



**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**

February 24, 2010

1800E3-A

Alma Vision Hispanic Network, Inc.  
c/o Shelley Sadowsky, Esquire  
Dickstein Shapiro LLP  
1825 Eye Street, NW  
Washington, D.C. 20006-5403

KJLA, LLC  
c/o Barry A. Friedman, Esquire  
Thompson Hine LP  
1920 N Street NW  
Suite 800  
Washington, D.C. 20036

Re: K55KD, Van Nuys, CA  
Facility ID Number 52216  
BDISTTL-20081209AEK

KSGA-LP, San Bernardino, CA  
Facility ID Number 5342  
BDISDTL-20081105ADS  
BSTA-20090630ABJ

Dear Licensees:

This is in reference to the above-captioned applications of: (1) Alma Vision Hispanic Network, Inc. (Alma Vision), licensee of K55KD, Channel 55, Van Nuys, California, for a displacement facility to operate on Channel 30 at Van Nuys; (2) KJLA, LLC (KJLA), licensee of KSGA-LP, Channel 69, San Bernardino, California, for a displacement facility to operate on Channel 30, at San Bernardino; and (3) KJLA's application for Special Temporary Authority (STA) to permit KSGA-LP to begin operation on Channel 30 while its pending displacement application remains under challenge.<sup>1</sup> As discussed in detail below, we decline to take action on the subject applications at this time, and we deny all the pleadings filed in these proceedings.

---

<sup>1</sup> In addition, KJLA filed motions to expedite consideration of its application and STA request based on a December 15, 2009 letter it received from the Chief Information Officer of Riverside, California, pursuant to FCC guidelines, stating that Riverside County was implementing an area-wide public safety 700 MHz

In its displacement application, Alma Vision states, among other things, that its proposed operation on Channel 30 is predicted to cause interference to the analog operation of KXPB (TV), San Bernardino, on Channel 30. Alma Vision asserts that such interference will be cured once KXPB abandons Channel 30 and begins its post-DTV transition operations. As a result, Alma Vision seeks a waiver of Section 73.3517 of the Commission's Rules, 47 C.F.R. §73.3517, which prohibits the filing of a contingent application, to the extent necessary for the Commission to consider and grant its displacement application. KJLA filed an Informal Objection to Alma Vision's application, alleging that it has not the high hurdle necessary for waiver of the Commission's Rules in this instance. Alma Vision filed a response challenging KJLA's analysis, and KJLA filed a reply pleading.

On January 5, 2009, KJLA amended its pending displacement application purportedly correcting part its earlier application and to make other modifications to its proposal. Shortly thereafter, Alma Vision filed a Petition to Dismiss that amendment as defective because, among other things, it proposes a significant power increase and other facilities changes which will result in substantial objectionable interference to Alma Vision's earlier-filed co-channel proposal. KJLA filed an opposition thereto challenging Alma Vision's assertions and advocating the immediate grant of its displacement application as amended.

On June 30, 2009, KJLA filed its STA request. Therein, it states that it "has filed [the above-captioned displacement application] for a construction permit for digital operation on Channel 30, but another LP filing on top of the within filing and the delay of the digital transition has not allowed the applicant to construct or operate the intended facility on a timely basis. As a means of allowing planned digital operation in the near term, this STA request provides that opportunity so that the applicant can make full use of the digital facility."<sup>2</sup> Alma Vision filed an Objection to KJLA's STA request stating, among other things, that that request constitutes "an improper, premature attempt to lay claim to digital Channel 30 before the Video Division has addressed the relative merits of [each application and the pleadings related thereto]."<sup>3</sup> KJLA filed an opposition pleading disputing Alma Vision's claims and advocating the immediate grant of its STA request.

**Discussion.** On June 10, 2009, the Commission issued a Public Notice stating that existing analog and digital Class A, low power television, and TV translators may file displacement and minor modification applications at any time, but that those filed

---

mobile radio system for the Sheriff and first responders. That letter asked respondents to advise if their stations are vacating their existing channels in the near future or be treated as a secondary service vis-à-vis their 700 MHz operations. In this regard, KJLA states that prompt action on its STA request, which was filed to accommodate the concerns of Riverside County, is in the public interest by allowing it to move off of the 700 MHz band while allowing it to continue to operate.

<sup>2</sup> STA Application, Exhibit 22.

<sup>3</sup> Objection, p.2.

prior to the end of the full-service transition on June 12, 2009, through June 30, 2009, will be treated for cut-off purposes as being filed on June 30, 2009.<sup>4</sup> As a result, the instant displacement applications of KJLA and Alma Vision are in effect mutually exclusive applications subject to the procedures set forth in Section 309 of the Communications Act of 1934, as amended, 47 U.S.C. § 309 and Section 73.3572 of the Commission's Rules, 47 C.F.R. § 73.3572. Accordingly, there is no basis to grant the relief requested by the parties inasmuch as neither party has any present authority to operate on Channel 30 prior to the resolution of the mutual exclusivity among them. Moreover, under these circumstances, we also decline to grant KJLA's requested STA.<sup>5</sup> Furthermore, in light of the above, the pleadings seeking dismissal of the other party's application and the grant of its application for a construction permit to operate on Channel 30 will be denied.

Accordingly, in light of the above discussion, IT IS ORDERED That the aforementioned Informal Objection to Alma Vision's displacement application filed by KJLA, the Petition to Dismiss the KJLA displacement application, and the Objection to KJLA's STA request filed by Alma Vision ARE DENIED.

IT IS FURTHER ORDERED that KJLA's application (BSTA-20090630ABJ) for STA to permit KSGA-LP to begin operation on Channel 30 while its pending displacement application remains under challenge IS DENIED.

Sincerely,

Hossein Hashemzadeh  
Associate Chief, Video Division  
Media Bureau

---

<sup>4</sup> DA09-1299, released June 10, 2009.

<sup>5</sup> In this regard, KJLA's present operation is on an out-of-core channel and is therefore treated as a secondary service. If, after implementation of Riverside County's public safety mobile radio system, there is any actual interference that results from KSGA-LP's operation on its present channel, then that station will be required to cease operation until the resolution of the mutually exclusive applications for Channel 30.