



Federal Communications Commission  
Washington, D.C. 20554

September 14, 2012

Mr. Walter Ulloa  
Chief Executive Officer  
Entravision Holdings, LLC  
Suite 6000 West  
2425 Olympic Boulevard  
Santa Monica, CA 90404

Mr. Douglas G. Kiel  
Vice President  
Journal Broadcast Corporation  
3355 South Valley View Boulevard  
Las Vegas, NV 89102

Re: KVER-CA, Indio, California  
Applications For Minor Change  
File Nos. BDISDVA-20090612AIJ and  
BDISDVA-20090922ABX  
Fac. Id. 69753

Application for New Low Power  
Television Station at  
Palm Springs, California  
File No. BNPDTL-20100519AEB  
Fac. Id. 187314

Dear Station/Applicant:

This concerns the above-referenced applications of Entravision Holdings, LLC (Entravision) for “minor change” for KVER-CA, channel 4, Indio, California, and Journal Broadcasting Corporation (Journal) for a construction permit for a new low power television station on channel 40 at Palm Springs, California. On September 7, 2010, the staff granted Entravision’s above-referenced June 2009 “minor change” application for a facility on channel 11 and shortly thereafter, on September 22, 2009, Entravision filed the above-referenced application for a facility on channel 40 for KVER-CA. Journal filed a timely Petition for Reconsideration of the grant of Entravision’s June 2009 application for channel 11.<sup>1</sup> Also before us is Journal’s October 27, 2010 Petition to Deny Entravision’s September 2009 “minor change” application for channel 40,<sup>2</sup> and Entravision’s September 6, 2011, Motion to Dismiss Journal’s above-referenced application for a new station<sup>3</sup> For the reasons set forth below, we grant Journal’s Petition for Reconsideration and Petition to Deny, rescind the grant of Entravision’s June 2009 “minor change” application and dismiss that application, dismiss Entravision’s September 2009 “minor change”

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<sup>1</sup> Also before us are Entravision’s Opposition filed October 27, 2010, and Journal’s Reply filed November 8, 2010.

<sup>2</sup> Also before us are Entravision’s Opposition filed November 10, 2010, and Journal’s Reply filed November 22, 2010.

<sup>3</sup> Also before us are Journal’s Opposition filed September 16, 2011, and Entravision’s Reply filed September 30, 2011.

application, and deny Entravision's Motion to Dismiss Journal's application for a construction permit for a new station.<sup>4</sup>

In the June 2009 "minor change" application requesting authorization of channel 11, Entravision represented that it qualified for "displacement relief" because KVER-CA's existing operation on channel 4 was predicted to cause interference to the licensed operation of then co-channel analog station KNBC, Channel 4, Los Angeles. Relying on that representation, the staff granted the June 2009 application. In its Petition for Reconsideration, Journal argues that Entravision did not show that KVER-CA's operation on channel 4 would cause actual interference to KNBC. Journal also argues that on the very same day that Entravision filed its application (June 12, 2009 – the day of the national digital television transition) KNBC terminated its analog operation on channel 4 as part of its transition to digital channel 36. Therefore, Journal concludes that Entravision's June 2009 application should not have qualified for "displacement relief" and should not have been accepted and granted.

Entravision subsequently filed the above-referenced September 2009 minor change application, this time representing that KVER-CA's proposed operation on channel 11 had been displaced and proposing channel 40 as the new operating channel for the station. Journal also proposed channel 40 in its application for a new low power television station at Palm Springs, California, and, therefore, the two applications are mutually-exclusive. Journal maintains that, if the staff concludes that it should not have granted Entravision's June 2009 minor change application for channel 11 because KVER-CA had not been "displaced" from its current channel 4 operation, then it must rescind that action, dismiss Entravision's channel 11 application and also dismiss Entravision's new displacement application for channel 40 since, once again, the station cannot show that KVER-CA's existing channel 4 facilities have been displaced.

We agree that Entravision's June 2009 application for channel 11 did not qualify for displacement relief and should not have been granted. Entravision's only claim for "displacement" was to the analog operation of KNBC, which was terminated the very same day as Entravision's application was filed. In addition, while Entravision submitted an engineering showing purporting to show that KVER-CA was predicted to cause interference to KNBC, the two co-channel stations had operated for years with no interference complaints. Moreover, after KNBC terminated analog operations on channel 4, there were no other channel 4 full power facilities authorized within 250 miles of the KVER-CA transmitter site.<sup>5</sup> Therefore, there was no authorized station, allotment or other protected station or service threatening KVER-CA's continued use of channel 4 at the time its June 2009 application was granted.<sup>6</sup> We therefore rescind the grant of Entravision's June 2009 minor change application for channel 11 and dismiss that application.

Entravision subsequently filed the September 2009 application for channel 40 representing that KVER-CA's proposed operation on channel 11 had been displaced, and that as a displacement application, it took priority over Journal's earlier filed mutually-exclusive new station application on channel 40. However, since KVER-CA's operation on channel 4 was never displaced, Entravision's September 2009 application for channel 40 also does not qualify for displacement relief. Therefore, we dismiss that application as well.

Accordingly, IT IS ORDERED, That the Petition for Reconsideration of Journal Broadcast Corporation IS GRANTED.

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<sup>4</sup> Journal's application for a new low power television station will remain pending for further processing.

<sup>5</sup> See 47 C.F.R. § 73.622(i).

<sup>6</sup> See 47 C.F.R. § 74.787(a).

IT IS FURTHER ORDERED, That the Petition to Deny of Journal Broadcast Corporation IS GRANTED.

IT IS FURTHER ORDERED, That the Motion to Dismiss of Entravision Holdings, LLC IS DENIED and the above-referenced application for a construction permit for a new station on channel 40 at Palm Springs, California (BNPDTL-20100519AEB) remains pending for further processing.

IT IS FURTHER ORDERED, That the grant of the application of Entravision Holdings, LLC for minor change to KVER-CA, Indio, California (File No. BDISDVA-20090612AIJ) IS RESCINDED and the application IS DISMISSED.

IT IS FURTHER ORDERED, That the application of Entravision Holdings, LLC for minor change to KVER-CA, Indio, California (File No. BDISDVA-20090922ABX) IS DISMISSED.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Barry A. Friedman, Esq. – Counsel for Entravision Communications Corporation  
John W. Bagwell, Esq. – Counsel for Journal Broadcast Corporation