



Federal Communications Commission  
Washington, D.C. 20554

September 26, 2002

1800E3-JLB

Venture Technologies Group, LLC  
c/o Gregory L. Masters, Esq.  
Wiley Rein & Fielding, LLP  
1776 K Street, N.W.  
Washington, D.C. 20006

Re: Applications to Convert Low Power Television  
Stations KHTV-LP, Inland Empire, and  
KSFV-LP, San Fernando Valley, California,  
To Class A Television Station Status  
File Nos. BLTTA-20010712AHT and  
BLTTA-20010712AHU  
Facility ID 60026 and 49704

Dear Licensee:

By letters dated August 5, 2002, the staff denied the above-referenced applications to convert low power television stations KHTV-LP, Inland Empire, California, and KSFV-LP, San Fernando Valley, California, to Class A Television Station status. Venture Technologies Group, LLC, the licensee of both stations, filed timely petitions for reconsideration. The license applications were dismissed because the stations were predicted to cause interference to DTV allotments and authorized DTV facilities, and the staff declined to waive the interference protection which Class A licensees must afford to DTV facilities pursuant to Section 73.6013 of the Commission's rules and the Community Broadcasters Protection Act of 1999.

On reconsideration, Venture asserts that the staff failed to take a "hard look" at its waiver requests. We disagree. The staff considered all relevant factors presented in support of the waiver requests but concluded, based upon the record before it, that the public interest would not be served by granting the requested waivers. It is well-settled that when analyzing a request for a waiver, agency rules are presumed valid, and an applicant for waiver faces a "high hurdle even at the starting gate."<sup>1</sup> We conclude again, based upon the arguments set forth in the petitions for reconsideration, the Venture has failed to meet that "high hurdle."<sup>2</sup>

Venture's assertion that the denial of the above-referenced applications "would leave [the stations] without the protections to which Class A stations are entitled" is also incorrect. In the *Report*

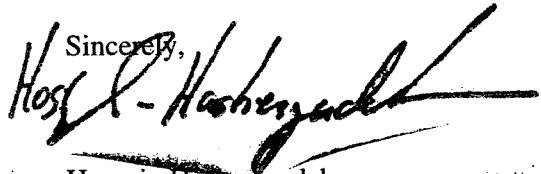
<sup>1</sup> See *Amendment of Television Table of Allotments to Delete Noncommercial Reservation*, FCC 02-209 (released July 18, 2002).

<sup>2</sup> In addition, the Community Broadcasters Protection Act of 1999 also prohibits the Commission from granting a Class A license unless the low power television station demonstrates that no interference will occur to the digital service areas. See 47 U.S.C. § 336(f)(2)(A)(7). Because this prohibition is statutory, the Commission has no authority to grant a waiver.

and Order promulgating rules for the new Class A television service, the Commission required that qualified low power television licensees file a license application on FCC Form 302-CA within six months of the effective date of the rules adopted in the *Report and Order*.<sup>3</sup> In reaching this determination, the Commission concluded that a six month deadline was reasonable and afforded applicants “who must file displacement applications adequate time to prepare and file their Class A applications consistent with the rules we adopt today.”<sup>4</sup> The Commission specifically recognized, however, that a number of potential applicants (like Venture – which is currently unable to find displacement channels to apply for) would face circumstances beyond their control that prevent them from filing within six months, and stated that with respect to those applicants, “we will examine those instances on a case-by-case basis to determine their eligibility for filing.”<sup>5</sup>

In view of the foregoing, the petitions for reconsideration filed by Venture Technologies Group, LLC ARE HEREBY DENIED. Low power television stations KHTV-LP and KSFV-LP continue to remain eligible for Class A Television Station status, and Venture is directed to file Class A license applications on FCC Form 302-CA at such time as it files displacement applications for the stations, or when the stations no longer cause impermissible interference to DTV facilities.

Sincerely,



Hossein Hashemzadeh  
Associate Chief  
Video Division  
Media Bureau

---

<sup>3</sup> *Establishment of a Class A Television Service*, 13 FCC Rcd 6355, ¶ 14 (2000).

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

<sup>5</sup> *Id.*