



Federal Communications Commission  
Washington, D.C. 20554

February 17, 2012

Entravision Holdings, LLC  
c/o Barry A. Freidman  
1920 N Street, NW  
Washington, DC 20554

Re: KETF-CD, Laredo, TX  
Facility ID No. 32177  
Request for Waiver of Section 73.682(d)

Dear Counsel:

This is in reference to Entravision Holdings, LLC's ("Entravision") request for a waiver of Section 73.682(d) of the Commission Rules, which requires digital broadcast television stations to comply with ATSC A/65C ("ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable, Revision C With Amendment No. 1 dated May 9, 2006") ("PSIP Standard").<sup>1</sup> Entravision is the licensee of the KETF-CD, RF channel 31, Laredo, Texas, which is currently authorized to operate on major channel 25.<sup>2</sup> ITC requests to operate KETF-CD on major channel 31 in lieu of major channel 25. We grant Entravision's waiver request.

The PSIP Standard explains, "For broadcasters with existing NTSC licenses, the major channel number for the existing NTSC channels, as well as the digital virtual channels, controlled by the broadcaster, shall be set to the current NTSC RF channel number."<sup>3</sup> Here, pursuant to the PSIP Standard, KETF-CD is required to operate on major channel 25, as its former NTSC license was for operation on RF channel 25.<sup>4</sup> In the *Second Periodic Review*, however, the Commission states, "To the extent broadcasters have a unique situation that is not provided for in PSIP, the Commission may grant exceptions on a case-by-case basis."<sup>5</sup>

Entravision asserts that it has a "unique situation," as contemplated by the *Second Periodic Review*,<sup>6</sup> which warrants waiver of Section 73.682(d). Entravision states that KETF-CD has determined that the operation of KETF-CD on major channel 25 results in viewer confusion since XHBR-DT, Nuevo Laredo, Tamaulipas, United Mexican States, is also currently operating on major channel 25.<sup>7</sup> The Licensee explains that the Mexican Government has

<sup>1</sup> 47 C.F.R. §73.682(d) (incorporated by reference, see §73.8000); *Id.* at §73.6024(a) (Provides that Class A television stations must meet the requirements of Sections 73.682 of the Commission's Rules.).

<sup>2</sup> PSIP Standard, Annex B at 1.1.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, FCC 04-192, 19 FCC Rcd 18279, 18346 (2004) ("*Second Periodic Review*").

<sup>6</sup> *Id.* at 18346.

<sup>7</sup> Entravision Request for Waiver of Section 73.682(d) at 1.

licensed XHBR-DT to operate on digital RF channel 25, but as the Mexican Government does not adhere to the PSIP Standard, XHBR-DT is utilizing major channel 25 for PSIP purposes. Entravision states that this is problematic as KETF-CD, Laredo, Texas is located directly across the Mexican-United States Border from XHBR-DT, Nuevo Laredo, Tamaulipas, and that the two stations have overlapping protected service contours.<sup>8</sup> Therefore the Licensee has found that “viewers in Laredo, Texas, who tune to [virtual] [c]hannel 25 have ... had XHBR-DT appear on their monitors rather than KETF-CD.”<sup>9</sup> Finally, Entravision states that there is no other television station authorized to operate on major or RF channel 31 whose protected service contour overlaps KETF-CD’s protected service contour.<sup>10</sup>

Based on the record before us, we find that Entravision presents a “unique situation” that is not provided for in the PSIP Standard. The *Second Periodic Review* provides that waiver of the PSIP Standard is to be evaluated on a case-by-case basis for those unique situations that are not accounted for by the PSIP Standard.<sup>11</sup> The PSIP Standard does not take into account the potential interference that major channel numbers sanctioned by the United Mexican States may cause to television stations located in the United States of America and licensed by the Federal Communications Commission. Furthermore, based upon Entravision’s technical showing and the Commission’s own studies, KETF-CD’s operation on major channel 31 is technically feasible as the station’s protected service contour will not overlap with the protected service contour of another station operating on major channel 31.<sup>12</sup> Therefore, Entravision’s request for a waiver of 73.682(d) of the Commission Rules is warranted as it has presented a “unique situation” not accounted for by the PSIP Standard and the waiver is technically feasible.

Accordingly, IT IS ORDERED That, Entravision Holdings, LLC’s request for waiver of Section 73.682(d) to operate on major channel 31 in lieu of major channel 25 IS GRANTED.

Sincerely,

Hossein Hashemzadeh  
Deputy Chief, Video Division  
Media Bureau

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<sup>8</sup> Second Amendment to Entravision Request for Waiver of Section 73.682(d) at 1.

<sup>9</sup> *Id.*

<sup>10</sup> First Amendment to Entravision Request for Waiver of Section 73.682(d) at 1.

<sup>11</sup> *Second Periodic Review* at 18344.

<sup>12</sup> Second Amendment to Entravision Request for Waiver of Section 73.682(d) at 1; *See also Letter from Barbara A Kreisman, Chief, Video Division to Associated Christian Television System, Inc., c/o James A. Koerner, Esq., 25 FCC Rcd. 9237, 9238 (Vid. Div. 2010) (WACX(TV)’s use of major channel 40 interfered with WWSB(TV)’s use of major channel 40 as the two stations contours overlapped and consequently caused WWSB(TV) viewers’ receivers to lock onto station WACX(TV) signal incorrectly.)*