

must-carry rules and, therefore, is entitled to carriage in the Communities.³ Under relevant rules, a full-power station is entitled to carriage if: (1) it is within the same market as the cable system involved, (2) carriage of the station will not cause increased copyright liability for the cable operator, and (3) the station either delivers a good quality signal to the cable system's principal head end or agrees to be responsible for the costs of delivering such a signal to the cable system.⁴

KILM satisfies each of these carriage conditions. First, KILM and Cox's cable system are located within the same television market. Pursuant to Section 76.55(e) of the Commission's Rules, a station's television market is defined as its Designated Market Area ("DMA") as assigned by Nielsen Media Research. KILM is licensed to Barstow, California and has been assigned by Nielsen to the Los Angeles, California DMA.⁵ Each of the Communities served by Cox are also located in the Los Angeles DMA. Cox's cable system is, therefore, located within the same television market as KILM.

Second, Cox will not incur additional copyright liability for carriage of KILM. Because KILM is located within the same television market as Cox's cable system, the Station is considered a "local signal" under the Copyright Act.⁶ Thus, carriage of KILM would not expose Cox to increased copyright liability.

Finally, KILM is capable of delivering a good-quality signal to Cox's principal head ends. In the event that Cox is unable to receive a good quality signal from KILM over-the-air,

³ 47 C.F.R. §§ 76.55(c), 76.56(b).

⁴ See 47 U.S.C. § 534(h)(1)(B)(ii)-(iii); 47 C.F.R. §§ 76.55(c), 76.56(b).

⁵ See Television and Cable Factbook.

⁶ See Copyright Act of 1976, 17 U.S.C. § 111(f).

the Station will provide equipment and bear the costs of delivering such a signal via alternative means.⁷

II. Cox Has Failed to Fulfill Its Obligations Under the Rules

By not carrying KILM in the Communities, Cox is in violation of the Commission's must-carry rules.⁸ By letter dated July 3, 2014, KAZN provided notice pursuant to Section 76.64(f) of the Commission's rules that KAZN was electing mandatory carriage.⁹ Cox failed to respond within the requisite 30-day timeframe or, for that matter, at all.¹⁰ Accordingly, KAZN is forced to file the instant must-carry complaint.¹¹

Continued failure to carry KILM's signal is a violation of the must carry requirements. KILM is a qualified local commercial television station entitled to carriage. In addition, the Station does not substantially duplicate the signal of any other local commercial television station carried or transmitted by Cox within the DMA, nor does it have a network affiliation duplicating that of a local commercial television station carried by Cox in the DMA.

III. Conclusion

In sum, KILM is legally entitled to carriage in the Communities and has done everything

⁷ See KAZN's July 3, 2014 demand letter to Cox Communications California, LLC, attached hereto as Exhibit B.

⁸ See 47 C.F.R. § 76.56(b).

⁹ See Exhibit B.

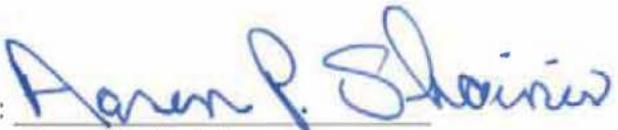
¹⁰ See 47 C.F.R. § 76.61(a)(2). KAZN's demand letter was mailed via U.S. Postal Service Certified Mail on July 3, 2014. See Exhibit C. The letter was delivered on July 7, 2014. See Exhibit C and Exhibit D. Cox then had thirty days in which to respond. To date, KAZN has not received a response.

¹¹ As required by the Commission's rules, this complaint is submitted within 60 days of Cox's failure to respond to KAZN's demand letters. See 47 C.F.R. § 76.61(a)(5)(ii), (a)(2).

required to secure such carriage. Without basis, Cox has failed to respond to KAZN's carriage demands or otherwise discuss the matter. KAZN therefore requests that the Commission order Cox immediately to commence carriage of KILM in the Communities and take any other enforcement action it deems appropriate.

