

KSCI, Long Beach, California
Facility ID No. 35608
Application for Engineering Special Temporary Authority

KSLS, Inc. (“KSLS”), licensee of KSCI, Long Beach, California, serving the Los Angeles DMA, seeks Special Temporary Authority (“STA”) to operate a digital facility in accordance with the parameters specified in this application, pending the completion of construction of KSCI’s permanent operating facility.

KSCI is authorized to operate on digital channel 18. On June 19, 2008, KSLS filed an application for a modified construction permit that would allow it to regularize its antenna pattern and maximize its digital signal with an effective radiated power (“ERP”) of 700 kW. *See* File No. BMPCDT-20080619ACW. Channel 51 of San Diego, Inc. (“KUSI”), which is also authorized to broadcast on digital channel 18 in the immediately adjacent San Diego DMA, filed an informal objection. KUSI’s objection was based on the method of calculating ERP for a system that uses beamtilting. On August 4, 2009 the Commission granted KSLS’s application, finding that it does not exceed the 0.5% additional interference standard to any potentially affected station (copy of grant letter attached).

Meanwhile, on May 29, 2009, KSLS filed an application for an interim post-transition STA, File No. BDSTA-20090529AJU. This STA proposed a maximum of 180 kW ERP. KUSI filed an objection to the STA application “For the same reasons that have been set forth in [its] ‘Informal Objection’ to a grant of BMPCDT-20080619ACW”. Facing the imminent end of analog broadcasting without a viable digital authorization, KSLS applied for an STA that specified an ERP of 150 kW, File No. BDSTA-20090610AAT, “Without prejudice to any of the positions that KSLS has taken in support of its application to modify the construction permit for KSCI, and without accepting any of the arguments made by KUSI in its oppositions.” The Commission granted the 150 kW STA on June 11, 2009.

In granting KSCI’s permanent construction permit modification, the Commission found that KUSI was relying on a “beamtilting penalty” that is no longer applicable. Because KUSI’s objection to the 180 kW STA was based on the same reasoning as its objection to the 700 kW modified construction permit, there should now be no impediment to grant of the 180 kW STA. Accordingly, this application proposes the same parameters as the application filed on May 29, BDSTA-20090529AJU.

This STA will enable KSLS to better provide its wide range of multicultural, multilingual programming to minorities within the Los Angeles market, including five hours of local news and talk shows each day, plus additional digital multicast channels also serving minority audiences. Accordingly, grant of this STA will serve the public interest.



Federal Communications Commission
Washington, D.C. 20554

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Re: KSCI-DT, Long Beach, California
File No. BMPCDT-20080619ACW
Facility ID No. 35608

Gentlemen:

This is with respect to the above-referenced application filed by KSLS, Inc. for modification of the post-transition construction permit for station KSCI-DT, channel 18, Long Beach, California. Channel 51 of San Diego, Inc. ("Channel 51"), the licensee of KUSI-DT, channel 18, San Diego, California, filed an Informal Objection. KSLS filed a response and Channel 51 filed a reply.

Section 73.616(e) of the Commission's rules provides that "an application will not be accepted if it is predicted to cause interference to more than an additional 0.5 percent of the population served by another post-transition DTV station."¹ The KSCI-DT application proposes a directional antenna with both electrical and mechanical beam tilt. Channel 51 argues that the antenna azimuth pattern in the application is incorrectly calculated by using the horizontal plane, as specified in Section 73.625(c)(3) of the rules, rather than radio horizon relative field values as specified in Section 73.625(c)(5).² According to Channel 51, when using the methodology prescribed in Section 73.625(c)(5), the facility proposed in the KSCI-DT modification application will cause additional interference to 1.7% of the population served by KUSI-DT.

As written, Section 73.625(c)(5) applies to "[a]pplications proposing the use of electrical beam tilt pursuant to section 73.622(f)(4)" The Commission initially limited maximization requests by UHF stations to 200 kw, and Section 73.622(f)(4) was adopted in 1998 to allow UHF stations to increase power up to a maximum of 1000 kW provided, *inter alia*, that beamtilting techniques were employed so

¹ 47 C.F.R. § 73.616(e).

² 47 C.F.R. § 73.625(c)(3) and (5).

that the field strengths at the outer edges of the stations service area were no greater than would exist if the station were operating at its assigned DTV power.³ In the *Third DTV Periodic Report and Order*, however, the Commission deleted the “beamtilting penalty” set forth at Section 73.622(f)(4)(i)-(iv), concluding that it became “outdated” once the 200 kW power cap was eliminated for UHF stations.⁴ Accordingly, Section 73.625(c)(5) is no longer applicable.

We have carefully reviewed the above-referenced modification application and conclude that it complies with all pertinent interference and technical requirements, and does not exceed the 0.5% additional interference standard to any potentially affected station. In view of the foregoing, the Informal Objection filed by Channel 51 of San Diego, Inc. IS HEREBY DENIED and the above-referenced application for modification of KSCI-DT IS HEREBY GRANTED.

Sincerely,

A handwritten signature in dark ink, appearing to read "Clay Pendarvis", written in a cursive style.

Clay C. Pendarvis
Associate Chief, Video Division
Media Bureau

³ See *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Report and Order, 23 FCC Rcd 2994, ¶ 167 (2007) (“*Third DTV Periodic Report and Order*”); see also *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, 13 FCC Rcd 7418, Section III.B (1998).

⁴ *Third DTV Periodic Report and Order* at ¶ 167.