



FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

September 15, 2010

Richard D'Amico
155 13th Street
Del Mar, CA 92014

Re: K26FA, Vista, CA
Facility ID Number 14910

Dear Mr. D'Amico:

This refers to your response to a Letter of Inquiry (LOI) dated April 8, 2009, with respect to station K26FA, Vista, California.

By way of background, we received a complaint that the station was off the air in 2007 and may have not been in operation for many years. We directed the LOI to you to determine whether the station had in fact been operating and, if not, whether you may have falsely certified that the station was operating in your 2006, and to obtain certain information regarding the construction and operation of K26FA.

You filed a response to the LOI on May 14, 2009. Therein, you state that the station has operated continuously, albeit inconsistently, since the station was acquired in 1999. You report that at first, the station did not have a regular program schedule but transmitted a signal continuously – mostly bars and tone, but also taped original programming at least twice a month for three to five hours. You relate that by approximately 2004 the amount of program broadcasts was reduced to about once a month, a practice that continues to the present (except that in 2007, you discontinued the full-time transmission of bars and tone in order to conserve equipment). You state that you personally activated the transmitter and broadcast the programming broadcast on the station. In support, you have submitted still pictures taken during the station's operation, as well as the affidavits of persons that viewed such programming as broadcast on K26FA. In addition, you have submitted evidence in the form of pictures of the station's broadcast signal (taken nearby the transmitter, yet of poor picture quality), its transmitter site and equipment, as well as receipts for equipment purchased for and used by the station, copies of utility bills, and other evidence regarding the source of programming broadcast.

You state that one of the most significant problems facing the station is that, with an effective radiated power (ERP) of one watt, K26FA covers very few people and is therefore not economically viable. You report that this situation has worsened as nearby stations have increased their power, resulting in less coverage and further degradation of its signal quality. In this regard, you assert that you have not received income from the station, and that you continue to pursue methods to increase the station's coverage and viability. Nevertheless, you maintain that the station's signal is so poor in some areas that when people tune into channel 26 they may very well see anything from a blank screen to a poor quality picture or subject to heavy snow, giving the impression that the station is not operating.

You also aver that you have consulted counsel and are familiar with the requirements of Section 312 of the Communications Act, as amended, with respect to maintaining broadcast operations and presenting a minimal amount of programming to avoid forfeiture of the station authorization.

On the basis of the materials submitted, we find no basis for further action on the complaint received concerning the operation of this station.

Sincerely,

Hossein Hashemzadeh
Associate Chief, Video Division
Media Bureau

cc: Joseph E. Dunne III, Esquire