

REQUEST FOR EXTENSION OF STA

Obidia Porras, licensee of Station KGDH-LD (the “Station”), hereby requests issuance of a special temporary authority to continue to operate an analog FM audio carrier as an ancillary or supplementary service within the Station’s assigned digital channel frequencies pending the effective date FCC’s FM6 LPTV Station Rules. As the Bureau noted recently, the previous STA for this operation has expired. It had been believed that my Consulting Engineer had filed the extension. There apparently was a failure of communication between me and her concerning the timely filing. It is respectfully requested that the FCC accept this request, and grant the STA to allow for continued TV6 operations. Procedures are being established to ensure that oversights such as this do not occur in the future.

I hereby affirm that Station KGHD-LD has been continuously providing TV6 operations throughout this period.

A grant of this extension is warranted and would be in the public interest. By way of background, in its October 2014 *LPTV Third NPRM*, the Commission first inquired, among other things, “whether to allow LPTV stations on digital television channel 6 (82- 88 MHz) to operate analog FM radio type services on an ancillary or supplementary basis pursuant to section 73.624(c) of the rules.”¹ Although the record developed in response to the NPRM supported this approach, the agency initially took no action in its *Third Report and Order and Fourth Notice of Proposed Rulemaking*, declaring in a footnote: “We intend to issue a decision on whether to permit digital LPTV stations to operate analog FM radio type services on an ancillary or supplementary basis at a later date.”² In the *Fifth Report and Order*, FCC 23-58, released on July 20, 2023, the FCC adopted its proposal to allow FM6 LPTV with active FM6 service to continue to provide FM6 service. Station KGHD-LD satisfied that criteria.

The Licensee herewith asserts that under the FCC’s existing rules, it should be permitted to continue to offer an audio signal available at 87.7 FM on an ancillary or supplementary basis. See 47 C.F.R. § 73.624(c) (permitting DTV stations to use spectrum “to offer services of any nature, consistent with the public interest, convenience, and necessity, on an ancillary or

¹ Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Amendment of Part 15 of the Commission’s Rules to Eliminate the Analog Tuner Requirement, Third Notice of Proposed Rulemaking, 29 FCC Rcd 12536 ¶ 47 (2014).

² Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Amendment of Part 15 of the Commission’s Rules to Eliminate the Analog Tuner Requirement, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927 ¶ 4 n. 12 (2015).

supplementary basis” provided that such services “do not derogate DTV broadcast stations’ obligations” to offer at least one over the air video stream at no direct charge to viewers); 47 C.F.R. § 74.790(i) (incorporating Section 73.624(c) for digital LPTV stations).³

As permitted under the ATSC A/322 standard, the Station’s ATSC 3.0 signal is configured to occupy 5.509 MHz of the Station’s digital channel.⁴ The Station uses this signal to transmit video programming of public interest, at no direct charge to viewers. This video programming can be satisfactorily viewed on consumer receiving equipment based on the ATSC 3.0 standard. *See* 47 C.F.R. § 74.795(b); 47 C.F.R. § 73.790(g)(3).⁵

The ancillary or supplementary audio signal occupies a portion of the remaining bandwidth assigned to the Station as part of its DTV channel. The audio signal does not derogate the Station’s obligations under Section 74.790(g)(3) of the FCC’s Rules, 47 C.F.R. § 74.790(g)(3).

The Station utilizes a complete transmitter system with a single transmission line and the antenna system set forth in the Station’s application and underlying permit. The Licensee has provided notice to all potentially affected channel 5, channel 6, 87.7 FM, and 88.1 FM stations in the Las Vegas and nearby adjoining DMAs that it will offer digital service with ATSC 3.0 video and an ancillary audio signal. As before, should any unexpected interference occur, the Licensee will promptly take remedial action, including termination of all or part of the Station’s signal as necessary.

Video Programming Statement: Applicant states that while it is operating pursuant to the Special Temporary Authority requested herein, it will continue to make efficient use of the ATSC 3.0 video portion of the Station’s signal. To satisfy this commitment, KGHD will continue to provide at least one stream of synchronized video and audio programming on the ATSC 3.0 portion of the spectrum on a full time (24h x 7d) basis at no direct charge to viewers. This video programming can be satisfactorily viewed on consumer receiving equipment based on the ATSC 3.0 standard. *See* 47 C.F.R. § 74.795(b); 47 C.F.R. § 73.790(g)(3).⁶

³ Section 73.624(c) specifically authorizes the provision of ancillary or supplementary “aural messages” and “audio signals” on a broadcast, point-to-point, or point-to-multipoint basis. 47 C.F.R. § 73.624(c).

⁴ See 47 C.F.R. § 73.682(f) (permitting operations that comply with the standards set forth in ATSC A/322:2017); Advanced Television Systems Committee, ATSC Standard: Physical Layer Protocol (A/322) 69, Table 7.1 (June 6, 2017).

⁵ Although Section 74.795(b) references the DTV standard in Section 73.682(d), Section 73.682(f) permits the use of ATSC 3.0 “[a]s an alternative to broadcasting only an ATSC 1.0 signal,” 47 C.F.R. § 73.682(f), and Section 74.782 permits LPTV stations to operate exclusively using the ATSC 3.0 standard, *id.* § 74.782(c).

⁶ Although Section 74.795(b) references the DTV standard in Section 73.682(d), Section 73.682(f) permits the use of ATSC 3.0 “[a]s an alternative to broadcasting only an ATSC 1.0 signal,” 47 C.F.R. § 73.682(f), and Section 74.782 permits LPTV stations to operate exclusively using the ATSC 3.0 standard, *id.* § 74.782(c).

Station KGHD-LD previous broadcast programming from France 24, which is a global network that provides economic, cultural, and environmental programming from throughout the world.

Station KGHD-LD currently is airing video programming from the DIYA TV Network. Diya TV is an American broadcast television network that was founded in 2009 by Ravi Kapur, an award-winning journalist, and is based in San Francisco, California. It is the widest distributed Asian American owned and themed television network in the United States, reaching in excess of 75 million people over the air.

Obidias Porras affirms the following conditions:

- FM6 operations are being conducted on 87.75 MHz.
- STA operates on a non-interference basis to broadcast television and radio users.
- KGHD's audio and video coverage reach similar populations.
- Porras has had prepared written reports, prepared 90 days and again 180 days from the initial grant of the STA, detailing any reports of interference to other licensed users and any interference between KGHD's video and audio services that in any way limits the coverage of its video. Those Reports are attached hereto.
- During the term of this STA, KGHD has provided at least one stream of synchronized video and audio programming on the ATSC 3.0 portion of the spectrum on a full time (24x7) basis.
- During the term of this STA, the technical facilities of KGHD have not, and will not, be modified. The license of KGHD has not been assigned or transferred.

I hereby declare, under penalty of perjury, that the forgoing is true and correct.



Obidia Porras

September 8, 2023