues – thereby providing a platform for the weak and vulnerable to have a voice locally and globally.
3. KNXT has played a vital role in the lives of the Fresno area Catholic community, serving as outreach for the Church’s social, educational, and religious ministries as well as a

¹ KNXT has been displaced to Channel *22 as a result of the incentive auction. *See* LMS File No. 0000028226 (construction permit) (granted July 28, 2017), *as extended* 0000062822 (granted Nov. 20, 2018, expires Nov. 25, 2019). KNXT’s construction permit to operate on its post-auction channel is subject to tolling. *See* LMS File No. 0000073546 (granted June 13, 2019, expires Nov. 25, 2019). KNXT is currently operating on Channel 22 from a temporary facility pursuant to Special Temporary Authority (STA). *See* LMS File No. 0000062753 (granted Oct. 19, 2018), *as extended* 0000062753 (granted Oct. 19, 2018, expired Apr. 18, 2019), 0000073548 (granted Aug. 6, 2019, expires Nov. 25, 2019).

vehicle for promoting the activities of the 87 parish, 52 mission churches, and 21 Catholic Schools comprising the Diocese of Fresno. Additionally, KNXT's broadcasts have been effective in reaching the indigent and home-bound who are unable to attend Mass.

4. Moreover, KNXT's mission has not been restricted to the Catholic community. KNXT has opened its airwaves to other Christian denominations including the Orthodox, Protestant, and Evangelical faith traditions. KNXT has served as a forum for social justice and interfaith dialog by producing and broadcasting many shows with the participation of members and representatives of the Muslim, Jewish, Hindu, Sikh, and Buddhist faith communities.
5. KNXT has operated at a loss during the past 10 years – averaging an annual deficit in excess of \$900,000.00. The Diocese considered selling KNXT in 2014, but in light of the impending incentive auction, it decided to wait for a potential auction payoff – hoping to recoup the many years of combined losses. There was no spectrum, however, needed for the Fresno/Visalia DMA.
6. Then on January 25, 2017, the Diocese signed a 12-month brokerage agreement with Patrick Communications, LLC (“Patrick Communications”) – which prepared an offer to sell package for KNXT, and conducted a nationwide marketing effort for the station. Despite Patrick Communications' identification of several potential buyers for KNXT (i.e., California State University – Fresno, EWTN Network, and Catholic TV of Boston), no interested parties came forward and no offers were received to purchase the station.
7. In the spring of 2017, the CatholicTV Network, a not for profit entity that operates under the auspice of the Archdiocese of Boston, offered to provide KNXT with the Catholic TV Network feed at no cost – resulting in KNXT being responsible for only 20% of its programming. The proposal was intended to reduce KNXT's employee costs by 50%, and drastically reduce its production costs. KNXT also discussed the purchase of the station with the CatholicTV Network, but the network's board rejected the Diocese's proposal to buy or even receive the station's license at no cost.
8. In June 2017, the Diocese of Fresno accepted the CatholicTV Network proposal, and KNXT began rebroadcast of the CatholicTV network's feed. At that time, Patrick Communications concluded its efforts to sell KNXT after being informed of the KNXT-CatholicTV Network's partnership. By early 2019, however, it was evident that the anticipated cost savings were not being realized. Accordingly, on March 7, 2019, based on the recommendations and report prepared by the Diocesan Financial Task Force, the Diocese of Fresno announced that it would make a final effort to sell the station and if unsuccessful, KNXT would cease operations altogether.
9. About that time, Mark Shirin, a local businessman and a former KNXT advisory board member, approached the Diocese of Fresno with an offer for his company, Ventura TV, to purchase KNXT while at the same time continuing to provide KNXT's unique programming on a subchannel of the station.

