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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEB 10 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In Re Application Of)
)
VENTURE TECHNOLOGIES GROUP, LLC)
Los Angeles, California)
)
For A New Low-Power Television Station)
On Channel 33 in Banning, California)

File No. BNPTTL-20000831AVX

To: The Chief
Mass Media Bureau

PETITION TO DENY

Costa de Oro Television, Inc. ("Costa"), the licensee of Station KSMV-LP, Los Angeles, California, by its attorneys and pursuant to Section 73.3584(c) of the Commission's Rules, hereby petitions to deny the above-referenced application of Venture Technologies Group, LLC ("Venture") for a new low-power television station on Channel 33 in Banning, California. In support thereof, Costa states as follows.

1. Costa has standing to file and prosecute this petition to deny. KSMV-LP broadcasts on Channel 33. Venture's proposed Banning operation would adversely affect Costa by causing impermissible interference to KSMV-LP. Owing to the potential electrical interference, Costa is entitled to petitioner status. See NBC v. FCC, 132 F.2d 545 (D.C. Cir. 1942), aff'd, 319 U.S. 239 (1943).

2. In the above-captioned application, Venture seeks authorization for a low-power television station on Channel 33 in Banning, California. Pursuant to Section 74.707(d)(1) of the

Commission's Rules,¹ the Commission evaluates applications for co-channel operations on a frequency offset basis under a -28 dB interference ratio. As the Engineering Statement prepared for Costa by B.W. St. Clair, attached hereto as Exhibit 1, demonstrates, the proposed Banning operation would result in a prohibited signal contour overlap with KSMV-LP in violation of Section 74.707(d)(1). The interference contour overlap provided by Dr. St. Clair reveals substantial predicted interference within KSMV-LP's protected 74dBu contour from the proposed Banning operation. The Longley-Rice calculations performed by Dr. St. Clair indicate that the Banning station would cause KSMV-LP to lose 8.09% of its present viewing population.

3. Section 74.703(a) of the Commission's Rules prohibits the Commission from granting an application for a new low power television station where the proposed station would lead to interference within an existing Station's protected contour.² Accordingly, absent a convincing showing by Venture that the proposed Banning station would not cause interference to KSMV-LP,³ which Venture has not provided, the Commission must deny the application. In its calculations involving the potential interference to surrounding LPTV stations caused by the proposed Banning operation, Venture fails even to acknowledge KSMV-LP, let alone account

¹ 47 C.F.R. §74.707(d)(1) provides, in pertinent part:

A low power TV, TV translator, or TV booster station application will not be accepted if the ratio in dB of its field strength to that of the authorized low power TV, TV translator, or TV booster station at its protected contour fails to meet the following:

(1) -45 dB for co-channel operations without offset carrier frequency operation or -28 dB for offset carrier frequency operation.

² 47 C.F.R. §74.703(a) provides, in pertinent part:

An application for a new low power TV, TV translator, or TV booster station or for a change in the facilities of such an authorized station will not be granted when it is apparent that interference will be caused. Except where there is a written agreement between the affected parties to accept interference, or where it can be shown that interference will not occur due to terrain shielding and/or Longley-Rice terrain dependent propagation methods, the licensee of a new low power TV, TV translator, or TV booster shall protect existing low power TV and TV translator stations from interference within the protected contour defined in Section 74.707.

³ See *id.*; see also In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast System, Sixth Report and Order, 12 FCC Rcd 14588, 14654 (1997) ("We will allow LPTV and TV translator stations to make use of terrain shielding, Longley-Rice terrain dependent propagation prediction methods and appropriate interference abatement techniques to show that the station will not cause interference to other low power stations").

for the substantial interference the proposed operation would cause KSMV-LP.⁴ Yet, as Dr. St. Clair's Engineering Statement clearly shows, the proposed Banning station would cause impermissible interference within KSMV-LP's protected 74 dBu contour. Given this certain interference, the Commission should not grant Venture's application.

