

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C.**

In re Application of)	
)	
Venture Technologies Group, LLC)	File No. 0000054821
KSCZ-LD, San Jose-San Francisco, CA)	Facility ID 167279
)	
For Construction Permit for Minor Modification)	

To: Chief, Video Division, Media Bureau

OPPOSITION TO PETITION FOR RECONSIDERATION

Venture Technologies Group, LLC (“VTG”), the licensee of KSCZ-LD, San Jose-San Francisco, CA (Facility ID No. 167279) (“KSCZ” or the “Station”), by its attorneys, hereby opposes the Petition for Reconsideration filed by Diya TV, Inc. (“Diya Petition”), to the above-captioned minor modification application for KSCZ (“KSCZ Displacement Application”).¹ The Petition is nothing more than a poorly disguised attempt by Diya to guard its “broadcast territory.” It fails to state a valid basis to reconsider the grant of the KSCZ Displacement Application and must be immediately dismissed.

The Diya Petition admits that grant of the KSCZ Displacement Application places the Station in competition with its station, KAAP-LD. In an effort to banish any competition, Diya concocts this nonsensical claim against KSCZ alleging that the modifications made to the Station over the past eleven years violate the Commission’s rules. This is absolutely false. Each modification of this station was within the parameters specified by the rules and the facilities built were permanent and in compliance with the terms of its construction permit.

¹ This Opposition is timely filed as the Petition for Reconsideration was dated August 20. However, VTG notes that despite Diya’s certificate of service certifying that a copy of the Petition was mailed on August 20, the envelope indicates that it was not mailed until 4pm on August 21. The copy was not received by VTG’s counsel until August 27.

In the eleven years since it obtained a construction permit for the digital companion channel for KSCZ, VTG has moved the station twice. The recently granted displacement application, once constructed, will be the station's third move. Although the displacement merely moves the Station to another tower on Mt. Alison, a move of less than a mile.

VTG operated KSCZ from Fremont Peak, from the tower specified in its original construction permit, from 2011 until 2012. In 2012, after its facility had been vandalized, VTG decided to move from this site. It moved to a new tower, less than 30 miles away, as allowed by the Commission's rules.² KSCZ operated from this location until 2016 when it moved to its current location on Mt. Allison. The Station continues to operate from the Mt. Allison location today. The Station's displacement facility is also located on Mt. Allison, on a tower within the same antenna farm.

Three moves in eleven years—and one of those necessitated by displacement caused by the Incentive Auction—does not paint the portrait of a station hop-skipping across the country in search of a more hospitable urban broadcast environment as implied by the Diya Petition.

Diya attempts to equate KSCZ's moves to a situation that was recently the subject of an Enforcement Bureau consent decree.³ In that case, a low power television licensee constructed a vast number of stations, then proceeded to immediately modify them and license them in a serial process to move the stations a significant distance from their original city of license. The Commission found that in some cases the licensee built only temporary facilities, meant to be operated for a short period of time before being relocated.⁴ That is not the case here. KSCZ left its original location because of vandalism, then operated from its next location for almost four

² 47 CFR § 74.787(a)(4).

³ See *DTV America Corporation*, 32 FCC Rcd 9129 (MB 2017).

⁴ *Id.*

years. It has been operating from its current location for almost two years—clearly KSCZ has nothing in common with the stations that were the subject of this consent decree.

The Bureau should immediately dismiss or deny the Diya Petition. It is nothing more than an undisguised attempt to make trouble for a new competitor.

Respectfully submitted,

VENTURE TECHNOLOGIES GROUP, LLC

/s/

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