10. The Diocese of Fresno believes that – absent Mr. Shirin’s purchase of KNXT – the station will be forced to cease operations altogether. The Diocese of Fresno does not have the financial resources to continue operations of the station, and despite its best efforts, cannot locate an alternative buyer for the station to purchase it as a noncommercial station. Moreover, in addition to not having the resources to continue running the station, the Diocese of Fresno also does not have the resources to continue to seek another buyer at this time.
11. KNXT’s only option to ensure that its religious programming continues to serve the needs of its Fresno area viewers is its purchase by Ventura TV. Otherwise, the Fresno community will be deprived of a vital source of religious programming. Accordingly, the Diocese of Fresno requests that the Commission approve its joint request for the dereservation of Channel *50, Visalia, California – thereby enabling KNXT’s purchase by Ventura TV. If the Petition is not approved and the Diocese of Fresno is unable to sell KNXT to Ventura, the station will be forced to permanently cease operations on December 31, 2019.
12. I have personal knowledge of the facts set forth in the Petition.
13. I have read the Petition, and the statements therein are truthful and correct to the best of my knowledge, information, and belief.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on August 7, 2019



Most Reverend Joseph V. Brennan

ATTACHMENT B

Declaration of Mark Shirin

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.622(b))	MB Docket No. ____
DTV Table of Allotments)	RM No. ____
(Visalia, California))	

DECLARATION OF MARK SHIRIN

I, **MARK SHIRIN**, hereby declare as follows:

1. I am the President of Ventura TV Video and Appliance Center, Inc. (“Ventura”). I make this declaration in voluntary support of the joint petition for rulemaking and request for waiver (“Petition”) of Ventura and the Diocese of Fresno Education Corp. (“Diocese of Fresno”) with respect to the proposed dereservation of non-commercial educational (“NCE”) digital television station, KNXT, Visalia, California (Facility ID No. 16950), Channel *50 (“KNXT”).¹
2. Ventura is a small business that has been an active and vital member of the Fresno business community since 1951 when its founder, my father, Edward Shirin, opened an appliance store near downtown Fresno. Ventura has continuously served the needs of four generations of its loyal customers from the same location.
3. More recently, Ventura has expanded its business into the broadcast sector, and now provides television broadcast service to viewers in the Fresno area. Ventura is currently the licensee of two low-power digital television stations in the Fresno, California metropolitan area: KBID-LP, Fresno, California (Facility ID No. 23276); and KVHF-LD, Fresno, California (Facility ID No. 23269). Ventura has learned from and capitalized upon its 68 years of retail experience in serving the Fresno community. Using those same principals and skills, Ventura currently provides news, entertainment, ethnic, educational, and cultural broadcasting programming sensitive to the needs of its viewing public.

¹ KNXT has been displaced to Channel *22 as a result of the incentive auction. *See* LMS File No. 0000028226 (construction permit) (granted July 28, 2017), *as extended* 0000062822 (granted Nov. 20, 2018, expires Nov. 25, 2019). KNXT’s construction permit to operate on its post-auction channel is subject to tolling. *See* LMS File No. 0000073546 (granted June 13, 2019, expires Nov. 25, 2019). KNXT is currently operating on Channel 22 from a temporary facility pursuant to Special Temporary Authority (STA). *See* LMS File No. 0000062753 (granted Oct. 19, 2018), *as extended* 0000062753 (granted Oct. 19, 2018, expired Apr. 18, 2019), 0000079889 (granted Aug. 6, 2019, expires Nov. 25, 2019).

