

BEFORE THE

# Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	RM-9960
Amendment of Section 73.622	)	
of the Commission's Rules	)	MM Docket No. 01-23
Digital Television Table of	)	
Allocations	)	
(Ontario, California)	)	

To: Chief, Video Services Division

**REPLY COMMENTS OF UNIVISION COMMUNICATIONS INC.**

Univision Communications Inc. ("Univision"), by its attorneys, hereby submits these Reply Comments in the above-captioned proceeding. Univision is the proposed transferee of USA Station Group Partnership of Southern California ("USA"), licensee of station KHSC-TV, Ontario, California. See FCC File No. BTCCT-20010123AAN. As such, Univision has a significant interest in the outcome of the instant proceeding. KHSC-TV is one of 13 full power television stations that Univision is acquiring from the current owners of KHSC-TV for the purposes of starting a new national network that will provide programming in the Spanish language. See FCC File Nos. BTCCT-20010123AAL through BTCCT-20010123AAX. As KHSC-TV serves the Los Angeles DMA, where one-fifth of all U.S. Hispanics reside, KHSC-TV's ability to reach this audience is critical to the success of the new network.

The instant channel allocation proposal presents immediate public interest benefits that justify its grant. The channel substitution herein will allow the provision of two improved digital signals in the Los Angeles market. First, as shown by USA, the channel substitution will allow KHSC-TV to prevent loss of service to existing viewers through better coverage of the populated areas of the market. Second, as shown by Sunbelt Television, Inc. in its Comments in Support of

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Proposed Rulemaking, KHSC-TV's current digital channel, Channel 47, can apparently be put to immediate use improving the digital reach of KHIZ(TV), Barstow, California. By increasing the number of viewers able to receive their current stations in the digital format, this channel substitution will promote the digital transition in this important market.

In contrast to these concrete benefits, various parties raise phantom issues designed to complicate and delay the grant of this proposal. Loma Linda Broadcasting Network, Inc. believes that Channel 29 should be left fallow for development as a new LPTV service in the outlying community of Banning, California.<sup>1</sup> Pappas Telecasting of Southern California, LLC believes that the channel should be reserved for future use by KIDN, a station that has not even commenced operations on its existing channel. Neither of these potential uses of the channel can provide the immediate public service benefits that use as KHSC's digital channel provides.

Both Pappas and Loma Linda claim that the channel substitution is unnecessary, as KHSC-DT may be able to improve its digital coverage in the Los Angeles market without moving off of Channel 47. Each points to KOET(TV), a station that is currently an obstacle to KHSC-DT increasing ERP on Channel 47, and claims that a pending application to essentially co-locate that station with KHSC-DT may resolve limitations on KHSC-DT's power. KOET also notes the pendency of its application, although the point of its participation in the proceeding is otherwise unclear. The KOET application, however, has not been granted. KHSC should not be required to gamble its future on the grant of a third party's application at the FCC, or on the hope that co-location will solve the issue of interference. Nor should KHSC be forced

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<sup>1</sup> With respect to Loma Linda's LPTV application, it appears evident that Channel 29 will be put to a full power use in the Los Angeles market, thus displacing its LPTV application anyway.

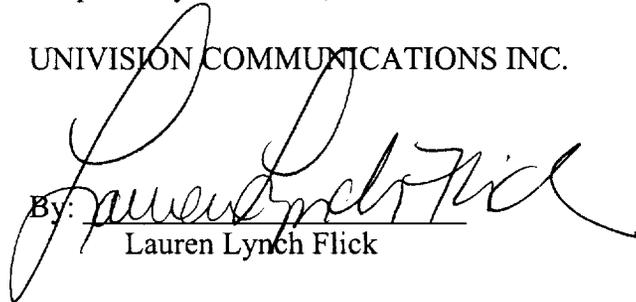
to await the outcome of the processing of that application before proceeding with its efforts to provide an enhanced digital signal to the market.

Finally, Pappas claims that the U.S. Treasury will suffer from the grant of Channel 29 to KHSC-DT because, unless Pappas is guaranteed use of Channel 29, it will not vacate its non-core channel until the end of the digital transition period, thus affecting the amount that can be raised when that spectrum is auctioned off. It is interesting to note that, while Pappas faults USA for failing to show that Channel 47 is inferior to Channel 29, Pappas' own engineering studies have concluded that the channel is so inferior that Pappas essentially refuses to operate on it itself. Moreover, Pappas' arguments with respect to its future conduct and that of unknown bidders in an eventual auction of the Channel 52-59 spectrum are so speculative as to be meaningless.

In conclusion, none of the opposing commenters in this proceeding have demonstrated any reason why the instant channel substitution should not be approved. Accordingly, Univision supports the Commission's proposal to substitute Channel 29 for Channel 47 as KHSC-TV's digital channel.

Respectfully submitted,

UNIVISION COMMUNICATIONS INC.

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Date: April 10, 2001

## CERTIFICATE OF SERVICE

I, Renee Williams, a secretary in the law firm of Shaw Pittman, do hereby certify that I have this 10<sup>th</sup> day of April 2001, caused to be served by first-class U.S. mail, postage prepaid, a copy of the foregoing Reply Comments of Univision Communications Inc. to the following:

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