



Federal Communications Commission
Washington, D.C. 20554

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Re: KTAV-LP, Altadena, California
File No. BDISDTL-20090609ACK
Facility ID No. 6791

KEDD-LD, Los Angeles, California
File No. BDISDTL-20110620AAH
Facility ID No. 56793

Dear Licensees:

This is with respect to the above-referenced mutually exclusive displacement applications for digital facilities on channel 46, filed by Alma Vision Hispanic Network, Inc. ("Alma Vision"), the licensee of KTAV-LP, Altadena, California, and Venture Technologies Group, LLC ("VTG"), the licensee of KEDD-LD, Los Angeles, California. For the reasons set forth below, the application filed by Alma Vision is granted and the application filed by VTG is dismissed.

Background. On June 9, 2009, shortly after it received notice from Riverside County, California of its plans to commence testing of its mobile radio system in the 700 MHz band, Alma Vision filed its application to move the operations of KTAV-LP from its licensed, out-of-core channel 69 to in-core channel 46, and to convert the station to digital operations. Because of the proximity of the proposed facilities to the U.S.-Mexico border, the staff was required to refer the displacement application to Mexico for coordination. Accordingly, Alma Vision requested and received an Engineering STA to operate a digital facility on channel 46 while its displacement application was pending.¹ The Commission received concurrence from the government of Mexico in March 2011 and Alma Vision's displacement application was proposed for grant by Public Notice released May 24, 2011.

VTG, which is also the licensee of KNLA-LD, channel 50, Los Angeles, acquired KEDD-LD, channel 50, from Adelman Broadcasting, Inc. ("Adelman") on June 6, 2011 pursuant to a Settlement

¹ See FCC File Nos. BSTA-20090722ABT, granted August 20, 2009; most recent extension, FCC File No. BESTA-20110720ACB, granted July 25, 2011.

Agreement approved by the staff.² As part of the Asset Purchase Agreement for KEDD-LD, Adelman agreed to consent to interference that would result to KEDD-LD from a future amendment to a pending minor change application for KNLA-LD.³ Immediately prior to consummating its acquisition of KEDD-LD, VTG amended its pending minor change application for KNLA-LD to propose facilities identical to the then-licensed KEDD-LD facilities and request a waiver of impermissible interference based on Adelman's acceptance of such in the Asset Purchase Agreement.⁴ The KNLA-LD application was granted on June 17, 2011 and VTG filed its above-referenced displacement application three days later, stating that "KEDD-LD IS DISPLACED BY KNLA-LD, WHICH IS ON THE SAME CHANNEL AND ON THE SAME TRANSMITTER FARM AS KEDD-LD. THE TWO STATIONS ARE INCOMPATIBLE."⁵ On June 23, 2010, VTG filed its petition to deny Alma Vision's displacement application, to which Alma Vision filed an opposition and VTG a reply.

Discussion. In its petition to deny, VTG argues that its June 20, 2011 displacement application takes precedence over Alma Vision's June 9, 2009 displacement application because "the KEDD application, which seeks displacement from a digital channel to another digital channel, receives a higher priority than the KTAV application, which seeks displacement from an analog channel to a digital channel."⁶ In support, VTG cites to Section 74.787(a)(4) of the Commission's rules,⁷ which provides, in pertinent part, that "Where a displacement relief application for a digital low power television or television translator station becomes mutually-exclusive [with] . . . a displacement relief application for an analog low power television or television translator station . . . priority will be afforded to the displacement application for the digital low power television station or television translator station to the exclusion of other applications."

In its opposition, Alma Vision asserts that the rule does not create a priority for a digital-to-digital displacement application over an analog- to-to digital displacement application.⁸ We agree. When the Commission first established rules and policies for digital low power television and television translator stations, it sought to establish a regulatory framework which would hasten the transition of these stations from analog to digital operations.⁹ With respect to displacement applications, the Commission concluded that applications for both analog and digital displacement channels would have priority over applications for new or modified digital facilities.¹⁰ The Commission continued that with respect to mutually exclusive displacement applications:

In order to continue to encourage digital conversion and place an emphasis on new digital service, we will also place a priority on digital displacement applications over analog displacement applications. That is, an application for analog displacement relief will be dismissed if it becomes mutually exclusive with an application for digital displacement relief.¹¹

² See FCC File No. BALTTL-20110328AAX.

³ *Id.* at Exhibit 11, Section 1.9.

⁴ See FCC File No. BPDTL-20090630AEN.

⁵ FCC File No. BDISDTL-20110620AAH, Exhibit 1.

⁶ VTG Petition to Deny at 1.

⁷ 47 C.F.R. § 74.787(a)(4).

⁸ Alma Vision Opposition at 5-6.

⁹ *In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Report and Order, 19 FCC Rcd 19331 (2004).

¹⁰ *Id.* at 19376.

¹¹ *Id.*

If Alma Vision was proposing an analog displacement facility on channel 46, then VTG's application proposing a digital displacement facility on channel 46 would have priority. Alma Vision, however, is also proposing a digital displacement facility and its application is entitled to cut-off protection from VTG's application.¹²

In view of the foregoing, the Petition to Deny filed by Venture Technologies Group, LLC IS DENIED, the above-referenced digital displacement application for KTAV-LP IS GRANTED, and the above-referenced digital displacement application for KEDD-LD IS DISMISSED.

Sincerely,

Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

¹² 47 C.F.R. § 73.3572(f).