4. It is my understanding that KNXT is one of two NCE digital television stations operating on a reserved channel in the Fresno/Visalia DMA. KNXT is the nation's *only* full-power television station providing Catholic programming 24 hours a day, 7 days a week. Since KNXT began operations in November 1986, it has played a vital role in the lives of the Fresno faith community – serving as an outreach to the Catholic Church's social, educational, and religious ministries as well as a vehicle to promote the activities of the Diocese of Fresno.
5. Between 2012 and 2016, I served as an advisory board member for KNXT, and became acutely aware of the financial struggles facing the station. KNXT has been operating at a loss for over 10 years. The Diocese of Fresno considered selling the station as early as 2014, and more recently, attempted to sell the station through a broker, Patrick Communications, LLC. Although the broker identified several potential buyers for KNXT, no interested parties stepped forward and no offers were received to purchase the station.
6. Furthermore, in June 2017, the Diocese of Fresno accepted a revenue-neutral proposal from the CatholicTV Network whereby KNXT would be responsible for producing only 20% of the station's programming – the rest would be provided by the CatholicTV Network. The proposal anticipated that the arrangement would enable the Diocese of Fresno to shed 50% of its employee costs and drastically reduce its production costs by acquiring the CatholicTV Network feed at no cost to the Diocese of Fresno. Unfortunately, however, the envisaged cost savings were not realized, and in March 2019, Diocesan officials determined that KNXT would need to be sold within the next year or cease operations altogether.
7. I was disheartened by the Diocese of Fresno's announcement that it would need to sell KNXT or completely cease operations. I recall from my time as a KNXT advisory board member how hard we worked on telethons and fundraising efforts – yet we never seemed to raise enough funds for KNXT to break even.
8. As a local Fresno businessman and FCC licensee, I recently approached the Diocese of Fresno with a proposal to purchase KNXT to ensure that the station would continue providing religious and cultural programming vital to Fresno area viewers. After consulting with my FCC counsel, however, I was informed that as a for-profit entity, Ventura could not own an NCE station. I have also learned that the FCC, under compelling circumstances, will permit an NCE station operating on a *reserved* channel to be converted to a commercial station operating on a *non-reserved* channel.
9. I believe that there are compelling circumstances permitting Ventura to acquire KNXT as a commercial station while ensuring program continuity by providing the station's current religious programming through a subchannel of the station.
10. During my time as a KNXT advisory board member, I have come to understand and appreciate the importance of KNXT's programming to the Fresno community. KNXT's mission has not merely been restricted to the Catholic community as the station has

opened its airwaves to other Christian denominations including the Orthodox, Protestant, and Evangelical faith traditions. KNXT has been a forum for social justice and interfaith dialog as the station has produced and aired many shows with the participation of the Jewish, Muslim, Hindu, Sikh, and Buddhist faith communities. Therefore, in light of the Diocese of Fresno's financial difficulties, my proposal is the only way to ensure that viewers in the Fresno area are not deprived of KNXT's multifaceted religious-based programming. as Ventura is the *only* entity that has expressed any concrete interest in acquiring the station.

11. I also understand that the FCC typically only permits dereservation of an NCE station if another reserved channel can be added to the table of allotments. I therefore consulted with Jeff Reynolds of duTriel, Lundin and Rackley, Inc. to study the feasibility of adding another channel to Visalia, California for this purpose. I understand that there were several channel options, but Mr. Reynolds ultimately determined that Channel 2 could serve as a reserved channel in that community and cause little or no interference to other broadcast operations.
12. Finally, in order for Ventura's proposal to succeed, the Commission must waive its uncodified rule requiring that newly dereserved channels be opened to competing applications. Ventura believes that permitting competing applications for the newly dereserved Channel *50, Fresno, California, would result in a waste of agency, public, and licensee resources. Ventura stands ready, willing, and able to acquire KNXT and to continue operations of its non-commercial programming – and has demonstrated that it is the only entity presently interested in doing so. Ventura prefers to expediently take control of the station and relieve the Diocese of Fresno of its overwhelming financial burden. And, opening up the newly dereserved Channels *50/*22 will put Ventura's proposal to save KNXT at unfair risk as, in all likelihood, the station's price would be greatly inflated by bidding from large corporate broadcast conglomerates seeking to gain a foothold in the Fresno-Visalia DMA. Therefore, if the Commission opens the newly dereserved Channel *50 to competing applications, Ventura will be forced to withdraw its dereservation request for KNXT.
13. For the foregoing reasons, Ventura believes KNXT should be dereserved in order to ensure that the station is able to continue serving the Fresno area as a commercial station under the ownership of Ventura – while also ensuring that KNXT's unique, religious-based programming continues to be provided to Fresno area viewers uninterrupted.
14. I have personal knowledge of the facts set forth in the Petition.
15. I have read the Petition, and the statements therein are truthful and correct to the best of my knowledge, information, and belief.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on August 8, 2019

A handwritten signature in blue ink, appearing to read "Mark Shirin", written over a horizontal line.

