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Honorable Henry A. Waxman
U.S. House of Representatives
2418 Rayburn House Office Bldg.
Washington, DC 20515

Re: Channel 39
Bakersfield, California

Dear Congressman Waxman:

Thank you for your letter of October 13, 1989, in which you urge the Commission to reverse the staff's August 2, 1989, decision denying the request of Community Television of Southern California (Community) for waiver of the Commission's "freeze" on the filing of new television applications in the Los Angeles area and in certain other parts of the country and returning Community's application as unacceptable for filing.

By way of background, on July 16, 1986, the Commission imposed a "freeze" on applications for new television stations within the minimum co-channel separation distances from 30 designated television markets. The "freeze" was imposed because the high densities of existing television stations in those markets limited the spectrum available for high-definition television and advanced television (ATV) service there, and the Commission wanted to preserve sufficient spectrum for ATV use. Consequently, all new VHF proposals for communities within 174.5 miles (280.8 km) of Los Angeles are subject to the "freeze". Since Bakersfield is 101.3 miles (163.0 km) from Los Angeles and, therefore, within the "freeze" area, Community requested a waiver. I might add that a similar request for waiver of the "freeze" and use of Channel 39 in Bakersfield, filed by KMTV Channel 18, Inc., was also denied on August 2, 1989.

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. The staff found, 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.

Honorable Henry A. Waxman

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The matters raised previously are again before the Commission in Community's petition for reconsideration. Please be assured that the Commission will thoroughly review the staff's action and the points Community has raised upon reconsideration. Every effort will be made to resolve this matter as expeditiously as possible. Thank you for taking an interest in our applica-

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Congress of the United States
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Washington, DC 20515-0524

HENRY A. WAXMAN
24TH DISTRICT, CALIFORNIA

October 13, 1989

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COMMITTEES:
ENERGY AND COMMERCE
CHAIRMAN, SUBCOMMITTEE ON
HEALTH AND THE ENVIRONMENT
GOVERNMENT OPERATIONS
SELECT COMMITTEE ON AGING
DEMOCRATIC STEERING AND
POLICY COMMITTEE
PHILIP M. SCHILIRO
ADMINISTRATIVE ASSISTANT

2809

Mr. Alfred Sikes
Chairman
Federal Communications Commission
1919 M Steet, N.W.
Washington, D.C. 20554

Dear Mr. Chairman:

I am writing on behalf of KCET Channel 28 in Los Angeles, which is seeking to build a noncommercial educational television station for broadcast on Channel 39 in Bakersfield.

The FCC recently denied KCET a waiver of the ATV freeze for this purpose. However, KCET has filed a petition for reconsideration of this waiver request based on the results of an engineering study that it believes will eliminate the FCC's objections. I would urge the FCC review this study carefully to determine whether a granting of the waiver would be appropriate.

Thank you for your attention to my interest, and I look forward to your response. With every best wish, I am

Sincerely,

Henry A. Waxman
HENRY A. WAXMAN
Member of Congress

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