Respectfully submitted,

KAZN-TV LICENSEE, LLC

By: 
Aaron P. Shainis
Its Counsel

Shainis & Peltzman, Chartered
1850 M Street NW, Suite 240
Washington, DC 20036
202-293-0011

October 2, 2014

EXHIBIT A

NOTE: KAZN is not aware of any other franchise communities served by the system listed in this Exhibit A. Nevertheless, to the extent this Exhibit A does not list a franchise community served by a system listed herein, such community system is hereby included.

Start » CompanyList (COX COMMUNICATIONS CALIFORNIA, LLC) »

PSID	Community Unit	County Name	Community Name	Legal Name
003775	CA0059	ORANGE	IRVINE	COX COMMUNICATIONS CALIFORNIA, LLC 1400 LAKE HEARN DRIVE ATLANTA, GA, 30319
	CA0060	ORANGE	NEWPORT BEACH	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0193	ORANGE	SAN CLEMENTE	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0194	ORANGE	TUSTIN	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0311	ORANGE	LAGUNA BEACH	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0316	ORANGE	LAGUNA NIGUEL	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0367	ORANGE	SAN JUAN CAPISTRANO	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0549	ORANGE	DANA POINT	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0656	SAN DIEGO	CAMP PENDELTON	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0675	ORANGE	SILVERADO CANYON	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0681	ORANGE	TUSTIN	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0719	ORANGE	TRABUCO CANYON	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0723	ORANGE	MODJESKA CANYON	COX COMMUNICATIONS CALIFORNIA, LLC
	CA0765	ORANGE	COTO DE CAZA	COX COMMUNICATIONS CALIFORNIA, LLC
	CA1070	ORANGE	LAKE FOREST	COX COMMUNICATIONS CALIFORNIA, LLC
	CA1084	ORANGE	EMERALD BAY	COX COMMUNICATIONS CALIFORNIA, LLC
	CA1085	ORANGE	LAGUNA HILLS	COX COMMUNICATIONS CALIFORNIA, LLC
	CA1205	ORANGE	RANCHO SANTA MAGARIT	COX COMMUNICATIONS CALIFORNIA, LLC
	CA1243	ORANGE	PORTOLA HILLS	COX COMMUNICATIONS CALIFORNIA, LLC
	CA1306	ORANGE	ORANGE	COX COMMUNICATIONS CALIFORNIA, LLC
	CA1310	ORANGE	FOOTHILL RANCH	COX COMMUNICATIONS CALIFORNIA, LLC
	CA1345	ORANGE	MISSION VIEJO	COX COMMUNICATIONS

CA1431	ORANGE	LAGUNA HILLS	CALIFORNIA, LLC COX COMMUNICATIONS CALIFORNIA, LLC
CA1495	ORANGE	EL TORO (M C A S)	COX COMMUNICATIONS CALIFORNIA, LLC
CA1496	ORANGE	TUSTIN (M C A S)	COX COMMUNICATIONS CALIFORNIA, LLC
CA1519	ORANGE	NEWPORT COAST	COX COMMUNICATIONS CALIFORNIA, LLC
CA1520	ORANGE	ALISO VIEJO	COX COMMUNICATIONS CALIFORNIA, LLC
CA1768	ORANGE	LAGUNA WOODS	COX COMMUNICATIONS CALIFORNIA, LLC

003777

CA0200	LOS ANGELES	RANCHO PALOS VERDES	COX COMMUNICATIONS CALIFORNIA, LLC
CA0201	LOS ANGELES	PALOS VERDES ESTATES	COX COMMUNICATIONS CALIFORNIA, LLC
CA0202	LOS ANGELES	ROLLING HILLS	COX COMMUNICATIONS CALIFORNIA, LLC
CA0203	LOS ANGELES	LOS ANGELES (SAN PED	COX COMMUNICATIONS CALIFORNIA, LLC
CA0905	LOS ANGELES	ROLLING HILL ESTATES	COX COMMUNICATIONS CALIFORNIA, LLC
CA1448	LOS ANGELES	LOS ANGELES	COX COMMUNICATIONS CALIFORNIA, LLC
CA1504	LOS ANGELES	FORT MACARTHUR AFB	COX COMMUNICATIONS CALIFORNIA, LLC

