

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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March 4, 2011

John M. Pelkey, Esq.
Garvey Schubert Barer
1000 Potomac Street NW, Fifth Floor
Washington, DC 20007

Re: KSPA(AM), Ontario, California
Facility Identification Number: 13899
Ontario Broadcasting, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed December 6, 2010, on behalf of Ontario Broadcasting, LLC ("OB"). OB requests special temporary authority ("STA") to operate Station KSPA with facilities proposed in pending Application BP-20041115AFC.¹ For reasons which are discussed herein, the request is denied.²

In support of the request, OB states that its application, which would provide a first local transmission service to the city of Chino, has been pending for more than six years due to a conflict with two applications for Culver City, CA, filed in AM Auction No. 84.³ OB states that the two applications which are in conflict with its proposal appear to be ungrantable and that, even if granted are unlikely to be built because of the requirement to construct a multi-tower directional antenna system in the Los Angeles metropolitan area. OB further states that, unless it can improve its service area, it is in danger of being forced to go silent due to the dire economic circumstances in its current service area.

Our review indicates that OB has failed to demonstrate that the Public Interest would be served by grant of its request. STA is not the appropriate vehicle for the establishment of new broadcast service in circumvention of the two-step construction permit and license process which is

¹ KSPA is licensed to Ontario, California, for operation on 1510 kHz with 10 kW daytime and 1 kW nighttime, with different directional patterns day and night (DA-2-U). Application BP-20041115AFC, as amended, proposes changing the community of license to Chino, an increase in power to 50 kW daytime (45 kW critical hours) and 6 kW nighttime, and changes to the daytime and nighttime directional patterns.

² OB filed a virtually identical request for STA on December 12, 2008, which was denied by staff letter dated December 16, 2008. OB filed a Petition for Reconsideration of the staff's action on January 26, 2009, which was denied on April 30, 2009.

³ BNP-20040130BNC, BNP-20040130ATD.

mandated by the Communications Act of 1934.⁴ OB's technical proposal in BP-20041115AFC has not been subjected to a thorough engineering review by the Staff, and there is no guarantee that the proposal is grantable. Moreover, OB's application remains in queue behind the ultimate auction winner at Culver City.⁵ Once the winner has been determined and its final technical proposal has been filed, OB must amend its application to protect the Culver City proposal, or risk dismissal. The proposed STA operation would involve a substantial extension of the daytime and nighttime coverage contours, with no guarantee that the service provided by the proposed STA operation could ever be licensed.

While we are sympathetic to OB's economic difficulties as set forth in the request, such matters do not warrant setting aside our technical rules and/or licensing procedures and policies. We note that OB is not prevented from filing an application for minor change in compliance with the Commission's technical rules and which does not conflict with other pending proposals.

Accordingly, the request for STA IS HEREBY DENIED. This action is taken pursuant to 47 CFR Section 0.283.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Ontario Broadcasting, LLC

⁴ See 47 U.S.C § 319.

⁵ See 47 C.F.R § 73.3571(f).