Mark Shirin

ATTACHMENT C

Declaration of Gregory J. Guy

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.622(b))	MB Docket No. ____
DTV Table of Allotments)	RM No. ____
(Visalia, California))	

DECLARATION OF GREGORY J. GUY

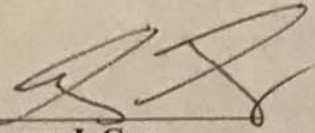
I, **Gregory J. Guy**, hereby declare as follows:

1. I am the Managing Partner of Patrick Communications, LLC (“Patrick Communications”). I make this declaration in voluntary support of the joint petition for rulemaking and request for waiver (“Petition”) of Ventura TV Video and Appliance Center, Inc. and the Diocese of Fresno Education Corp. (“Diocese of Fresno”) with respect to the proposed dereservation of non-commercial educational (“NCE”) digital television station, KNXT, Visalia, California (Facility ID No. 16950), Channel *50 (“KNXT”).
2. Patrick Communications is a leading brokerage and investment banking firm located in Columbia, Maryland. Patrick Communications is a full service firm offering media, tower and telecom brokerage, television spectrum auction consultation, restructuring, investment banking, appraisals and management and financial consulting services.
3. On January 25, 2017, Patrick Communications entered into an exclusive brokerage agreement with the Diocese of Fresno with the goal of selling KNXT to a licensee to continue operating the station as an NCE station. The agreement was for a term of 12 months.
4. Patrick Communications prepared an offer to sell package for KNXT, and canvassed the entire nation in an all-out marketing effort to find a buyer for the station. Although Patrick Communications marketed the opportunity to purchase KNXT at a reasonable price to over 20 potential NCE station buyers (including: California State University – Fresno, EWTN Network, and Catholic TV of Boston) – we found little interest or market response among religious and public broadcasters. Accordingly, no parties stepped forward with any *bona fide* offers for the station.
5. Patrick Communications concluded its efforts in June 2017 to sell KNXT after being informed by the Diocese of Fresno that a partnership was being formed with the CatholicTV Network that would allow the Diocese to continue broadcasting at a 50% reduction in operating costs.

6. I have been a broker of broadcast radio and television stations for over 20 years, and have brokered the sale of hundreds of radio and television stations including some NCE television stations. The market for NCE television stations has always been extremely limited due to the requirements placed on NCE television stations. To my knowledge, there have only been about 10 traditional arms-length NCE television stations sales in the past 10 years.
7. While NCE television broadcasters have been acquisitive over the past 10 years, even the most aggressive buyers often will not look at NCE television stations due to the restrictions placed on the licenses. It is our experience that these stations trade at a significant discount to commercial stations. This is in stark contrast to the comparison of reserved and unreserved radio stations which now trade at about equal value.
8. For this reason there are many NCE television licensees who are unable to sell their stations to other NCE licensees – including the Diocese of Fresno. With the increasing costs of operating a television station and no clear path to a sale, it has put the viability of many of these stations at risk.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on August 7, 2019



Gregory J. Guy

ATTACHMENT D

Engineering Statement of W. Jeffrey Reynolds

TECHNICAL EXHIBIT
PETITION FOR RULE MAKING TO
AMEND THE DTV TABLE OF ALLOTMENTS
DIOCESE OF FRESNO EDUCATION CORP.
AND VENTURA TV VIDEO AND APPLIANCE CENTER INC.
VISALIA, CALIFORNIA

This Technical Exhibit was prepared on behalf of Diocese of Fresno Education Corp. (“Diocese of Fresno”), licensee of TV station KNXT on noncommercial/reserved channel *22 at Visalia, California and Ventura TV Video and Appliance Center, Inc. (“Ventura TV”). Ventura TV proposes to acquire KNXT and convert it from a noncommercial TV (NCE-TV) station to a commercial TV station. In order to do so, the FCC has requested that a new NCE-TV allotment be provided to Visalia. Therefore, in support of Ventura TV’s proposal to acquire KNXT, it is demonstrated herein that channel 2 is available for allotment and reservation for noncommercial DTV use at Visalia.

