



Federal Communications Commission
Washington, D.C. 20554

August 7, 2013

Blue Skies Broadcasting Corporation
5220 Campo Road
Woodland Hills, California 91364

Re: KSKT-CA,
San Marcos, California
Facility ID No. 58927
File No. BRTTA-20060809AAQ
File No. BRTTA-20090902ABR

Dear Licensee:

This letter is in regard to the 2006 and 2009 license renewal applications of Blue Skies Broadcasting Corporation ("Blue Skies"), the licensee of Class A television station KSKT-CA, San Marcos, California, as well as Blue Skies' continuing operation of KSKT-CA.

Class A television stations are accorded primary spectrum use status pursuant to the Community Broadcasters Protection Act of 1999 ("CBPA").¹ To qualify for Class A status, the CBPA provides that, during the 90 days preceding enactment of the statute, a low power television station must have: (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of programming produced within the market area served by the station; and (3) been in compliance with the Commission's rules for low power television stations.² Class A licensees must continue to meet these eligibility criteria in order to retain Class A status.³

In addition, beginning on the date of its application for a Class A license and thereafter, the CBPA requires that a station must be "in compliance with the Commission's operating rules for full-power television stations."⁴ In implementing the CBPA and establishing the Class A television service, the Commission applied to Class A licensees all Part 73 regulations except for those that could not apply for technical or other reasons. Among the Part 73 requirements that apply to Class A licensees are the Commission's main studio requirements;⁵ rules governing informational and educational children's programming and the limits on commercialization during children's programming; the requirement to identify a children's programming liaison at the station and to provide information regarding "core" educational and informational programming aired by the station to publishers of television program guides; the public inspection file rule, including preparing and placing in the public inspection file on a quarterly basis an

¹ Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 -1501A-598 (1999), *codified at* 47 U.S.C. § 336.

² 47 U.S.C. § 336(f)(2)(A)(i).

³ 47 U.S.C. § 336(f)(1)(A)(ii); 47 C.F.R. § 73.6001(b).

⁴ 47 U.S.C. § 336(f)(2)(A)(ii).

⁵ *In the Matter of Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000) ("R & O"), Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 8244, 8254-56 (2001) ("MO & O on Recon"). This includes maintaining a meaningful management and staff presence of at least two full-time personnel in order to serve the needs and interests of the residents of the station's community of license.

issues/programs list and the station's quarterly-filed FCC Form 398 (Children's Television Programming Report); the political programming rules; station identification requirements; and the Emergency Alert System (EAS) rules.⁶ Moreover, Class A licensees are subject to Section 73.1350(a) of the Rules, which prohibits operation of a broadcast station at variance from the terms of the station's authorization. Class A television licensees are also subject to the regulations regarding fines and penalties applicable to full power television stations, and are subject to loss of Class A status if they fail to meet these ongoing program service and operating requirements.⁷

Commission records indicate that Blue Skies did not complete its Form 398 electronic filings for station KSKT-CA in a timely manner for 20 quarters during the license term covered by its pending renewal applications and for 24 quarters during Blue Skies' continued operation of the Station subsequent to the filing of that application. Certain reports were filed as long as five years after the due date.

Moreover, we have no evidence that Blue Skies prepared quarterly issues/programs lists during the license term covered by its pending renewal applications, and certain issues/programs lists that were submitted for the quarters during its continued operation of the Station claim that the programs that provided the "most significant treatment of community issues" were the "Shop at Home" show and unspecified public service announcements.

Relatedly, Blue Skies has certified that KSKT-CA "provide[s] an average of at least three hours per week of locally produced programming quarterly."⁸ However, this certification requires additional clarification, given the issues/programs lists that Blue Skies uploaded to its online public file. For example, the issues/programs list for the first quarter of 2009 lists the "Shop at Home" show and "New Zoo Review" as representative programs broadcast during this quarter, and we seek clarification about whether these or any other programs broadcast on KSKT-CA are locally produced.

In order to determine whether the Station is meeting the requirements of Class A status, Blue Skies shall provide the following information for the Station:

- 1) A declaration from a Station representative stating whether the Children's Television Programming Reports since 2001 were prepared and placed in the Station's public file on approximately the same date that they were filed with the Commission, and if not, the specific date on which each of the reports were prepared and placed in the public file;
- 2) For all quarters between 2001 and the third quarter of 2006, a copy of the Station's quarterly issues/programs list with a statement giving the dates on which the lists were prepared and placed in the public inspection file and/or, if reports were not prepared and placed in the public file, a declaration from a Station representative providing an explanation why not;

⁶ *R & O*, 15 FCC Rcd at 6366

⁷ *MO & O on Recon*, 16 FCC Rcd at 8257.

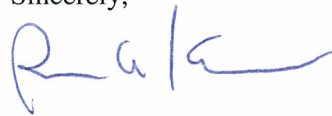
⁸ See "KSKT-CA, Class A Continuing Eligibility," available at <[https://stations.fcc.gov/collect/files/58927/Class%20A%20TV%20continuing%20eligibility/CBC-KSKT-CA-%20Class%20A%20TV%20tinuing%20Eligibility%20\(13600039125046\).pdf](https://stations.fcc.gov/collect/files/58927/Class%20A%20TV%20continuing%20eligibility/CBC-KSKT-CA-%20Class%20A%20TV%20tinuing%20Eligibility%20(13600039125046).pdf)>.

- 3) A declaration from a Station representative providing a detailed explanation of how the programming listed on the issues/programs lists filed from the fourth quarter of 2006 through the fourth quarter of 2009, or any other programming provided during those quarters, meets the standard of “significant treatment of community issues” stated in Section 73.3526(e)(11)(i) of the Rules;⁹ and
- 4) A declaration from a Station representative providing a detailed explanation of how the programming provided by KSKT-CA complies with the “locally produced programming” requirement of Section 73.6001(b) of the Rules;¹⁰

Your submission must be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, ATTN: Barbara A. Kreisman, Chief, Video Division, Media Bureau, within 30 days of the date of this letter. An electronic copy should also be sent to peter.saharko@fcc.gov.

In the event that the Licensee wishes to revert KSKT-CA to low power television status, the Licensee need only notify us of this election and request a change in status for the station.¹¹ Should the Licensee make such an election, the potential violations addressed in this letter would be moot and no further response would be required. Failure to provide the requested information or to request a change in status within 30 days from the date of the letter will result in further action, including potential loss of Class A television status or referral of your license renewal application to the Commission and potential loss of license.

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc:

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⁹ 47 C.F.R. § 73.3526(e)(11)(i).

¹⁰ 47 C.F.R. § 73.6001(b).

¹¹ See 47 C.F.R. § 73.6001(d).