



Federal Communications Commission
Washington, D.C. 20554

DA-05-2893
Adopted: 10-26-05
Released: 11-03-05

Certified Mail, Return Receipt Requested

Entravision Holdings, LLC
2425 Olympic Boulevard
Suite 6000 West
Santa Monica, CA 90404

Re: KLUZ-DT, Albuquerque, NM
Facility ID No. 35084
NAL/Acct. No. 0541420005
FRN: 0001529627

Dear Licensee:

This letter addresses the response to the *Notice Of Apparent Liability For A Forfeiture (NAL)* in the amount of \$3,000 issued on July 26, 2005, against Entravision Holdings, LLC (“Entravision”), licensee of the above-captioned station, for violation of Section 73.682(d) of the Commission’s Rules, 47 C.F.R. § 73.682(d), by failing to timely implement the ATSC A/65B Program System and Information Protocol (PSIP) standard by February 1, 2005.¹ As described herein, we cancel the forfeiture imposed.

On April 15, 2005, Entravision filed a request for waiver of the PSIP implementation deadline for 15 of its stations, including KLUZ-DT. In the NAL, we found, among other things, that KLUZ-DT did not comply with the February 1, 2005 PSIP implementation deadline, and did not seek relief from that obligation by, for example, filing a timely request for a waiver or for an extension of that deadline. We also stated that the fact that we granted other licensees’ timely requests for relief from the implementation requirement did not excuse or mitigate the failure to comply with the PSIP implementation deadline or seek appropriate relief for this station.

In response to the NAL, you state that although a waiver was requested for this station, you later learned that KLUZ-DT had, in fact, acquired the necessary equipment and fully implemented the PSIP standard on or before February 1, 2005.² You state that the inclusion of the station in the April 15, 2005 waiver request was an error resulting from miscommunication among individuals involved in the process. You therefore assert that the forfeiture imposed against this station should be cancelled.

¹ See *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, 18345 (2004).

² To support your claim, you have submitted a Declaration of Manuel Cavazos, III, Entravision’s Vice President and Director of Engineering, dated August 23, 2005.

In light of your response that this station timely implemented the PSIP standard, we will cancel the forfeiture previously imposed. Nevertheless, the licensee is properly admonished to pay more attention to the continuing accuracy of its submissions to the Commission.

Based on our review of the facts and circumstances as set forth above, IT IS HEREBY ORDERED, That pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.283, and 1.80 of the Commission's Rules, Entravision Holdings, LLC's request to cancel or reduce the forfeiture imposed against KLUZ-DT in the *NAL* IS GRANTED, and the forfeiture imposed therein IS CANCELLED.

FEDERAL COMMUNICATIONS COMMISSION

Donna C. Gregg
Acting Chief, Media Bureau

cc: Barry A Friedman, Esquire