



Federal Communications Commission
Washington, D.C. 20554

1800E3-JLB

Venture Technologies Group, LLC
c/o Gregory L. Masters, Esq.
Wiley Rein LLP
1776 K Street, N.W.
Washington, D.C. 20006

KM LPTV of Chicago-13, LLC
c/o Jeffrey L. Timmons, Esq.
1400 Buford Highway, Suite G-5
Sugar Hill, Georgia 30518-8727

Re: File Nos. BDISTVL-20061026AEA
And BDISDVL-20070814ABI
Facility ID Nos. 128239; 168757

Gentlemen:

This is with respect to the above-referenced displacement applications filed by Venture Technologies Group, LLC (Venture) and KM LPTV of Chicago-13, LLC (KM). Both parties have filed an informal objection to the other's application.

Venture is the licensee of low power television station WLFM-LP, analog channel 55, Rochelle, Illinois, and was displaced by the initiation of a "mediacast" service on channel 55 in Chicago, Illinois by QUALCOMM, Incorporated in October 2006. Venture filed its displacement application for analog channel 6 on October 26, 2006, and that application was placed on a proposed grant list released March 20, 2007. KM is the licensee of WOCK-CA, analog channel 13, Chicago, and holds a construction permit for digital companion channel on channel 12. KM filed a digital displacement application for channel 6 on August 14, 2007, which is mutually exclusive with Venture's analog displacement application on the same channel. According to KM, its digital displacement application is entitled to priority over Venture's analog displacement application and requests that Venture's application be dismissed.

KM is correct that the Commission has stated that "an application for analog displacement relief will be dismissed if it becomes mutually exclusive with an application for digital displacement relief."¹ KM, however, is not entitled to file a digital displacement application at this time. KM states that it has been displaced by "a recent change in the digital television ("DTV") Table of allotments," specifically, the substitution of channel 12 for digital channel 11 at Chicago for station WBBM-DT.² We note first,

¹ See *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MB Docket No. 03-185, 19 FCC Rcd 19331, ¶135 (2004).

² See *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, MB Docket No. 87-268, FCC 07-138 at n.184 (released August 6, 2007)(the "Final DTV Table Order").

that the *Final DTV Table Order* is not yet effective,³ and that the channel 12 allotment was contested in the underlying rulemaking proceeding. More importantly, Section 73.3572(a)(4)(ii) of the rules only permits the filing of a displacement application where the low power television station is predicted to cause or receive interference to or from an authorized DTV station. WBBM-DT has not yet applied for a digital construction permit for channel 12, and even assuming that the DTV Table becomes final with respect to this allotment within 30 days of publication of the *Final DTV Table Order*, WBBM-DT cannot apply for a construction permit for the facilities specified in the DTV Table until the Commission adopts interference and technical standards for post-transition digital operations.⁴

In view of the foregoing, the Informal Objection filed by Venture IS GRANTED and the application filed by KM (File No. BDISTVL-20070814ABI) IS HEREBY DISMISSED. We also conclude that the displacement application filed by Venture meets all of the Commission's technical rules and accordingly, that application (File No. BDISTVL-20061026AEA) IS HEREBY GRANTED.

Sincerely,

Hossein Hashemzadeh
Assistant Chief, Video Division
Media Bureau

³ The *Final DTV Table Order* was published in the Federal Register on September 26, 2007, 72 FR 54720, and does not become effective until 30 days after publication.

⁴ See *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Notice of Proposed Rulemaking (released May 18, 2007).