4. While the Venture application cannot be granted for Channel 33, Venture can still secure a permit to operate at Banning. Venture is in a position to amend its application and secure displacement relief to another channel. See Section 73.3572(a)(4). Accordingly, the denial of Venture's application is not fatal if Venture amends its application to a new channel.

WHEREFORE, Costa respectfully requests that the application of Venture Technologies Group, LLC for a new station on Channel 33, Banning, California be denied.

Respectfully submitted,

COSTA DE ORO TELEVISION, INC.

By:  _____

Barry A. Friedman
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February 19, 2002

⁴ See Exhibit 6, Technical Statement, to Venture's application.

EXHIBIT 1

Engineering Statement

Prepared for

Costa de Oro Television, Inc.

by

B.W. St. Clair



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B. W. St. Clair

ENGINEERING STATEMENT

LPTV Station KSMV-LP, Los Angeles, CA is currently licensed to operate on channel 33(-) with a maximum ERP of 76.1 kW and 11.6kW on the horizon. It was authorized to change to channel 33 as a displacement from channel 44. As a displaced station it had priority over application File No. BNPTTL-20000831AVX, an application filed by Venture Technologies Group, LLC, for a new LPTV station at Banning, CA on channel 33(+).

The Banning application shows interference to KSMV-LP as its licensed and operating transmitter site:

1. Interference contour overlap: The required ratios for UHF LPTV stations is 28dB for cochannel stations with different offsets¹ at the 74dB μ contour of the protected station. An attached plot of the F50/10 46dB μ contour of the Banning application shows substantial penetration inside the protected 74dB μ contour of KSMV-LP. Thus, the Banning application is predicted to cause objectionable and impossible interference to KSMV-LP.
2. "Longley-Rice Terrain Dependent" calculations: To determine whether terrain shielding isolates the area actually served by KSMV-LP, as licensed, from the proposed Banning station a Longley-Rice Terrain Dependent Analysis in accordance with OET Bulletin 69 was conducted. The "masking" effect of existing stations was included. It shows the proposed Banning station would cause interference to KSMV-LP amounting to 8.09% of its covered population, net after the "masking."

¹FCC Rules 74.707(d)(1)

CONCLUSION

The proposed Banning LPTV station, requested in File No. BNPTTL-20000831AVX on channel 33+ would cause significant interference to licensed LPTV station KSMV-LP. Accordingly it is not grantable.

Respectfully submitted,



B. W. St. Clair
Engineering Consultant
February 11, 2002

B. W. ST. CLAIR - Engineering Consultant

KSMV-L
 BLTTL2001119ABW
 Latitude: 34-13-38 N
 Longitude: 118-03-57 W
 Power: 11.60 KW
 Channel: 33-
 Frequency: 587.0 MHz
 AMSL Height: 1776.0 m
 Elevation: 1693.58 m
 Horiz. Pattern: Directional
 Vert. Pattern: Yes
 Elec Tilt: 0.0
 Prop Model: Longley/Rice
 Climate: Cont temperate
 Conductivity: 0.0050
 Dielec Const: 15.0
 Refractivity: 301.0
 Receiver Ht AG: 10.0 m
 Receiver Gain: 0 dB
 Time Variability: 50.0%
 Sit. Variability: 50.0%
 ITM Mode: Broadcast

