

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

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

ORDER ON RECONSIDERATION

Adopted: January 8, 2002

Released: January 10, 2002

By the Deputy Chief, Cable Services Bureau:

1. Mediacom Communications Corporation (“Mediacom”) requested reconsideration of the Bureau’s decision granting the must carry complaint of Rancho Palos Verdes Broadcasters, Inc, licensee of television broadcast station KXLA (Ch. 44), Rancho Palos Verdes, California (“KXLA,” formerly KRPA).¹ An opposition to this petition was filed on behalf of KXLA to which Mediacom replied.²

2. Mediacom’s request centers around the fact that the *Bureau Order* did not afford it the opportunity to correct the deficiencies found in the signal strength tests it submitted in opposition to KXLA’s complaint to demonstrate poor signal quality. At the time these tests were conducted, KXLA’s signal was measured from the station’s Santa Catalina Island transmitter site. Since the filing of KXLA’s complaint and Mediacom’s petition for reconsideration, KXLA relocated its transmitter to Mt. Wilson, California, and is now operating from that site. As a result, the issue before us is now moot. Although Mediacom submitted signal strength tests with its petition which appear to have been conducted using KXLA’s Mt. Wilson location and which indicate that KXLA still does not meet the signal strength criteria,

¹*Rancho Palos Verdes Broadcasters, Inc. v. Mediacom Communications Corporation*, DA 01-2008 (released August 27, 2001)(“*Bureau Order*”).

²Mediacom filed a motion for stay of the *Bureau Order* which was granted by the Bureau. *See Rancho Palos Verdes Broadcasters, Inc. v. Mediacom Communications Corporation*, DA 01-2392 (released October 15, 2001). Subsequently, KXLA filed a petition for reconsideration of the Bureau’s grant of this motion. However, it should be noted that a petition for stay is interlocutory for purposes of Section 1.106(a)(1) of the Commission’s rules. *See Application Broadcasters, Inc.*, 5 FCC 2d 130 (Review Board 1966)(“Insofar as the stay request is concerned, the denial thereof was clearly an interlocutory action against which reconsideration does not lie.”); 4 FCC Rcd 2708 (Review Board 1989); 85 FCC 2d 561 (1981). *See also Quantron Communciations*, 14 FCC Rcd 17326(1999)(Bureau’s denial of emergency request to hold processing of assignment application temporarily in abeyance is interlocutory ruling not subject to reconsideration under Section 1.106 of the Commission’s rules.). In any event, our action today renders KXLA’s petition for reconsideration of the stay order moot.

we note that KXLA has reiterated its commitment to deliver a good quality signal at its own expense. In view of this fact, we will grant Mediacom's request for reconsideration to the extent that carriage of KXLA on its systems be conditioned on KXLA's ability to deliver an adequate signal.

3. Accordingly, **IT IS ORDERED**, pursuant to Section 614 of the Communications Act of 1934, as amended (47 U.S.C. §534), that the petition for reconsideration filed by Mediacom Communications Corporation **IS GRANTED** to the extent indicated above.

4. **IT IS FURTHER ORDERED** that Mediacom shall commence carriage of KXLA on its cable systems serving Ridgcrest and Sun City, California, sixty (60) days from the date on which KXLA provides a good quality signal to Mediacom's principal headends.

5. This action is taken pursuant authority delegated by Sections 0.321 and 1.106 of the Commission's rules.³

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson, Deputy Chief
Cable Services Bureau

³47 C.F.R. §§0.321 and 1.106.