



Federal Communications Commission  
Washington, D.C. 20554

November 25, 2019

Venture Technologies Group, LLC  
5670 Wilshire Blvd, Suite 1620  
Los Angeles, CA 90036

RE: KSCZ-LD, San Jose – San Francisco, CA  
Application for Construction Permit  
LMS File No. 0000054821  
Fac. ID No. 167279

Dear Applicant:

This concerns the above-referenced low power television (LPTV) displacement application filed by Venture Technologies Group, LLC (Venture), licensee of KSCZ-LD, San Jose-San Francisco, California (KSCZ or Station). The application was granted on July 17, 2018 and Diya TV, Inc. (Diya) filed a petition for reconsideration (Petition).<sup>1</sup> For the reasons set forth, we deny Diya's Petition.

*Background.* The Station's digital operations on channel 20 were displaced as a result of KDTV-DT, San Francisco, California being reassigned the channel 20 as part of the incentive auction and repacking process. Venture submitted the above-referenced application for channel 23 in the Commission's post-incentive auction special displacement application filing window.

Diya argues that the application fails to comply with the limit for transmitter site changes contained in Section 73.787(a)(4) of the rules.<sup>2</sup> That rule provides that digital stations may propose a change in transmitter site of not more than 48 kilometers from the reference coordinates of the existing station's community of license.<sup>3</sup> Although the transmitter site for the Station's proposed displacement facilities comply with the 48-kilometer limit, Diya argues that the proposed facilities are greater than 48 kilometers from the community of license specified in the Station's original analog construction permit.<sup>4</sup> Venture responds that its displacement application complies with the plain language of Section 74.787(a)(4) of the rules.<sup>5</sup> Venture maintains that the modified facilities in its displacement application are within 48 kilometers of the coordinates of the community of license of the Station's licensed facilities.<sup>6</sup>

<sup>1</sup> Also before us are Venture's Opposition (Opposition) and Diya's Reply (Reply).

<sup>2</sup> Diya Petition at 1.

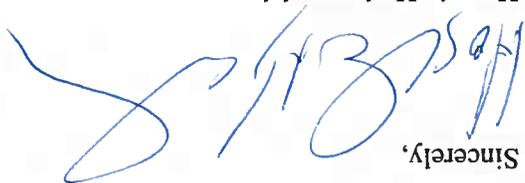
<sup>3</sup> See 47 CFR § 74.787(a)(4).

<sup>4</sup> Petition 1-2. Diya cites to the decision in *DTV America Corporation*, 32 FCC Rcd 9129 (MB 2017) (*DTV America Corporation*) where the Media Bureau found that an LPTV licensee had engaged in a pattern of repeated station moves in order to circumvent certain of the Commission's geographic filing limitations. *Id.* Diya argues that allowing the Station through a series of modification applications to move more than 139 km/86.4 miles from its original community of license has had the effect of "moving the Station from a rural area with low population density to a much more densely populated area within 75 miles of the top 100 markets, again contrary to the policy enunciated in *DTV America Corporation* . . . ." Petition at 2.

<sup>5</sup> Opposition at 2.

cc: Joan Stewart, Esq. – Counsel for Venture  
Ravi Kapur – President – Diya TV, Inc.

Hossein Hashemzadeh  
Deputy Division Chief, Video Division  
Media Bureau

Sincerely,  


**IS DENIED.**  
Accordingly, for the foregoing reasons, the Petition For Reconsideration filed by Diya TV, Inc.  
74.787(a)(4) of the rules.  
of the community of license of the Station's current licensed facilities, as required by Section  
incorrect. The application proposes changes to the Station's transmitter site that is within 48 kilometers  
comply with the 48-kilometer geographic limitation for digital transmitter site moves is factually  
application does not comply with the Commission's rules. Diya's assertion that the application fails to  
*Discussion.* We conclude that Diya has failed to demonstrate that Venture's displacement