

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)	
)	
Rancho Palos Verdes Broadcasters, Inc.)	
)	CSR-5692-M
v.)	
)	
Mediacom Communications Corporation)	
)	
Request for Stay)	

MEMORANDUM OPINION AND ORDER

Adopted: October 12, 2001

Released: October 15, 2001

By the Deputy Bureau Chief, Cable Services Bureau:

I. INTRODUCTION

1. Before us is a Request for Stay (“Request”) filed by Mediacom Communications Corporation (“Mediacom”) of the Cable Services Bureau *Order* (“Bureau *Order*”) granting must carry status to KRPA(TV) (“KRPA”) on Mediacom’s Ridgecrest and Sun City, California cable systems.¹ The Bureau’s *Order* requires Mediacom to commence carriage of KRPA no later than 60 days from the date of release of the *Order*. Rancho Palos Verdes Broadcasters, Inc. (“RPVB”) has filed an opposition.

2. In support of its Request for Stay, Mediacom asserts that the underlying facts, which formed the basis for the Bureau’s decision, have been altered.² Specifically, Mediacom points out that KRPA moved its transmitting facilities from Catalina Island, California to a new location in Mt. Wilson, California, and changed its Call Letters to KXLA(TV) (“KXLA” or the “Station”).³ Mediacom argues that it cannot be required to commence carriage of KXLA because the Station, as now constituted, has different technical parameters from those of KRPA.⁴ It argues further that the Station cannot deliver a good quality signal to the headends in question as Section 614(h)(1)(B)(iii) of the Communications Act requires.⁵ Mediacom maintains that it is under no obligation to carry KXLA on the two subject cable

¹ *Rancho Palos Verdes Broadcasters v. Mediacom Communications Corporation*, DA 01-2008 (Cab. Serv. Bur., released August 27, 2001).

² Request at 1.

³ *Id.*

⁴ *Id.* at 2.

⁵ *Id.*; see 47 U.S.C. § 534(h)(1)(B)(iii).

systems until the Station delivers a signal that meets the statutory requirements.⁶

3. In its Opposition, RPVB indicates that KRPA moved its transmitter from Catalina Island, California, to Mt. Wilson, Pasadena, California on July 31, 2001, and that KRPA commenced operations as KXLA at the Mt. Wilson site on August 13, 2001.⁷ RPVB maintains that a change in transmitter locations and a subsequent change in Call Letters should not affect Mediacom's compliance with the Bureau's decision granting mandatory carriage to the Station.⁸ RPVB states that Mediacom's signal quality arguments are irrelevant to whether a stay should be granted.⁹ RPVB argues that a stay of the Bureau's *Order* would result in further delay in the carriage of its programming to the Los Angeles Designated Market Area.¹⁰ Finally, RPVB contends that Mediacom has not met the appropriate standards for granting a stay.¹¹

4. We agree with Mediacom that circumstances have changed and that the new circumstances may likely affect the carriage of KXLA. We disagree with RPVB's assertion that the delivery of a good signal quality is irrelevant to Mediacom's Petition. The delivery of a good quality signal of -45 dBm or better to a cable system's headend is one of the basic requirements for mandatory carriage. It is clear that KXLA's new technical parameters may affect its ability to deliver a good quality signal to the Ridgecrest and Sun City headends. The Commission granted must carry based on the signal strength test results Mediacom submitted in connection with KRPA and its transmitting facilities on Catalina Island, not on readings involving KXLA or its Mt. Wilson facilities. We note that KRPA moved its transmitting facilities to Mt. Wilson almost a month before the Bureau issued its *Order* and began operating as KXLA from its new location two weeks before August 27, 2001. Despite the pendency of its petition, KRPA failed to notify the Bureau of the changes, as required by Section 1.65 of the Commission's rules.¹²

5. Based on the foregoing, we grant Mediacom's Request for Stay until the Bureau has had an opportunity to review Mediacom's Petition for Reconsideration ("Petition"), which it filed concurrently with this Request. Section 1.102(b)(2) of the Commission's rules provides that if a petition for reconsideration of a non-hearing action is filed, the designated authority, may in its discretion stay the

⁶ *Id.*

⁷ Opposition at 2, n. 2.

⁸ *Id.* at 1.

⁹ *Id.* at 2.

¹⁰ *Id.* at 3.

¹¹ *Id.*, citing *Washington Transit Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841 (D.C. Cir. 1977) and *Virginia Petroleum Jobbers Association v. Federal Power Commission*, 259 F.2d 921 (D.C. Cir. 1958).

¹² 47 C.F.R. § 1.65, states in relevant part: "[e]ach applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application ... Whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, submit a statement furnishing such additional or corrected information as may be appropriate, which shall be served upon parties of record in accordance with § 1.47.

effect of its action pending disposition of the petition for reconsideration.¹³ Our action herein should not be construed as an indication of the eventual outcome of Mediacom's Petition.

II. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED**, that the Request for Stay of Order filed by Mediacom Communications Corporation **IS GRANTED** until the Bureau acts upon Mediacom's Petition for Reconsideration.

7. This action is taken pursuant to authority delegated by Sections 0.321, 1.43 and 1.102(b)(2) of the Commission's rules.¹⁴

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief, Cable Services Bureau

¹³ 47 C.F.R. § 1.102(b)(2).

¹⁴ 47 C.F.R. §§ 0.321, 1.43 and 1.102(b)(2).