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FCC MAIL SECTION

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DISPATCHED 6840-MLB

Honorable David Dreier  
U.S. House of Representatives  
Washington, DC 20515

Re: Channel 39  
Bakersfield, California

Dear Congressman Dreier:

Thank you for your letter of September 28, 1989, in which you and  
Congressman William Thomas urge the Commission to reverse the staff's  
August 2, 1989, decision denying the request of Community Television

Honorable David Dreier

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In denying Community's waiver request, the staff recognized that Bakersfield is one of only a few cities of its size not to have an operational non-commercial educational television station, and the staff agreed that, the "freeze" aside, it would be desirable to have such a station there. It believed, however, that the potential need of frequency space for ATV use in the Los Angeles area outweighed Community's desire to start a new station.

Community had argued that the transmitter site for Station KNSD(TV) in San Diego is located only 199.2 km from Mt. Wilson, which is the transmitting site of essentially all the Los Angeles area television stations. Since that is less than the 280.8-kilometer minimum distance separation prescribed by our Rules, Community reasoned that Channel 39 would therefore be unusable in Los Angeles. Consequently, it concluded that use of Channel 39 in Bakersfield could be permitted. The staff found, however, that the addition of a Bakersfield station using an allotment that is 101.3 miles from the Los Angeles reference point and 96.0 miles from Mt. Wilson, would make Channel 39 significantly less attractive for possible ATV use in Los Angeles. The staff also stated that ATV spectrum availability studies currently do not include consideration of intervening terrain, so that terrain is not a factor to be considered in granting a waiver of the "freeze".

The matters raised previously are again before the Commission in Community's petition for reconsideration. I have had your letter associated with the record in the pending reconsideration request. Please be assured that the Commission will thoroughly review the staff's action and the points raised in the reconsideration request, and that every effort will be made to resolve this matter as expeditiously as possible. A similar letter will be furnished to Congressman Thomas. I trust this response satisfactorily addresses the issue that you have raised.

Sincerely,



Alfred C. Sikes  
Chairman

MLBerlin/mlb/tv/vsd:MMB  
dreier

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OFF

Congress of the United States  
House of Representatives  
Washington, DC 20515

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September 28, 1989

Mr. Alfred Sikes  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 844  
Washington, D.C. 20544

Dear Commissioner Sikes:

As your records will indicate, we have contacted the Federal Communications Commission (FCC) on behalf of KCET-TV in Los Angeles, California. Our concern was in regard to their application for a broadcast license to operate a non-commercial educational television station on Channel 39 in Bakersfield. Understanding that KCET's application was denied, we are urging the FCC to reverse the decision and rule in favor of KCET's petition for reconsideration.

KCET is considered a pioneer in educational television. According to recent figures, the addition of Channel 39 in Bakersfield would bring the first over-the-air public television service to roughly 159,000 television households. This fact alone should provide the impetus for the FCC to overrule the previous decision.

We are sure you are aware of the recent engineering study commissioned by KCET that demonstrates two major facts: 1) the mountainous terrain between Bakersfield and Los Angeles effectively shields a hypothetical Channel 39 in Los Angeles from any significant interference by Channel 39 in Bakersfield; and 2) Channel 39 in San Diego has stronger signal strength throughout the Los Angeles basin and would preclude any use of Channel 39 by a Los Angeles Television station.

We feel that it is in the public interest for the FCC to grant a waiver from the ATV freeze in order to permit a consideration of KCET's application for Channel 39 in Bakersfield. Your attention to this matter is greatly appreciated.



David Dreier  
Member of Congress

Sincerely,



William Thomas  
Member of Congress

SEP 29 1989

LEGISLATIVE AFFAIRS  
OCRA