

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In re Applications of )  
 )  
 VENTURE TECHNOLOGIES GROUP, LLC )  
 )  
 For frequency change and Class A Eligibility ) FCC File Nos. BPTVL-20021018AAZ  
 ) BLTVA-20021125ABK  
 For KSFV-LP )  
 Facility ID 49704 )  
 San Fernando Valley, CA )

To: The Commission

**MOTION FOR LEAVE TO FILE COMMENTS**

Santa Monica Community College District (“SMCCD”), licensee of KCRW(FM), Santa Monica, California, hereby moves for leave to file the attached Comments in support of the Application for Review filed by the University of Southern California (“USC”), licensee of noncommercial radio station KUSC(FM) in Los Angeles, California, with respect to the decision of the Video Division of the Media Bureau (the “Bureau”) of February 5, 2004, granting the above-referenced applications of Venture Technologies Group, LLC (“VTC”) for displacement relief and Class A eligibility for low power television station KSFV-LP, Channel 26, San Fernando Valley, California. Letter from H. Hashemzadeh, Associate Chief, Video Services Division, Media Bureau, to Lawrence Rogow *et al.*, Reference No. 1800E2-EBK (MB February 4, 2004) (the “Decision”). In support of this motion, the following is stated:

1. USC’s Application for Review raises a novel issue of critical importance to all noncommercial FM radio stations – including KCRW – which operate in the Los Angeles metropolitan market: namely, whether the Commission can allocate Channel 6 for television service without compromising existing and future service by noncommercial FM radio stations which operate in that market. As USC explains in its Application for Review, the Bureau decided to grant VTC’s application for Channel 6 despite decades of precedent and experience

which previously precluded any use of that channel in the rough terrain of the Los Angeles market.

2. Although KCRW would be adversely affected by the grant of VTC's application, SMCCD did not participate in the proceedings before the Bureau, largely because USC and other parties filing Petitions to Deny had clearly articulated the adverse impact which a grant of VTC's applications would have on USC's FM station as well as the other eight (8) noncommercial FM radio stations in the Los Angeles market.

3. The Bureau's Decision is a surprise and represents a radical departure from precedent and experience. It is vital that the Commission understand fully the adverse impact the Decision could have on USC's FM station as well as the FM stations of SMCCD and other noncommercial licensees. Accordingly, the public interest would be well served by considering the attached Comments of SMCCD in support of USC's Application for Review.

WHEREFORE, in view of the foregoing and the entire record herein, it is respectfully requested that the Commission grant this motion and consider the attached Comments in disposing of USC's Application for Review.

Respectfully submitted,

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Lewis J. Paper  
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To: The Commission		

**COMMENTS OF SANTA MONICA COMMUNITY COLLEGE DISTRICT**

Santa Monica Community College District (“SMCCD”), licensee of noncommercial radio station KCRW(FM) (“KCRW”), Santa Monica, California, hereby submits these Comments in support of the Application for Review of the University of Southern California (“USC”), licensee of noncommercial radio station KUSC(FM), Los Angeles, California, with respect to the decision of the Media Bureau (the “Bureau”) to grant the above-referenced applications of Venture Technologies Group, LLC (“VTC”) for displacement relief and Class A eligibility for low power television Station KSFV-LP (“KSFV”), Channel 26, San Fernando Valley California. Letter from H. Hashemzadeh, Associate Chief, Video Services Division, Media Bureau, to Lawrence Rogow *et al.*, Reference No. 1800E2-EBK (MB February 5, 2004) (the “Decision”).

**Background**

KCRW is one of nine reserved band noncommercial FM radio stations in the Los Angeles market that would be adversely affected by the Bureau’s Decision to confer Class A status on KSFV to broadcast on Channel 6. SMCCD therefore supports USC’s Application for

Review and its request that the Bureau's Decision be reversed because (1) the allocation of Channel 6 to KSFV is inconsistent with decades of Commission precedent and policy, (2) the allocation of Channel 6 to KSFV would adversely affect the service of KCRW and the other Los Angeles noncommercial stations, and (3) the Decision will almost certainly cause SMCCD to incur substantial expenses at a time when resources are limited.

### Argument

#### **I. The Public Interest Is Best Served By Leaving Channel 6 Vacant**

As explained by USC in its Application for Review, the Bureau's Decision should be reversed because it failed to consider the crux of the Petitions to Deny: namely, that allocating Channel 6 to KSFV would seriously jeopardize the service of the nine noncommercial FMs in the Los Angeles market, including KCRW. The Commission has long recognized the importance of avoiding allocation of Channel 6 in Los Angeles because noncommercial FMs operate in spectrum immediately adjacent to Channel 6. Consequently, KCRW and other noncommercial FM radio stations in the Los Angeles market would be subject to anticipated interference and be significantly constrained in their ability to carry out future modifications of existing station facilities.