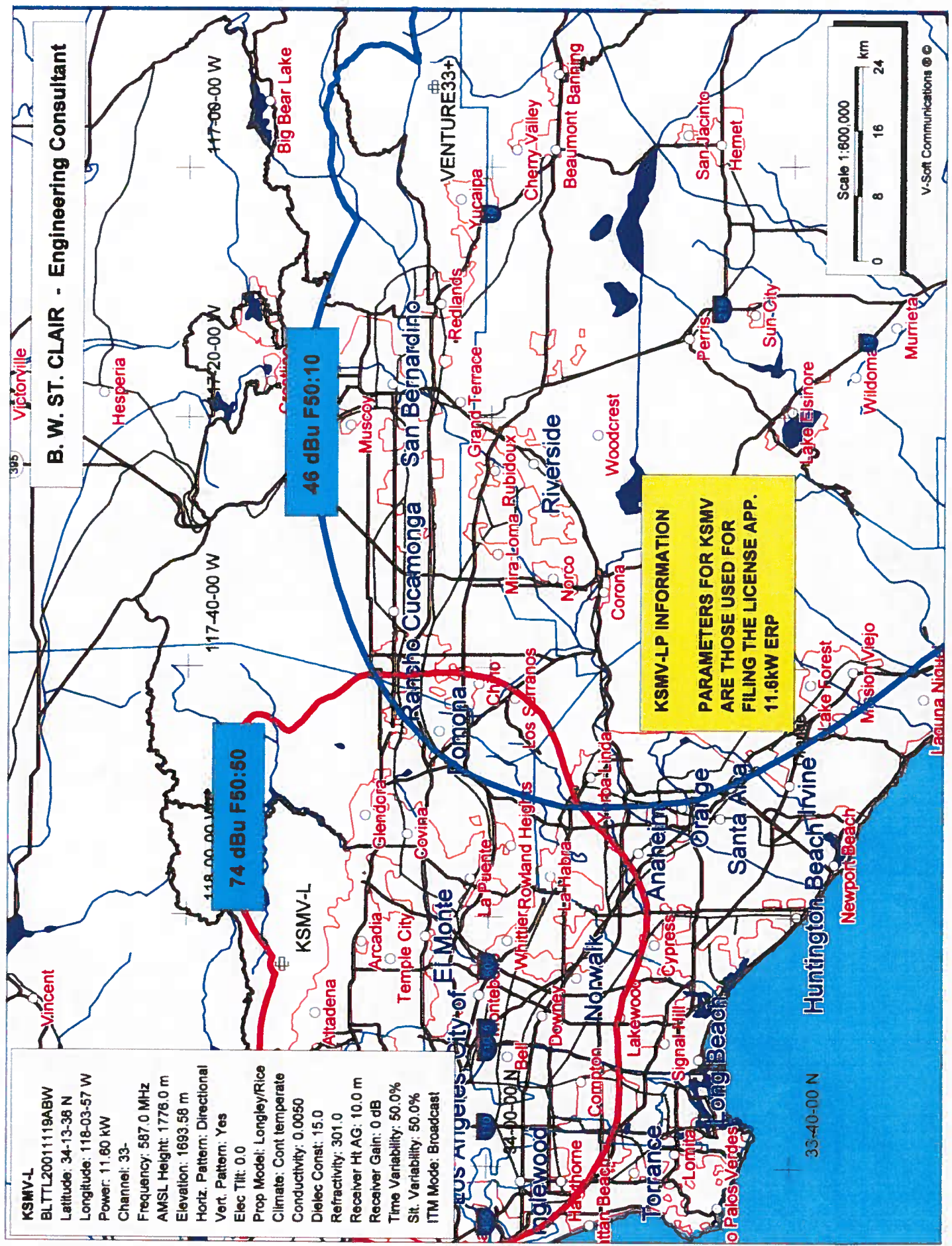
74 dBu F50:50

46 dBu F50:10

**KSMV-LP INFORMATION
 PARAMETERS FOR KSMV
 ARE THOSE USED FOR
 FILING THE LICENSE APP.
 11.6KW ERP**



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CERTIFICATE OF SERVICE

I, Barry A. Friedman, do hereby certify that I have, on this 19th day of February, 2002, served a copy of the foregoing "Petition to Deny" upon the following parties, by first-class mail, postage prepaid:

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Mr. Hossein Hashemzadeh*
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Barry A. Friedman

*By Hand