



Federal Communications Commission
Washington, D.C. 20554

May 2, 2013

Capital Broadcasting Corporation
5220 Campo Road
Woodland Hills, California 91364

Re: KSKJ-CD, Van Nuys, California
Facility ID No. 36717
File No. BRTTA-20060809AAL
File No. BALDT-20130130AAF

Dear Licensee:

This letter is in regard to the 2006 license renewal application of Capital Broadcasting Corporation ("Capital"), the licensee of Class A television station KSKJ-CD, Van Nuys, California, as well as Capital's continuing operation of KSKJ-CD.

Class A television stations are accorded primary spectrum use status pursuant to the Community Broadcasters Protection Act of 1999 ("CBPA").¹ To qualify for Class A status, the CBPA provides that, during the 90 days preceding enactment of the statute, a low power television station must have: (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of programming produced within the market area served by the station; and (3) been in compliance with the Commission's rules for low power television stations.² Class A licensees must continue to meet these eligibility criteria in order to retain Class A status.³

In addition, beginning on the date of its application for a Class A license and thereafter, the CBPA requires that a station must be "in compliance with the Commission's operating rules for full-power television stations."⁴ In implementing the CBPA and establishing the Class A television service, the Commission applied to Class A licensees all Part 73 regulations except for those that could not apply for technical or other reasons. Among the Part 73 requirements that apply to Class A licensees are the Commission's main studio requirements;⁵ rules governing informational and educational children's programming and the limits on commercialization during children's programming; the requirement to identify a children's programming liaison at the station and to provide information regarding "core" educational and informational programming aired by the station to publishers of television program guides; the public inspection file rule,

¹ Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 -1501A-598 (1999), *codified at* 47 U.S.C. § 336.

² 47 U.S.C. § 336(f)(2)(A)(i).

³ 47 U.S.C. § 336(f)(1)(A)(ii); 47 C.F.R. § 73.6001(b).

⁴ 47 U.S.C. § 336(f)(2)(A)(ii).

⁵ *In the Matter of Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000) ("R & O"), Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 8244, 8254-56 (2001) ("MO & O on Recon"). This includes maintaining a meaningful management and staff presence of at least two full-time personnel in order to serve the needs and interests of the residents of the station's community of license.

including preparing and placing in the public inspection file on a quarterly basis an issues/programs list and the station's quarterly-filed FCC Form 398 (Children's Television Programming Report); the political programming rules; station identification requirements; and the Emergency Alert System (EAS) rules.⁶ Moreover, Class A licensees are subject to Section 73.1350(a) of the Rules, which prohibits operation of a broadcast station at variance from the terms of the station's authorization. Class A television licensees are also subject to the regulations regarding fines and penalties applicable to full power television stations, and are subject to loss of Class A status if they fail to meet these ongoing program service and operating requirements.⁷

Commission records indicate that Capital did not complete its Form 398 electronic filings for station KSKJ-CD in a timely manner for 22 quarters during the license term covered by its pending renewal application and for 23 quarters during Capital's continued operation of the Station subsequent to the filing of that application. Certain reports were filed as long as five years after the due date.

Moreover, we have no evidence that Capital prepared quarterly issues/programs lists during the license term covered by its pending renewal application, and certain issues/programs lists that were submitted for the quarters during its continued operation of the Station claim that the programs that provided the "most significant treatment of community issues" were the "Shop at Home" show and unspecified public service announcements.

Relatedly, Capital has certified that KSKJ-CD "provide[s] an average of at least three hours per week of locally produced programming quarterly."⁸ However, this certification requires additional clarification, given the issues/programs lists that Capital uploaded to its online public file. For example, the issues/programs list for the first quarter of 2009 lists the "Shop at Home" show and "New Zoo Review" as the only programs broadcast during this quarter, and we seek clarification about whether these or any other programs broadcast on KSKJ-CD are locally produced.

Finally, we have also received reports that the Station: (i) may be operating at unauthorized variance from its licensed authorization, in particular by using a different make and model antenna than the one authorized in the station's digital authorization and (ii) does not have a main studio compliant with our Rules.

In order to determine whether the Station is meeting the requirements of Class A status, Capital shall provide the following information for the Station:

- 1) A declaration from a Station representative stating the date on which each of the Children's Television Programming Reports since 2001 were placed in the Station's public file;
- 2) For all quarters between 2001 and the third quarter of 2006, a copy of the Station's quarterly issues/programs list with a statement giving the dates on which the lists were prepared and placed in the public inspection file and/or, if reports

⁶ *R & O*, 15 FCC Rcd at 6366

⁷ *MO & O on Recon*, 16 FCC Rcd at 8257.

⁸ See "Capital Broadcasting Corporation, KSKJ-CD, Class A Continuing Eligibility," available at <https://stations.fcc.gov/station-profile/kskj-cd/more-public-files/browse-%3eclass_a_tv_continuing_eligibility>.

were not prepared and placed in the public file, a declaration from a Station representative providing an explanation why not;

- 3) A declaration from a Station representative providing a detailed explanation of how the programming listed on the issues/programs lists filed from the fourth quarter of 2006 through the fourth quarter of 2009 meets the standard of “significant treatment of community issues” stated in Section 73.3526(e)(11)(i) of the Rules;⁹
- 4) A declaration from a Station representative providing a detailed explanation of how the programming provided by KSKJ-CD complies with the “locally produced programming” requirement of Section 73.6001(b) of the Rules;¹⁰
- 5) The hours that the designated main studio location is regularly open to the public;
- 6) A description of the production equipment maintained at the designated main studio location;
- 7) The names of the persons employed at the designated main studio location as Station personnel since January 1, 2010, and their typical daily work schedule;
- 8) The street address of the location of the Station’s public inspection file, the hours during which the file is available for public inspection, and the name of the person responsible for providing access to the public inspection file;
- 9) A declaration from a Station representative confirming that the Station is operating and has always operated in compliance with the specifications in its licensed authorization and, if the Station is not operating or in the past has not operated in compliance with that authorization, a detailed explanation of why it is not/did not.

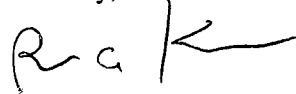
Your submission must be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, ATTN: Barbara A. Kreisman, Chief, Video Division, Media Bureau, within 30 days of the date of this letter. An electronic copy should also be sent to peter.saharko@fcc.gov.

⁹ 47 C.F.R. § 73.3526(e)(11)(i).

¹⁰ 47 C.F.R. § 73.6001(b).

In the event that KSKJ-CD wishes revert to low power television status, you need only notify us of this election and request a change in status for the station.¹¹ Should the Station make such an election, the potential violations addressed in this letter would be moot and no further response would be required. Failure to provide the requested information or to request a change in status within 30 days from the date of the letter will result in further action, including potential loss of Class A television status or referral of your license renewal application to the Commission and potential loss of license.

Sincerely,

A handwritten signature in black ink, appearing to read 'B A K', with a stylized flourish extending from the 'K'.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc:

Howard M. Weiss
Fletcher, Heald & Hildreth P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209-3801

¹¹ See 47 C.F.R. § 73.6001(d).