Station KNXT is currently licensed (BLEDT-20060706AFB) as a NCE-TV station operating on pre-transition noncommercial channel *50 at Visalia, CA with a nondirectional (ND) antenna maximum ERP of 185 kW and an antenna height above average terrain (HAAT) of 834 meter. In addition, KNXT is authorized (LMS File No. 0000028226) to operate on post-transition noncommercial channel *22 with a directional antenna (DA) maximum ERP of 126 kW and an HAAT of 828 meters.

It has been determined that channel 2 is available for allotment and reservation for noncommercial DTV use at Visalia. Specifically, as demonstrated by Figure 1, DTV channel *2 can be allotted to Visalia in compliance with the FCC’s minimum distance separation requirements of Section 73.623(d) with respect to all domestic post-transition allotments. The geographic coordinates for DTV channel *2 are those for KNXT’s existing transmitter site located at North Latitude 36-17-14.2 and West Longitude 118-50-18.6 (NAD27). Furthermore, as demonstrated by the map included as Figure 2, a maximum channel *2 facility operating from the KNXT site and HAAT (828 meters) would provide the requisite 35 dBu, f(50,90) principal community coverage to 100% of Visalia pursuant to Section 73.625(a).¹ The location of the 35

¹ Based on Section 73.622(f)(6)(iii), a DTV station located in Zone II on channels 2-6 with an HAAT of 828 meters would be permitted to operate with a maximum ERP of 5.9 kW.

dBu, f(50,90) contour was based on consideration of actual terrain as well as presuming uniform terrain. The Visalia city limits are based on 2010 US Census data.

In addition, as demonstrated by the *TVStudy* analysis exhibit attached as Figure 3, the proposal complies with the FCC's interference protection requirements to all pertinent stations (including Class A) based on both the pre-transition and post-transition allocation environments. As also indicated, the proposal will provide interference-free service to 2,341,115 persons (2010 Census) within the noise-limited service contour (28 dBu, f(50,90) and there will be no received interference. The *TVStudy* analysis utilized maximum channel *2 facilities from the KNXT site (ERP 5.9 kW/HAAT 828 meters) along with a cell size of 2 km and profile resolution of 1 point/km.

Therefore, it is respectfully requested that the FCC amend the post-auction DTV Table of Allotments, Section 73.622(i) of the FCC's rules as follows:

<u>City</u>	<u>Present</u>	<u>Channel No.</u>	<u>Proposed</u>
Visalia, California	*22, 28		*2, 22, 28

The attached technical statement has been prepared by or under the direct supervision of W. Jeffrey Reynolds with the firm of du Treil, Lundin and Rackley, Inc., a telecommunications consulting firm located in Sarasota, Florida, who states that his qualifications are a matter of record with the Federal Communications Commission, having been presented on previous occasions. All data and statements contained herein are true and correct to the best of his knowledge and belief.



W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
3135 Southgate Circle
Sarasota, Florida 34239

August 1, 2019

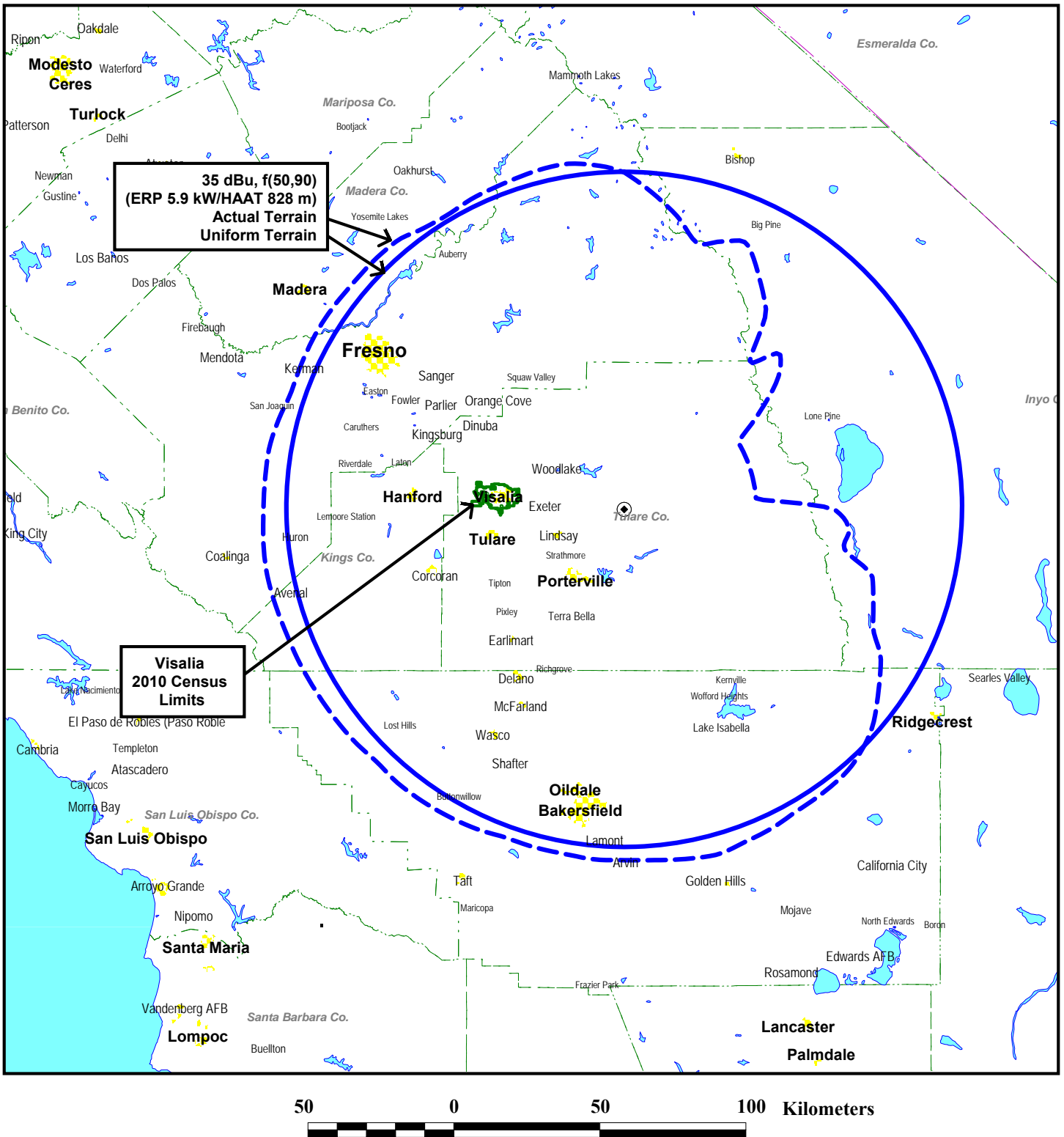
Figure 1

DTV Channel 2 Separation Study

Proposed Site: N36-17-14.2/118-50-18.6 (NAD 27)

							Latitude			
		Channel					ERP (kW)	Longitude	Dist. (km)	
<u>Callsign</u>	<u>Status</u>	<u>Zone</u>	<u>Service</u>	<u>City</u>	<u>State</u>	<u>DA</u>	<u>HAAT (m)</u>	<u>(NAD27)</u>	<u>Bear. (deg)</u>	<u>Req. (km)</u>
KHSV	LIC	2	DT	LAS VEGAS	NV	N	27.7	036-00-32	346.36	273.6
BLCDT-20050824ABJ		II					386	115-00-19	94.01	CLEAR
WJLP	LIC	3	DT	ELY	NV	D	1.2	039-14-46	476.08	23/110
BLCDT-20090527AEK		II					276.8	114-55-36	45.08	CLEAR

