

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 Verizon's cable systems 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 Verizon are also located in the Los Angeles DMA. Verizon's cable systems are, therefore, located within the same television market as KILM.

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

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

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).

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

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

By not carrying KILM in the Communities, Verizon 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 Verizon 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 Verizon within the DMA, nor does it have a network affiliation duplicating that of a local commercial television station carried by Verizon in the DMA.

III. Conclusion

In sum, KILM is legally entitled to carriage in the Communities and has done everything required to secure such carriage. Without basis, Verizon has failed to respond to KAZN's carriage demands or otherwise discuss the matter. KAZN therefore requests that the Commission

⁷ See KAZN's July 3, 2014 demand letter to Verizon, 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. Verizon 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 Verizon's failure to respond to KAZN's demand letters. See 47 C.F.R. § 76.61(a)(5)(ii), (a)(2).

order Verizon 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

Verizon – Southern CA

Headend ID

Headend Location

CA 12193

Beaumont

Counties: Los Angeles, CA
Orange, CA
Riverside, CA
San Bernardino, CA

* 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 or system is hereby included.

EXHIBIT B

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: shainisheltzman@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

Verizon California, LLC

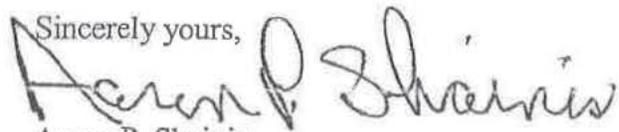
1300 I St. NW

Washington, DC 20005

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

July 3, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Verizon California, LLC
1300 I St. NW
Washington, DC 20005

Dear Sir/Madam:

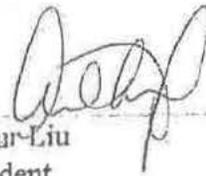
Pursuant to the provisions of Section 614 of the Cable Television Consumer Protection and Competition Act of 1992, and Section 76.64(f) of the Rules and Regulations of the Federal Communications Commission, this will inform you that Television Station KILM, licensed to Barstow, California, elects mandatory 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.

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,

A handwritten signature in black ink, appearing to read "Arthur Liu", written over a horizontal line.

Arthur Liu
President
KAZN-TV Licensee, LLC

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

7011 1570 0000 1281 5131

Sent to: VERIZON CALIFORNIA, LLC
 Street, Apt. No. or P.O. Box No.: 1300 I ST NW
 City, State, ZIP+4: WASHINGTON, DC 20005

Total Postage & Fees	\$ 47.19
Restricted Delivery Fee (Endorsement Required)	\$0.00
Return Receipt Fee (Endorsement Required)	\$2.70
Certified Fee	\$3.30
Postage	\$1.19

Postmark Here

13

07/03/2014

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 For delivery information visit our website at www.usps.com
 WASHINGTON, DC 20005
 SPECIAL USE

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Y. Gaim</u></p> <p>C. Date of Delivery <u>7/7</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>VERIZON CALIFORNIA, LLC 1300 I ST NW WASHINGTON, DC 20005</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p>7011 1570 0000 1281 5131</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

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:

**VERIZON CALIFORNIA, LLC
1300 I STREET NW
WASHINGTON, DC 20005**

Malinda Markland

Malinda Markland