004399

CA0017	SANTA BARBARA	CARPINTERIA	COX COMMUNICATIONS CALIFORNIA, LLC
CA0023	SANTA BARBARA	SANTA BARBARA	COX COMMUNICATIONS CALIFORNIA, LLC
CA1279	SANTA BARBARA	SANTA BARBARA	COX COMMUNICATIONS CALIFORNIA, LLC
CA1623	SANTA BARBARA	GOLETA	COX COMMUNICATIONS CALIFORNIA, LLC

006633

CA0085	SAN DIEGO	ESCONDIDO	COX COMMUNICATIONS CALIFORNIA, LLC
CA0214	SAN DIEGO	WHISPERING PALMS	COX COMMUNICATIONS CALIFORNIA, LLC
CA0329	SAN DIEGO	CHULA VISTA	COX COMMUNICATIONS CALIFORNIA, LLC
CA0330	SAN DIEGO	EL CAJON	COX COMMUNICATIONS CALIFORNIA, LLC
CA0332	SAN DIEGO	LA MESA	COX COMMUNICATIONS CALIFORNIA, LLC

CA0334	SAN DIEGO	POWAY	COX COMMUNICATIONS CALIFORNIA, LLC
CA0335	SAN DIEGO	SAN DIEGO	COX COMMUNICATIONS CALIFORNIA, LLC
CA0337	SAN DIEGO	SANTEE	COX COMMUNICATIONS CALIFORNIA, LLC
CA0419	SAN DIEGO	NATIONAL CITY	COX COMMUNICATIONS CALIFORNIA, LLC
CA0420	SAN DIEGO	SAN DIEGO	COX COMMUNICATIONS CALIFORNIA, LLC
CA0421	SAN DIEGO	IMPERIAL BEACH	COX COMMUNICATIONS CALIFORNIA, LLC
CA0469	SAN DIEGO	SAN DIEGO	COX COMMUNICATIONS CALIFORNIA, LLC
CA0600	SAN DIEGO	SAN MARCOS	COX COMMUNICATIONS CALIFORNIA, LLC
CA0601	SAN DIEGO	VISTA	COX COMMUNICATIONS CALIFORNIA, LLC
CA0640	SAN DIEGO	RAMONA	COX COMMUNICATIONS CALIFORNIA, LLC
CA0701	SAN DIEGO	SAN DIEGO CNTRY ESTS	COX COMMUNICATIONS CALIFORNIA, LLC
CA0704	SAN DIEGO	CAMP PENDLETON	COX COMMUNICATIONS CALIFORNIA, LLC
CA0712	SAN DIEGO	RANCHO SAN DIEGO	COX COMMUNICATIONS CALIFORNIA, LLC
CA0776	SAN DIEGO	OCEANSIDE	COX COMMUNICATIONS CALIFORNIA, LLC
CA0878	SAN DIEGO	LEMON GROVE	COX COMMUNICATIONS CALIFORNIA, LLC
CA0979	SAN DIEGO	PINE VALLEY	COX COMMUNICATIONS CALIFORNIA, LLC
CA1282	SAN DIEGO	JAMUL	COX COMMUNICATIONS CALIFORNIA, LLC
CA1341	SAN DIEGO	ENCINITAS	COX COMMUNICATIONS CALIFORNIA, LLC
CA1342	SAN DIEGO	SOLANA BEACH	COX COMMUNICATIONS CALIFORNIA, LLC
CA1588	SAN DIEGO	RAMONA	COX COMMUNICATIONS CALIFORNIA, LLC
CA1708	SAN DIEGO	SAN DIEGO CENTRAL	COX COMMUNICATIONS CALIFORNIA, LLC

