

Supplemental Technical Statement

The attached *Report and Order* in MM Docket No. 00-92 was released on October 20, 2000. From the CDBS records, it appears that the licensee of Station KSKD filed its application to implement the change in community of license to specify Dos Palos, California on February 14, 2001 (BPH-20010214ACG) and modified this application on April 6, 2004 (BMPH-20040406ACP). Both were granted. However, the licensee failed to file a license application.

Instead on July 26, 2005, the licensee filed the same application (BPH-20050726AGT) and specified Dos Palos which was granted. But again the licensee failed to construct and file the license application. Then, more recently on October 31, 2014, the licensee refiled the same application specifying Dos Palos (BPH-20141031ADX) which was granted on December 30, 2014.

Even more recently on November 13, 2015, the licensee filed a request for special temporary authority stating that the station is now silent due to its tower structure collapsing and will need to be rebuilt. Since the station has an outstanding construction permit, perhaps the licensee will construct the Dos Palos facility.

Regardless the Commission's rules and policies are clear. Station KSKD is operating at Livingston on an implied STA which is not entitled to protection from later filed applications. *See 1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules and Processes, MO&O*, 14 FCC Rcd 17625, 17540 n. 55 (1999); Letter from Peter H. Doyle to Liberman Broadcasting of Dallas, 25 FCC Rcd 4765 (2010) “(stations operating with STAs—express or implied—are entitled to no protection from operating stations, construction permits, pending applications, or subsequently filed applications.”).

In this case, the KUBB application is not proposing to modify its facilities. The application proposes to correct the height values and coordinates.