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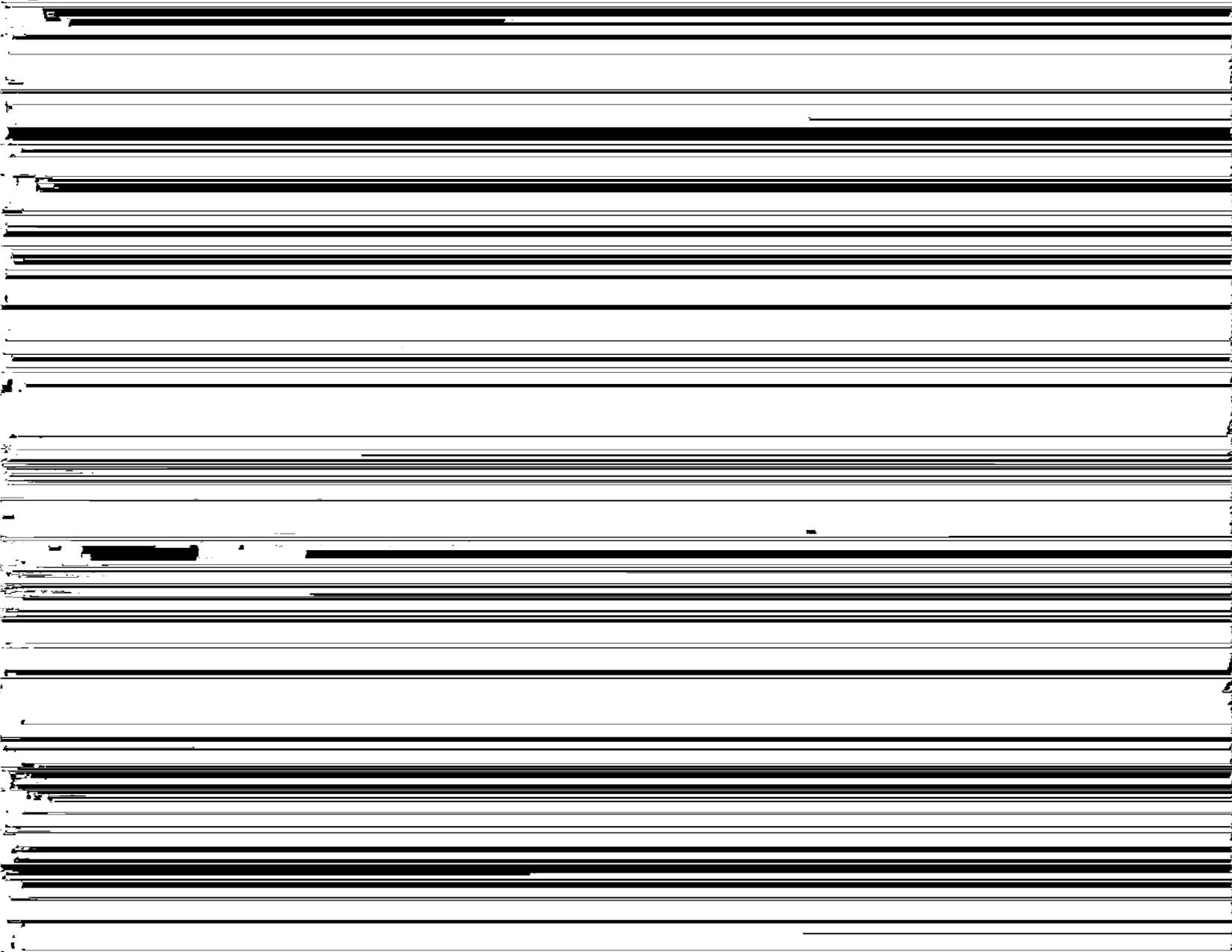
8940-MLB

Honorable William Thomas  
U.S. House of Representatives  
Washington, DC 20515

Re: Channel 39  
Bakersfield, California

Dear Congressman Thomas:

Thank you for your letter of September 28, 1989, in which you said



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

Congress of the United States

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