Shainis & Heltzman, Chartered

Counselors at Law

Suite 240

1850 M Street, N.W.
Washington, D.C. 20036

(202) 293-0011

Fax (202) 293-0810

e-mail: shainis@heltzman@s-plaw.com

Aaron P. Shainis
aaron@s-plaw.com

Lee J. Heltzman
lee@s-plaw.com

July 3, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cox Communications California, LLC
1400 Lake Hearn Drive
Atlanta, GA 30319

Dear Sir/Madam:

Attached is a request for carriage by KAZN-TV Licensee, LLC, the licensee of Station KILM, Barstow, California. If there are any questions with respect to this matter, please communicate with the undersigned.

Sincerely yours,



Aaron P. Shainis

Counsel for KAZN-TV Licensee, LLC

Enclosure

cc (via e-mail & certified mail):

Dave Bialis
5651 Copley Drive
San Diego, California
(dave.bialis@cox.com)

July 3, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cox Communications California, LLC
1400 Lake Hearn Drive
Atlanta, GA 30319

Dear Sir/Madam:

Pursuant to the provisions of Section 614 of the Cable Television Consumer Protection and Competition Act of 1992, and Section 76.64(f) of the Rules and Regulations of the Federal Communications Commission, this will inform you that Television Station KILM, licensed to Barstow, California, elects mandatory carriage pursuant to Section 76.56(b) on your cable system(s) located within the KILM coverage contour. The communities which are served by the system are within the Los Angeles DMA. See the attached Technical Statement. The Station is licensed to a community within the Los Angeles DMA, and the Station is therefore entitled to mandatory carriage.

Further, pursuant to Section 76.57(d) of the Rules and Regulations of the Federal Communications Commission, the Station hereby elects carriage on cable channel 44, which is the Station's over-the-air broadcast channel, or on another cable channel mutually agreed upon by the Station and you.

July 3, 2014
Page 2 of 2

Please contact our counsel if you have any objections to this mandatory carriage election at the following address:

Aaron P. Shainis, Esq.
Shainis & Peltzman, Chartered
1850 M Street NW
Suite 240
Washington, DC 20036

Very truly yours,



Arthur Liu
President
KAZN-TV Licensee, LLC

cc (via e-mail & certified mail): Dave Bialis
5651 Copley Drive
San Diego, California
(dave.bialis@cox.com)

TECHNICAL STATEMENT - KILM TV CH 44
FCC PART 76.55 MUST-CARRY RULES
BARSTOW, CALIFORNIA

June 30, 2014

RE: KILM DTV FCC FACILITY ID 63865
FCC CONSTRUCTION PERMIT BMPCDT-20090601AAG
CH 44 BARSTOW, CALIFORNIA

Los Angeles DMA -

The facilities authorized by KILM, as authorized by the FCC, place a predicted 41 dBu F(50,90) contour over the five county Los Angeles DMA, is available in the market via the LATV Networks, LLC fiber network and places a predicted over the area signal level of -61 dBm or greater to a wide geographic area in the densely populated regions of Los Angeles, Ventura, Orange, Riverside and San Bernardino counties. Your cable system has been selected to receive this letter as your cable system is located on list "Cable Communities Registered with the FCC" and is located within the KILM coverage contour.

KILM operates from transmitter sites located at Mt. Harvard overlooking Los Angeles, Snow Peak overlooking the Palms Spring market and a site north of Victorville in San Bernardino County. Should you have any difficulty is determining how to obtain a quality signal at your off air pickup point please contact the undersigned.

The foregoing was prepared on behalf of KAZN-TV Licensee, LLC by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.



