



Federal Communications Commission
Washington, D.C. 20554

April 16, 2014

Coachella Communications, LLC
Lawrence Rogow
5670 Wilshire Blvd., Suite 1300
Los Angeles, CA 90036

Re: KPOM-LD, Ontario, California
Facility ID No. 191793
Request for Waivers of ATSC A/65C

Dear Counsel:

This is in reference to Coachella Communications, LLC 's ("Coachella") request for a waiver of 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").¹ Coachella is the permittee of KPOM-LD, Ontario, California, digital RF channel 45.² KPOM-LD operates on the digital companion channel of analog station KPOM-CA, Indio, California, analog RF channel 6.³ Therefore KPOM-LD will operate on major channel 6 pursuant to the PSIP Standard once the station acquires its operating license.⁴ Coachella requests to operate KPOM-LD on major channel 14 in lieu of major channel 6. We grant Coachella'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."⁵ Here, pursuant to the PSIP Standard, KPOM-LD would operate on major channel 6, as its corresponding NTSC license for station KPOM-CA is for operation on RF channel 6.⁶ 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."⁷

¹ Low power televisions are not required to implement the PSIP Standard, but may do so should they choose to. *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Report and Order, 19 FCC Rcd 19331, 19411-13 (2004).

² File No. BLTVA - 20010705ABH (granted August 27, 2001).

³ File No. BLTVA-20130722ACQ (granted August 9, 2013) (Facility ID No. 51654).

⁴ PSIP Standard, Annex B at 1.1.

⁵ *Id.*

⁶ *Id.* As noted, KPOM-LD, Facility ID 191793, will operate on the digital companion channel of KPOM-CA, Facility ID No. 51654.

⁷ *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*").

Coachella asserts that it has a “unique situation,” as contemplated by the *Second Periodic Review*,⁸ which warrants waiver of the PSIP Standard. Coachella states that is unable to use major channel 6 as the KPOM-LD 51 dBu service contour overlaps with the 51 dBu service contour of station, KSFV-CD, Los Angeles, California, digital RF channel 22,⁹ which operates on major channel 6.¹⁰ Coachella, also explains that as alternatives to major channel 6, both major channels 22 and 45 are unavailable for KPOM-LD’s use. Coachella states that KWHY-TV, San Fernando Valley, California operates on major 22, and KPOM-LD’s 51 dBu contour overlaps with the 41 dBu contour of KWHY-TV.¹¹ As for major channel 45, Coachella notes that the channel is not available for KPOM-LD’s use as KPOM-LD’s 51dBu contour overlaps with that of KRET-CA, Cathedral City, California, which currently operates on analog RF channel 45.¹² Due to the unavailability of major channels 6, 22, and 45, Coachella explains that it examined the available major channels in its market and found that major channel 14 best suites its requirements. Coachella states there are neither any television stations in southern California operating on digital RF channel 14, nor any television stations with overlapping service contours with those of KPOM-LD operating on major channel 14.¹³

Based on the record before us, we find that Coachella 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.¹⁴ The instant request is a unique circumstance as KPOM-LD is unable to operate on the major channel number it would be assigned pursuant to the PSIP standard due to a virtual channel conflict. Coachella states, and provides engineering maps in support, that KPOM-LD’s service contour will overlap with stations operating on major channels 6 and 22 and analog RF channel 45. We have recognized in the past that when two stations with overlapping service contours operate on the same major channel number, viewers’ receivers in the overlapping service contour areas may lock onto the incorrect signal.¹⁵ Furthermore, based

⁸ *Id.* at 18346.

⁹ KSFV-CD’s analog facility, KSFV-LP, Facility ID No. 49704, operates on analog RF channel 6. File No. BLTVA-20021125ABK.

¹⁰ Petition for Waiver of 47 C.F.R. § 73.682(d) at 1.

¹¹ *Id.* In certain circumstances when the major channel number pursuant to the PSIP Standard is not available for a station, practice has been to use the digital RF channel number of the station that is using the major channel number the PSIP Standard would otherwise require if the two stations’ service contours did not overlap. Therefore, Coachella examined the potential use of major channel 22, the digital RF channel number of KSFV-CD.

¹² Petition for Waiver of 47 C.F.R. § 73.682(d) at 2. Coachella examined the potential use of major channel 45 as an alternative to major channels 6 and 22, because pursuant to the PSIP Standard, a “new broadcaster without an existing NTSC license, the major channel number for the digital virtual channels controlled by the broadcaster shall be set to the FCC assigned RF channel number for ATSC digital TV broadcast.” PSIP Standard, Annex B at 1.2. Once licensed, KPOM-LD will operate on digital RF channel 45.

¹³ Amendment to Petition for Waiver of 47 C.F.R. §73.682(d) at 1.

¹⁴ *Second Periodic Review* at 18344.

¹⁵ See *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.).

on Coachella's showings, and the Commission's own studies, KPOM-DD's operation on major channel 14 is technically feasible as the station's protected service contour will not overlap with the protected service contours of another station operating on major channel 14.¹⁶ Therefore, Coachella's request for a waiver of ATSC A/65C is warranted. Coachella presents a "unique situation" not accounted for by the PSIP Standard, and the waiver request is technically feasible.

Accordingly, IT IS ORDERED That, Coachella Communications, LLC request for waivers of ATSC A/65C to operate KPOM-LD on major channel 14 in lieu of major channel 6 IS GRANTED.

Sincerely,

Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

¹⁶ *Id.*