The Commission recognized the dangers of allocating Channel 6 for television service in the Los Angeles area when the Commission formulated its table of allocations for DTV service. *See, Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, 12 FCC Rcd 14588 (1997) (subsequent history omitted). One of the key issues in that proceeding was whether to allocate Channel 6 to Los Angeles for DTV service. The Commission explicitly acknowledged SMCCD's opposition to the use of Channel 6 for DTV service because of SMCCD's concern "that the quality of its FM radio service would be degraded" if Channel 6 were allocated for DTV operation in Los Angeles. In response to that

concern (as well as other considerations), the Commission recognized the potential for stations that use Channel 6 to interfere with radio service on adjacent frequencies. The Commission concluded that “[w]e continue to believe it is important to avoid the allotment of . . . channel 6 in developing DTV allotments. . . . DTV operation on channel 6 could pose potential conflicts with FM radio service on adjacent frequencies.” 12 FCC Rcd at 14658.

The same “potential” for interference exists by authorizing KSFV to use Channel 6 for low power service, and the Commission should similarly decide to leave Channel 6 vacant.

## **II. The Decision Would Force KCRW To Incur Unnecessary Expenses**

In addition to compromising the service of KCRW and other Los Angeles market noncommercial FM radio stations, the Decision would also require KCRW (and presumably the other noncommercial stations as well) to incur expenses to alleviate interference received by residential viewers of KSFV-LP.

SMCCD’s experience with another one of its stations – KCRY(FM), Mojave, California – is instructive. Although located outside the Grade B contours of Los Angeles television stations, KCRY unknowingly interfered with the signals of those Los Angeles television stations. As a result, homes close to KCRY’s antenna experienced blanketing interference. To remedy the situation, SMCCD was forced to install new TV aerials and a combination of notch and TVI filters at the homes of complaining viewers. The installation and materials cost SMCCD approximately \$400 per household, as well as hundreds of hours of staff time – and this was in a lightly populated area with no more than 50 homes.

If the Decision is allowed to stand, the financial harm to KCRW will be many times greater than the expenses incurred by KCRY. KCRW serves greater Los Angeles from a site in the Hollywood Hills, in the middle of the Los Angeles Basin with an ERP of 6,900 watts and HAAT of 1,110 ft. The transmitter site is located atop a dense residential area of high value

homes. As a result, KCRW would undoubtedly have to pay for expensive interference protection for hundreds of homes.

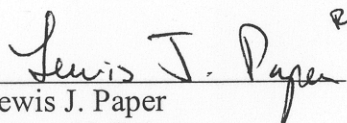
In light of the limited resources available to SMCCD and other licensees of noncommercial radio stations, that exorbitant cost – not to mention the compromised service – demonstrates that whatever benefits accrue from a grant of VTC's application are far outweighed by the adverse impact on the service provided by KCRW (as well as the other noncommercial FM stations in the market).

WHEREFORE, in view of the foregoing and the entire record herein, it is respectfully requested that USC's Application for Review be granted, that the Decision be reversed, and that VTC's applications be denied.

Respectfully submitted,

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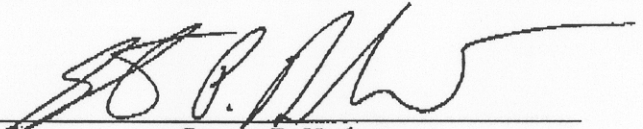
By:  <sup>RNF</sup>  
Lewis J. Paper  
Robert N. Felgar

**DECLARATION OF STEVEN P. HERBERT**

Steven P. Herbert hereby states as follows:

1. I am employed by Santa Monica Community College District ("SMCCD") as Chief Engineer of KCRW.
2. I have reviewed the Comments filed by SMCCD in support of the University of Southern California's Application for Review of the decision of the Media Bureau to grant the applications of Venture Technologies Group, LLC for displacement relief and Class A eligibility for low power television station KSFV-LP, Channel 26, San Fernando Valley, California. All factual statements in SMCCD's Comments regarding the operation of SMCCD's stations are true and correct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
\_\_\_\_\_  
Steven P. Herbert

10 March 2004  
\_\_\_\_\_  
Date

## CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 2004, a copy of the foregoing "Comments of Santa Monica Community College District" was mailed first-class, postage prepaid, to the following:

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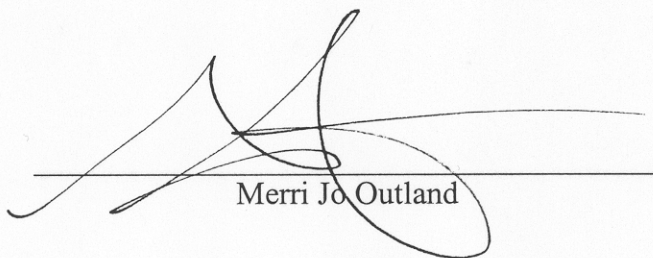
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