BY: _____

Clarence M. Beverage
for Communications Technologies, Inc.
P.O. Box 1130, Marlton, New Jersey
Phone 856-985-0077 ext. 12
cbeverage@commtechrf.com

June 30, 2014

Page 1

EXHIBIT C

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Cox Communications California
 LLC
 1400 Lake Hearn Drive
 Atlanta, GA 30319

2. Article Number

(Transfer from service label)

7008 0150 0000 4661 6338

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
[Signature]

B. Received by (Printed Name) C. Date of Delivery
[Signature] 7/2/14

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

7008 0150 0000 4661 6338

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For delivery information visit our website at www.usps.com

ATLANTA GA 30319

OFFICIAL USE

Postage	\$ 1.19	0233
Certified Fee	\$3.30	13
Return Receipt Fee (Endorsement Required)	\$2.70	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 7.19	07/03/2014

Sent To Cox Communications California, LLC
 Street, Apt. No., or PO Box No. 1400 Lake Hearn Drive
 City, State, ZIP+4 Atlanta, GA 30319

PS Form 3800, April 2006

See Reverse for Instructions

EXHIBIT D

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*Return receipt form
Dave Bialis never came
back, but delivery
is confirmed
online **

Product & Tracking Information

Postal Product: First-Class Mail®
Features: Certified Mail™

Return Receipt

Available Actions

DATE & TIME	STATUS OF ITEM	LOCATION
July 7, 2014, 11:42 am	Delivered	SAN DIEGO, CA 92111

Your item was delivered at 11:42 am on July 7, 2014 in SAN DIEGO, CA 92111.

July 6, 2014, 9:07 pm	Departed USPS Facility	SAN DIEGO, CA 92199
July 5, 2014, 7:26 pm	Arrived at USPS Facility	SAN DIEGO, CA 92199
July 5, 2014, 6:32 am	Departed USPS Facility	GAITHERSBURG, MD 20898
July 4, 2014, 12:10 am	Arrived at USPS Facility	GAITHERSBURG, MD 20898
July 3, 2014, 3:12 pm	Acceptance	WASHINGTON, DC 20036

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CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

SAN DIEGO CA 92111
OFFICIAL USE

Postage	\$ 1.19	0233
Certified Fee	\$ 3.30	13
Return Receipt Fee (Endorsement Required)	\$ 2.70	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 7.19	07/03/2014

7001 1140 0002 0434 3431

Track Another Package

What's your tracking (or receipt) number?

Track It

Sent To: *Dave Bialis*

Street, Apt. No., or PO Box No.: *5651 Copley Drive*

City, State, ZIP+4: *San Diego, CA 92111*

PS Form 3800, January 2001 See Reverse for Instructions

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National Postal Museum |

DECLARATION OF ARTHUR LIU

I, Arthur Liu, hereby declare as follows:

1. I am President of KAZN-TV Licensee, LLC
2. I have reviewed the foregoing Must-Carry Complaint and attached Exhibits and certify under penalty of perjury that, to the best of my knowledge, information, and belief formed after reasonable inquiry, they are well grounded in fact and warranted by existing law, or a good faith argument for the extension, modification or reversal of existing law, and not interposed for any improper purpose.

By: _____



Arthur Liu
KAZN-TV Licensee, LLC

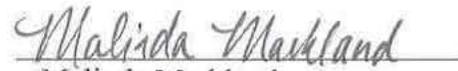
September 30, 2014

CERTIFICATE OF SERVICE

I, Malinda Markland, do hereby certify that copies of the foregoing "Must-Carry Complaint" were sent via First Class U.S. Mail, postage prepaid, this 2nd day of October, 2014 to the following:

**COX COMMUNICATIONS CALIFORNIA, LLC
1400 LAKE HEARN DRIVE
ATLANTA, GA 30319**

**DAVE BIALIS
5651 COPLEY DRIVE
SAN DIEGO, CA 92111**


Malinda Markland