

Request for Extension of Waiver of Section 312(g) of the Communications Act
and Extension of Silent Authority

K28GY-D, Santa Barbara, CA
June 2022

Public Media Group of Southern California (“PMGSC”), licensee of K28GY-D, Santa Barbara, California, Facility ID 13469, requested a waiver of Section 312(g) of the Communications Act that otherwise would result in the expiration of the translator’s license given it has not operated for a consecutive 12-month period, which the Commission initially granted on June 11, 2021, and further extended on January 18, 2022.

Section 312(g) allows the Commission to extend a station’s license to promote equity and fairness, among other reasons. 47 U.S.C. Section 312(g). For background, PMGSC hereby incorporates by reference its earlier requests describing how K28GY-D was displaced by another repacked station, KVMM-CD (formerly on Channel 41), Santa Barbara, California, Facility ID, 18741, that moved to Channel 28. PMGSC applied for a displacement channel on Channel 19, but, after construction, ceased testing when it received an interference complaint from KCOY-TV, Facility ID 63165, Santa Maria, California. Since then, PMGSC has been working to coordinate with its consulting engineer, the antenna supplier, and other potentially affected stations that need to cooperate in the testing of whether Channel 18 could be used as an alternative. At the time it most recently requested an extension, PMGSC had recounted in great detail its efforts to obtain responses from the owners of the station group that own both KCOY (Channel 19) and KSBB-CD (Channel 17) to coordinate testing on the possible use of Channel 18 as a displacement channel.

After the grant of the last extension, PMGSC was frustrated with the lack of responsiveness and cooperation from Channels 17 and 19 management. As a result, PMGSC investigated if other alternative channels might be pursued that were not previously considered. What follows is a timeline of events detailing PMGSC’s efforts. Back up documentation on the correspondence can be provided on request.

- Jan 22, 2022 – Engaged Howard Fine of Fine Satellites and Fiber to help PMGSC identify Construction Permits that had been issued but never built in the Santa Barbara DMA on UHF channels in order to allow reuse of new transmitter purchased for K19MO-D (which was the facility PMGSC initially built as a displacement facility for K28GY-D that had to be shut down during testing because of interference).
- February 1, 2022 – K33MO-D was identified as a CP located on Gibraltar Peak that appeared to have never been constructed and no record of filing for a license to cover could be located in the FCC Database. Plans were quickly put in place to travel to Santa Barbara to verify the station had not been constructed.
- February 16, 2022 – Jeremy Howard, PMGSC’s Director of Engineering, traveled to Gibraltar Peak, Santa Barbara, with Howard Fine to verify if K33MO-D had been constructed and whether it was on the air. PMGSC’s translator K26FT-D was located at the same site on Gibraltar Peak which allowed them to access the site to perform a visual assessment and test for any emission on Channel 33.

Mr. Howard and Mr. Fine were not able to identify any transmitter that was not already operating on a licensed television channel and they could not find any UHF capable antennas that were not traceable back to an operational, licensed station transmitter. Checks in and around the site using multiple receiving devices including two consumer grade DTV televisions, one professional grade demodulator, and a Spectrum Analyzer showed that there was no presence of any locally generated Channel 33 signal on the air from that location.

They conducted multiple field tests in and around Santa Barbara and Goleta to ascertain if there was a Channel 33 operating in the area from a different site but those tests also yielded negative results using the same test equipment and two different UHF capable antennas.

- February 24, 2022 – After sharing their findings from February 16th visit to the Channel 33 CP site, Jeremy Howard obtained permission from PMGSC Senior Management to engage Hammett & Edison to perform an engineering study on the feasibility of a Channel 33 operation from the existing location of K28GY-D on Broadcast Peak.
- February 24, 2002 – Jeremy Howard called Raj Mathur at Hammett & Edison to have him begin the study process right away shortly after meeting with PMGSC Senior Management.
- March 4, 2022 – Raj Mathur found some interference issues with original orientation of the K33MO-D facility and additional complications working with an 11-year-old CP attempting to use the type accepted antenna design.
- March 4-11, 2022 – Raj Mathur continued to work on the study while keeping PMGSC updated on progress. At the end of this period, Raj Mathur advised PMGSC he would be out of the country until early April and enlisted the assistance of Dane Ericsson to help carry through the remainder of the work.
- March 14-31 – Dane Ericsson attempted to contact PSI (the original CP antenna manufacturer) to confirm if the proposed design would still be viable based on the age of the CP and if adding any Vertical Polarization could be proposed to future-proof against ATSC 3.0 requirements. Unfortunately, Dane Ericsson was not able to get any response from PSI.
- April 1-11, 2022 – Dane Ericsson researched other manufacturer designs and patterns to identify a suitable replacement antenna and to check for additional vertical polarization for ATSC 3.0 capabilities.
- April 12, 2022 – June Baldwin and Dawn Ariza from PMGSC Senior Management were updated on progress and a decision was made to bring Melodie Virtue into the process.
- April 18 – May 12, 2022 – PMGSC's FCC counsel Melodie Virtue reached out by email and voice mail to FCC staff to obtain guidance on how to file on the expired CP for Channel 33 since it had not been released from the FCC database. FCC staff responded

on May 12, 2022 that K28GY-D can now file a displacement for Channel 33. PMGSC worked on final engineering data entry into new displacement application. The application was finalized by PMGSC, FCC counsel, and Hammett & Edison.

- May 13, 2022 – Displacement application for K28GY-D on Channel 33 filed in FCC LMS 0000190777.
- May 17, 2022 – FCC advises that the application data does not pass TVStudy Interference parameters. The error in selection of proper mask filter is corrected and the amended application was updated in LMS to reflect that change.
- May 18, 2022 – Amended application filed in FCC LMS and remains pending at the time of filing for this extension request.

As the above description of tasks shows, PMGSC has not been complacent about trying to arrange for a solution to displacement of K28GY-D. PMGSC has the equipment available from the earlier construction on Channel 19, and permission to use its existing site, which will allow it to proceed with construction quickly on Channel 33 after the construction permit is granted.

PMGSC respectfully requests that the Commission continue to waive Section 312(g) to extend the station's license to promote equity and fairness. The licensee's displacement was caused by the FCC's repacking process which was beyond the control of the licensee. PMGSC wants to continue to operate the station to serve the residents of Santa Barbara with public television programming as it did prior to being displaced. It was proactive in its efforts to seek an alternative creative solution to discover a fallow unbuilt LPTV permit on Channel 33, and that Channel was just recently released. Good cause, therefore, exists for the Commission to exercise its discretion to extend K28GY-D's license and to extend its silent authority relief to preserve this station's license, so that it can eventually build on Channel 33 after the construction permit application is granted.