



Federal Communications Commission
Washington, D.C. 20554

October 31, 2011

Mr. Marcus Lamb
President
Word of God Fellowship, Inc.
3901 Highway 121 South
Bedford, Texas 76021

Kevin Joel Bae
Vice President
KM LPTV of Chicago – 13, LLC
3654 West Jarvis Avenue
Skokie, Illinois 60076

Re: WDCI-LP (formerly K57DN)
Chicago, Illinois
Application for Minor Change
File No. BMPDTL-20100311AAA
Fac. Id. 67898

WOCK-CD
Chicago, Illinois
Application for Minor Change
File No. BDISDTA-20100311ABP
Fac. Id. 35092

Dear Stations:

This concerns the above-referenced application of Word of God Fellowship, Inc. (WGF) for minor change for WDCI-LP (formerly K57DN), Chicago, Illinois; and application of KM LPTV of Chicago – 13, LLC (KM) for minor change for WOCK-CD, Chicago, Illinois. On March 25, 2010, the Video Division of the Media Bureau granted WGF's application. On April 8, 2010, KM filed a petition for reconsideration of that action.¹ Also before us is WGF's April 16, 2010 Informal Objection to KM's application.² For the reasons set forth below, we deny KM's petition for reconsideration, grant WGF's Informal Objection, and dismiss KM's minor application for WOCK-CD.

This proceeding began when WGF's previous application to modify its digital construction permit for WDCI-LP, channel 30 (File No. BMPDTL-20100121AEU) was dismissed by the staff on March 4, 2010. On March 11, 2010, WGF re-filed the above-referenced application to modify the channel 30 digital construction permit for WDCI-LP. On that same day, KM filed the above-referenced application for WOCK-CD. KM claims that this application is a "displacement relief application" proposing to change the station's channel from 4 to 30. The staff granted WGF's minor change application on March 25, 2010, and KM submitted its petition for reconsideration of that action.

KM argues that its March 11, 2010 application for WOCK-CD, filed the same day as WGF's minor change application for WDCI-LP, should have been given processing priority since it was a

¹ Also before us is WGF's Response filed April 20, 2010.

² Also before us are KM's Response filed April 29, 2010, and WGF's Reply filed May 7, 2010.

“displacement relief application” seeking to change the station’s channel from 4 to 30.³ WGF responds that the application for WOCK-CD was not in fact a “displacement relief application” since the station is not being displaced by any primary station. Furthermore, WGF maintains that KM’s application is defective because it failed to provide the required protection to WGF’s construction permit for WDCI-LP on channel 30.⁴ WGF opines that KM must have incorrectly believed that the construction permit had expired when in fact it had been extended.⁵ WGF requests that the Commission dismiss KM’s application and affirm the grant of its minor change application for WDCI-LP.

We find that KM’s characterization of its March 11, 2010 filing as a “displacement relief application” is incorrect. The Commission’s Rules provide that “a digital low power television or television translator station which is causing or receiving interference or is predicted to cause or receive interference to or from an authorized TV broadcast station, DTV station or allotment or other protected station or service, may at any time file a displacement relief application for change in channel”⁶ As noted by WGF, there is no authorized station, allotment or other protected station or service threatening KM’s use of digital channel 4. KM acknowledges that WOCK-CD is not being “displaced” by another station or service, as required by the displacement relief rule; however, it claims “there is ample support for the premise of displacement from a VHF channel to a UHF channel predicated on impulse noise interference.”⁷ KM also argues that the Commission has recognized that lower VHF channels 2-6 are “not optimal spectrum for digital operations as they are subject to a number of technical penalties. . . .”⁸ However, the precedent cited by KM does not involve application of the Commission’s displacement relief rule and are, therefore, inopposite. The fact remains that WOCK-CD’s existing digital operation on channel 4 has not been “displaced” and, therefore, KM could not have been afforded processing priority for its March 11, 2010 application. Furthermore, KM’s application failed to provide the requisite interference protection to WGF’s channel 30 construction permit. Therefore, for the above-outlined reasons, we affirm the grant of WGF’s March 11, 2010 application and dismiss KM’s March 11, 2010 application.

Accordingly, IT IS ORDERED, That the petition for reconsideration of KM LPTV of Chicago – 13, LLC IS DENIED.

IT IS FURTHER ORDERED, That the Informal Objection of Word of God Fellowship, Inc. IS GRANTED.

³ See 47 C.F.R. § 73.787(a)(4) (“where a displacement relief application . . . becomes mutually exclusive . . . with other non-displacement relief applications for facilities modifications . . . priority will be afforded to the displacement application . . . to the exclusion of other applications”).

⁴ See File No. BDISDT-20060213ACF.

⁵ See File No. BEP-20100203ACM.

⁶ 47 C.F.R. § 73.787(a).

⁷ KM’s Response to Informal Objection at 1-2, citing *Lexington, Kentucky*, 24 FCC Rcd 12946 (MB 2009); *Chicago, Illinois*, 24 FCC Rcd 11880 (MB 2009); *Danville, Kentucky*, 24 FCC Rcd 1140, 1141 (MB 2009); and Second Periodic Review of the Commission’s Rules and Policies Affecting Its Conversion to Digital Television, *Report and Order*, 19 FCC Rcd 18279, 18306, n. 129 (2004).

⁸ *Id.* citing *PMCM TV, LLC*, 24 FCC Rcd 14588 (MB 2009); *Butte, Montana*, 16 FCC Rcd 10770 (MB 2001); *Albany, New York*, 19 FCC 4329 (MB 2004).

IT IS FURTHER ORDERED, That the application (File BDISDTA-20100311ABP) of KM LPTV of Chicago – 13, LLC IS DISMISSED.

Sincerely,

Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

cc: Robert L. Olender, Esq. – Counsel for Word of God Fellowship, Inc.
Aaron P. Shainis, Esq. – Counsel for KM LPTV of Chicago – 13, LLC