Figure 2



COMPLIANCE WITH CITY COVERAGE REQUIREMENTS

DTV CHANNEL 2
VISALIA, CALIFORNIA
ERP 5.9 KW HAAT 828 M ND

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

DTV Channel 2 - TVStudy Analysis

tvstudy v2.2.5 (4uoc83)
Database: localhost, Study: KNXT NCE D2, Model: Longley-Rice
Start: 2019.07.31 17:00:13

Study created: 2019.07.31 17:00:13

Study build station data: LMS TV 2019-07-31

Proposal: KNXT D2 DT APP VISALIA, CA
File number: KNXT NCE D2
Facility ID: 16950
Station data: User record
Record ID: 2619
Country: U.S.
Zone: II

Build options:
Protect pre-transition records not on baseline channel

Search options:
Baseline record excluded if station has CP

Stations potentially affected by proposal:

IX No	Call KHSV	Chan D2	Svc DT	Status LIC	City, State LAS VEGAS, NV	File Number BLCDT20050824ABJ	Distance 345.4 km
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No non-directional AM stations found within 0.8 km

No directional AM stations found within 3.2 km

Record parameters as studied:

Channel: D2
Latitude: 36 17 14.20 N (NAD83)
Longitude: 118 50 18.60 W
Height AMSL: 1798.8 m
HAAT: 827.7 m
Peak ERP: 5.90 kW
Antenna: Omnidirectional
Elev Pattn: Generic

28.0 dBu contour:

Azimuth	ERP	HAAT	Distance
0.0 deg	5.90 kW	812.7 m	131.1 km
45.0	5.90	139.9	87.1
90.0	5.90	118.6	84.1
135.0	5.90	832.3	131.6
180.0	5.90	1094.0	137.1
225.0	5.90	1173.5	138.7
270.0	5.90	1341.0	141.7
315.0	5.90	1109.8	137.4

Distance to Canadian border: 1381.2 km

Distance to Mexican border: 429.9 km

Conditions at FCC monitoring station: Livermore CA
Bearing: 302.6 degrees Distance: 304.1 km

Proposal is not within the West Virginia quiet zone area

Conditions at Table Mountain receiving zone:
Bearing: 66.1 degrees Distance: 1259.1 km

Study cell size: 2.00 km
Profile point spacing: 1.00 km

Maximum new IX to full-service and Class A: 0.50%
Maximum new IX to LPTV: 2.00%

Interference to proposal scenario 1

Desired:	Call KNXT	Chan D2	Svc DT	Status APP	City, State VISALIA, CA	File Number KNXT NCE D2	Distance
Undesireds:	KHSV	D2	DT	LIC	LAS VEGAS, NV	BLCDT20050824ABJ	345.4 km
	Service area			Terrain-limited		IX-free	Percent IX
	49901.4 2,362,082	45807.2	2,341,115	45734.7	2,341,115	0.16	0.00
Undesired				Total IX		Unique IX	Prcnt Unique IX
KHSV D2 DT LIC		72.4		0	72.4	0	0.16 0.00

CERTIFICATE OF SERVICE

I, Keenan P. Adamchak, of Fletcher, Heald & Hildreth, PLC, pursuant to 47 C.F.R. § 1.401(d), hereby certify that I caused a true copy of the foregoing Petition to be sent this 9th day of August, 2019, via U.S. First Class Mail, postage prepaid, and via email, where indicated, to the following individuals.

Most Reverend Joseph V. Brennan
Diocese of Fresno Education Corp.
1550 N. Fresno Street
Fresno, California 93703


Keenan P. Adamchak