



Federal Communications Commission
Washington, D.C. 20554

DA 08-1440
Released: June 19, 2008

Barry A. Friedman, Esq.
Thompson Hine, LLP
1920 N Street, NW
Washington, D.C. 20036-1600

Re: KJLA(TV), Ventura, CA
Petition for Reconsideration of Denial of
Request to Terminate Analog Operations
Facility ID No. 14000

Dear Mr. Friedman:

This letter is in response to your petition for reconsideration, filed on behalf of KJLA, LLC (KJLA), licensee of analog television station KJLA(TV), Channel 57, Ventura, California, and permittee of digital television (DTV) station KJLA-DT, Channel 49, Ventura, California, requesting that the Media Bureau reconsider its February 9, 2005 denial of KJLA's request to terminate the analog operation of the KJLA(TV) on Channel 57.¹ For the reasons set forth below, we grant your petition for reconsideration.²

Background. In the *2005 Denial Letter*, the Bureau concluded that the public interest would not be served by allowing KJLA to terminate its analog operations. The Bureau based its decision in February of 2005 on a number of factors, including the number of viewers that could be affected by the loss of analog service. The Bureau also found that, with respect to the impact on the pace of the DTV transition, KJLA had not shown how the public interest would be served by a grant of its request.

¹ *Letter to Barry Friedman, Esq.*, DA 05-343, released February 9, 2005 (*2005 Denial Letter*). The 700 MHz Advancement Coalition (Coalition), Core Wireless Communications, LLC (Core) and Aloha Partners, L.P. (Aloha) filed comments in support of KJLA's petition for reconsideration.

² On February 20, 2008, KJLA subsequently sought authority to terminate KJLA(TV)'s analog operations pursuant to the new procedures adopted in *Third Periodic DTV Review Report and Order*, 23 FCC Rcd 2994, ¶¶115-117 (2007). See File No. BLSTA-20080220AAW. The staff found that KJLA's request did not comply with the policy set forth in the *Third Periodic DTV Review Report and Order* and denied its request. See *Letter to KJLA, LLC*, from Clay Pendarvis, May 15, 2008. On May 23, 2008, KJLA sought reconsideration of that action. Given our decision today to grant reconsideration of the 2005 Denial Letter and permit KJLA(TV) to terminate its analog operations under the Commission's band-clearing policy, we dismiss as moot KJLA's May 23, 2008 reconsideration.

In its petition for reconsideration, KJLA argues that (1) the loss of analog service would be “negligible;” (2) the Bureau’s decision was not consistent with Commission precedent and the Communications Act; and (3) relinquishment of analog Channel 57 would allow for the early introduction of service by new wireless service operators.

Discussion. We find that circumstances have changed since we first considered KJLA’s request to terminate the analog operations of KJLA(TV). The spectrum comprising the station’s analog channel 57 has been auctioned and shortly will be licensed for use by a new commercial wireless entity.³ Therefore, unlike the circumstances in early 2005, relinquishment of analog Channel 57 may allow for “the early introduction of service by new wireless service operators.”⁴ Furthermore, since we first considered KJLA’s request to terminate the analog operations of KJLA(TV), Congress created a hard deadline of February 17, 2009 for full-power stations to cease analog operations and begin operating only in digital.⁵ With the DTV transition deadline fast approaching, we believe our focus should be on helping stations to meet their statutory responsibilities and begin operations on their final, post-transition (digital) channels upon expiration of the February 17, 2009 transition deadline. Allowing the early termination of analog service may be necessary and beneficial to allow stations like KJLA(TV) the flexibility to achieve a successful and timely transition. Therefore, we believe the public interest would be served by allowing KJLA to terminate the analog operations of KJLA(TV) prior to the February 17, 2009 transition date provided KJLA minimizes disruption to its over-the-air viewers by complying with the viewer notification requirements set forth herein.

Wherefore, the above facts considered, KJLA’s petition for reconsideration IS GRANTED.

Not earlier than sixty days from the date of this decision, KJLA may terminate the analog operations of KJLA(TV) provided that the station complies with the following viewer notification requirements: The station must air viewer notifications on its analog and DTV facilities every day on-air at least four times a day including at least once in primetime for the sixty-day period prior to the termination of the analog signal. These notifications must include: (1) the station’s call sign and community of license; (2) the fact that the station plans to terminate its analog operations before the transition date; (3) the date of the termination; (4) what viewers can do to continue to receive the station, i.e., how and when the station’s digital signal can be received, and whether viewers will need to repeat the channel scan on their DTV receivers; (5) information about the availability of digital-to-analog converter boxes in their service area; and (6) the street

³ See “Auction of 700 MHz Licenses Closes,” *Public Notice*, DA 08-595, released March 20, 2008.

⁴ *Reallocation and Service Rules for the 698-746 MHz Spectrum (Television Channels 52-59)*, 17 FCC Red 1096 (2002).

⁵ See Digital Television and Public Safety Act of 2005 (“*DTV Act*”), which is Title III of the Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4 (2006) (“*DRA*”) (*codified at* 47 U.S.C. §§ 309(j)(14) and 337(e)). *DTV Act* § 3002(a) amends Section 309(j)(14) of the Communications Act to establish February 17, 2009 as a new hard deadline for the end of analog transmissions by full-power stations. 47 U.S.C. § 309(j)(14)(A).

address, email address (if available), and phone number of the station where viewers may register comments or request information.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau