

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
Amendment of Section 73.622(i),)
Final DTV Table of Allotments,)
Television Broadcast Stations)
(Riverside, California).)

MM Docket No. 08-30
RM-11419

FILED/ACCEPTED
APR 10 2008
Federal Communications Commission
Office of the Secretary

To: Office of the Secretary
Attn: Chief, Video Division
Media Bureau

**COMMENTS OF UNIVISION COMMUNICATIONS INC.
IN OPPOSITION TO PROPOSED RULEMAKING**

UNIVISION COMMUNICATIONS INC.

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Dated: April 10, 2008

No. of Copies rec'd 014
List ABCDE

SUMMARY

Univision Communications Inc. ("Univision"), the ultimate parent of the licensee of KMEX-TV, Los Angeles, California, hereby urges the Commission to reject the proposal of KRCA License LLC to substitute channel 35 for KRCA-DT's current channel 45 post-transition DTV allotment. Such a change is decidedly not in the public interest, as it would result in a post-transition loss of broadcast service to nearly **635,000 viewers**, would impermissibly interfere with KMEX-DT, would improperly displace Class A station K35DG, would violate the DTV freeze, and would violate the FCC's DTV interference rules. As demonstrated in these Comments, there is no public benefit to justify such widespread harm, and the sole reason given to support the change is the purely speculative assertion that coordination with Mexico "should be able to be obtained more quickly" for channel 35. Mere speculation is not, however, a basis for causing the real and concrete harm to the public that the proposed change in allotment would create, and the proposed modification to the DTV Table of Allotments should therefore be rejected.

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Univision Communications Inc. ("Univision"), the ultimate parent of the licensee of KMEX-TV, Los Angeles, California, by its attorneys, hereby submits these comments in response to the above-captioned *Notice of Proposed Rulemaking* ("NPRM") released by the Commission on March 5, 2008 in connection with Comments filed by KRCA License LLC ("KRCA"), licensee of KRCA(TV), Riverside, California.¹ The NPRM proposes to amend Section 73.611(i) of the Commission's Rules, the DTV Table of Allotments, to substitute channel 35 for KRCA-DT's current post-transition DTV allotment of channel 45. Rarely has a proposed allotment rulemaking contemplated such harm to the public with no countervailing public interest benefit. Univision urges the Commission to reject the proposed change in allotment, as KRCA-DT's operation on channel 35 rather than channel 45 would result in a post-transition loss of television service for approximately 635,000 viewers in the Los Angeles

¹ See Comments of KRCA dated October 25, 2007 in response to the Commission's Notice of Proposed Rulemaking in *Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service*, Seventh Report and Order and Eighth Further Notice of Proposed Rule Making, 22 FCC Rcd 15581 (2007) ("KRCA October 2007 Comments").

television market, would violate the FCC's DTV freeze, would violate the FCC's interference protection rules, and would do so based purely on speculation that coordination with Mexico "should be able to be obtained more quickly" for channel 35.² Mere speculation is not, however, a basis for causing the real and concrete harm to the public that the proposed change in allotment will bring.

Background

At the outset, it is worth noting that KRCA has not formally sought the change in the final DTV Table of Allotments proposed here. As stated in the *NPRM*, the FCC twice rejected KRCA's election of channel 35 for causing excessive interference,³ but KRCA did not attempt to resolve that interference by either seeking to negotiate an interference agreement with KMEX-DT, or by modifying its channel 35 proposal to reduce the extent of that interference.⁴ When the Commission released the final DTV Table of Allotments, which properly assigned channel 45 to KRCA as the channel most appropriate for KRCA-DT's post-transition operations, KRCA similarly did not seek reconsideration of that decision.

Instead, shortly after the final DTV Table of Allotments was released, KRCA submitted comments indicating that "KRCA would accept an allotment on Channel 45,"⁵ which is the allotment that it has. This acceptance is entirely consistent with KRCA's earlier statements that

² *NPRM* at ¶ 2.

³ See *NPRM* at n.4.

⁴ KRCA has had ample opportunity to prove to the Commission that it is in the public interest for KRCA-DT to operate on channel 35 instead of 45 but has failed to do so. In the *2004 Second DTV Periodic Report and Order*, 19 FCC Rcd 18292 at ¶ 33 (2004), the Commission established a three-round channel-election process through which eligible stations selected their post-transition channels inside the core TV spectrum. During this process, licensees, including KRCA, proposed their post-transition facilities. After each channel election round, the Commission announced proposed post-transition channels and, as noted in the *NPRM*, the Commission specifically denied KRCA the allotment of channel 35 during the channel election process due to "impermissible interference" that would be caused to KMEX-DT, KNBC-DT and K35DG. The Commission reaffirmed its decision in the third round election process when it again refused to assign channel 35 to KRCA.

⁵ See KRCA October 2007 Comments at 2.

KRCA-DT's use of channel 45 would result in "less new interference to other stations, less interference received by KRCA" and would allow "KRCA to operate with a higher power."⁶

*KRCA has also stated to the Commission that remaining on its current allotment of channel 45, from a "technical perspective ... may be preferable in several respects to its election of Channel 35."*⁷ That conclusion is an understatement, given that KRCA-DT operations on channel 35 instead of 45 would cause significant and impermissible interference to Univision O&O station KMEX-DT, NBC O&O station KNBC-DT, and University of California educational station K35DG.⁸ At the same time, changing KRCA's allotment would also result in a violation of the Commission's DTV filing freeze and interference rules.⁹

While the harms are numerous and manifest, KRCA nevertheless states that the move to channel 35 is justified because (i) KRCA currently broadcasts on two out-of-core channels (62 analog and 68 digital) and (ii) the station is awaiting Mexican concurrence for KRCA-DT's use of channel 45 and concurrence for KRCA-DT's use of channel 35 "should be able to be obtained more quickly" than concurrence for the use of channel 45.¹⁰ Thus, this entire proceeding boils down to a request that the Commission abdicate its responsibility to select the channel most appropriate for continuing service to KRCA's audience, and instead rely on guesswork as to which channel Mexico will think is better for achieving Mexico's interests. Having carefully selected the best channel, and having heard that KRCA would prefer the technical superiority of

⁶ *Id.* at n.2.

⁷ See Comments of KRCA dated August 15, 2007 (at 2) in response to the Commission's Notice of Proposed Rulemaking in the *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 22 FCC Rcd 9478 (2007).

⁸ See Exhibit 1 hereto, an Engineering Statement prepared by du Treil, Lundin & Rackley, Inc. in support of the instant Comments.

⁹ *Id.*

¹⁰ *NPRM* at ¶ 2.

channel 45, the Commission's efforts should be expended negotiating that result with Mexico, rather than signaling Mexico through this proceeding that the FCC will accept whatever Mexico *decides is appropriate for KRCA.*

Indeed, what KRCA fails to point out is that, as a television broadcaster, it is hardly alone in facing obstacles during the DTV transition and nothing KRCA alleges entitles it to the extraordinary remedy sought in this proceeding. Many stations continue to await international coordination, and none has a guarantee of approval, much less a guarantee of approval in time to complete construction by February 2009. Moreover, a ready solution is available that the Commission has long applied to just such situations – the Commission may allow KRCA-DT to operate pursuant to Special Temporary Authority on channel 45 until such international coordination is completed. While KRCA may assert that an STA is an imperfect solution, the alternative proposed here is a bad solution to a problem that may not even exist.

I. KRCA-DT Operation on Channel 35 Rather Than on Allotted Channel 45 Would Cause Approximately 635,000 Viewers to Lose Post-Transition DTV Service in the Los Angeles Market

The adverse real-world implications of the KRCA proposal are apparent. Granting the proposed channel 35 allotment would result in an unnecessary loss of television service to nearly **635,000 viewers**. As demonstrated in the Erratum to the *NPRM*, the FCC estimates that on channel 35, KRCA-DT would provide interference-free service to 209,000 fewer persons than on the station's currently allotted channel 45.¹¹ In addition, the Erratum indicates that operation on channel 35 would cause an impermissible 1.17 percent new interference to KMEX-DT, resulting in a loss of service to an additional 170,520 persons.¹² Moreover, KRCA-DT operating on

¹¹ See Erratum to *NPRM*, released March 7, 2008.

¹² See Exhibit 1.

channel 35 will cause 0.24 percent interference to KNBC-DT, and 19.5 percent interference to K35DG, resulting in a combined loss of post-transition service to an additional 254,769 viewers.¹³ Thus, nearly 635,000 viewers will lose television service they otherwise would have had post-transition if KRCA-DT remained on its allotted channel 45.

In addition, the nature of the victims of this interference exacerbates the harm to the public. Univision station KMEX-TV is the top-rated station in the country's largest Hispanic market – a market where 28% of Hispanic households rely solely on over-the-air programming, and a far higher number have at least one over-the-air set. The transition to DTV will already be sufficiently challenging for Hispanic viewers in Los Angeles.

The interference to Class A station K35DG is particularly harmful as well. Operation of KRCA-DT on channel 35 will deprive literally hundreds of thousands of viewers of the educational programming aired by this University of California – San Diego station. K35DG's non-commercial programming provides science, health, medicine, public affairs, religion, humanities, fine arts, and music programming to the general public.¹⁴ The station also airs specialized programming, including lectures, documentaries, debates, and interviews for health care professionals, teachers, and students.¹⁵

Moreover, given the lack of analog pass-through in the majority of DTV converter boxes, the loss of 20% of K35DG's potential viewers to interference at almost the same instant that K35DG becomes inaccessible to the majority of over-the-air households installing DTV converter boxes delivers a devastating one-two punch to the station's ability to continue to serve the public and the public's ability to obtain K35DG's educational programming.

¹³ *See id.*

¹⁴ *See* <http://www.ucsd.tv/>.

¹⁵ *Id.*

The Commission and the courts have long held that the loss of service to viewers is *prima facie* contrary to the public interest,¹⁶ and the Commission has held that the loss or degradation of service for even a relatively small number of viewers creates "grave consequences."¹⁷ The KRCA allotment proposal goes far beyond the loss of service the Commission has found to be unacceptably contrary to the public interest in the past.¹⁸ Indeed, the Commission has recognized that loss of service constitutes a compelling reason to deny a proposal even in situations where (unlike here) the number of persons that would correspondingly gain service is substantially greater than the number that would lose service.¹⁹ The *NPRM* presents no grounds for concluding that the extensive loss of service here should be deemed any more acceptable, particularly where the only reason for even considering it is to trade one uncertainty (Mexican concurrence to channel 45) for another uncertainty (Mexican concurrence to channel 35).

¹⁶ See, e.g., *Hall v. FCC*, 237 F.2d 567, 572 (D.C. Cir. 1956); *New Jersey Public Broadcasting Authority*, 74 FCC2d 602, 605 (1979); *West Michigan Telecasters, Inc.*, 22 FCC2d 943, 945 (1970), *recon. denied*, 26 FCC2d 668 (1970), *aff'd*, *West Michigan Telecasters, Inc. v. FCC*, 460 F.2d 883, 889 (D.C. Cir. 1972); *WLCY-TV*, 16 FCC2d 506 (1969).

¹⁷ *KTVO, Inc.*, 57 RR 2d 648, 650 (1984). Moreover, mere signal degradation alone has been found to be inconsistent with the public interest. See, e.g., *WLCY-TV*, 16 FCC2d 506 (1969).

¹⁸ See Note 17, *supra*.

¹⁹ For example, loss of service has played a pivotal role in Commission decisions to deny applications to relocate television transmitters or to modify a station's signal contour, even where, unlike here, the proposed changes would have provided public interest benefits. The Commission has denied such applications even where far more viewers would have gained service than would have lost service. See, e.g., *Central Coast Television*, 14 FCC2d 985 (1968) (application denied where 4,900 viewers would have lost service but 297,129 would have gained service); *W. Michigan Telecasters, Inc.*, 460 F.2d 883 (D.C. Cir. 1972) (application denied where 89,182 viewers would have lost service but 385,116 would have gained service); *WLCY-TV*, 16 FCC2d 506 (1969) (application denied where 1,762 viewers would have lost service but 415,813 would have gained service).

II. The Proposed KRCA-DT Operation on Channel 35 Violates Both the Commission's DTV Freeze and the Commission's DTV Interference Protection Rules

In 2004, the Media Bureau announced a freeze on the filing of certain requests for allotment or service area changes, including petitions for rulemaking to change DTV channels within the current DTV Table.²⁰ The freeze applies to *all* television stations and is in effect for all channel changes and substitutions to facilitate the development and construction of final post-transition DTV facilities. The proposed channel change would alter KRCA-DT's DTV allotment in clear violation of the DTV freeze.²¹

Recently, in the *Order on Reconsideration of the Seventh Report and Order*, the Commission stated that the freeze remains in place and modifications to the DTV Table will be granted only if they comply with the 0.5 percent interference protection standard adopted by the Commission for post-transition DTV operations.²² The proposed KRCA-DT channel change, even when interference is calculated according to the "best case" assumptions used by the Commission in designing the DTV Table, vastly exceeds (by nearly 1200% with regard to KMEX-DT) the 0.1 percent interference threshold with which KRCA would need to comply in order to obtain reconsideration of the Commission's rejection of its channel 35 elections.

However, rather than penalize KRCA for its failure to timely seek reconsideration, the *NPRM* appears to reward that gamesmanship by seeking to apply a 0.5 percent interference threshold at the very same time the Commission is rejecting timely petitions for reconsideration

²⁰ See *Public Notice, "Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes,"* 19 FCC Rcd 14810, 14810-11 (MB 2004).

²¹ See Exhibit 1.

²² *In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, 2008 FCC LEXIS 2178 at ¶¶ 13, 16 (rel. March 6, 2008).

solely on the ground that they exceed 0.1 interference to other stations.²³ In fact, one of the stations whose petition for reconsideration was rejected for allegedly causing 0.2% interference is Univision's WFUT-TV in the New York DMA. Just like KRCA, WFUT-TV's analog and transitional digital channels are both out-of-core. Despite that, however, the Commission still found the alleged creation of 0.2% interference unacceptable, even though it represents only 17% of the interference the *NPRM* suggests should be accepted by KMEX-DT here (not to mention the interference to K35DG and KNBC-DT).²⁴

Of course, even under the far more liberal (but procedurally indefensible²⁵) 0.5% interference standard, the KRCA proposal fails, as the interference to KMEX-DT alone constitutes 234 percent of that "permissible" amount of interference.²⁶ As a result, no matter how it is painted, the KRCA proposal violates both the DTV freeze and the Commission's interference protection rules.

III. The KRCA Proposal Impermissibly Violates K35DG's Class A Protections From Interference

Contrary to the Commission's tentative conclusion in the *NPRM*, the KRCA proposal would result in prohibited contour overlap with Class A station K35DG in violation of Section

²³ *In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, 2008 FCC LEXIS 2178 at ¶¶ 57-71 (rel. March 6, 2008) (stating that the proposed facilities would exceed the "0.1 percent interference standard and the affected station has not agreed to accept this interference."). In contrast to these stations, which followed the FCC's rules, KRCA, by not filing a petition for reconsideration, is now seeking to avoid complying with *any* interference standards, whether it be the 0.1 interference standard applied to the stations that filed petitions for reconsideration or the 0.5 percent now being suggested.

²⁴ *In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, 2008 FCC LEXIS 2178 at ¶ 68 (rel. March 6, 2008).

²⁵ See *Melody Music v. FCC*, 345 F.2d 730 (D.C. Cir. 1965) (similarly situated parties must be treated similarly); see also *New Orleans Channel 20, Inc. v. FCC*, 830 F.2d 361, 366 (D.C. Cir. 1987) ("Melody Music and its progeny appropriately recognize the importance of treating parties alike when they participate in the same event . . .").

²⁶ See 47 C.F.R. § 73.616.

73.623 of the Commission's Rules.²⁷ Specifically, KRCA cannot take advantage of the "safety net" provision of the Community Broadcasters Protection Act ("CBPA")²⁸ because the station does not face "technical problems" requiring an "engineering solution" that cannot be resolved without infringing on K35DG. By its own admission, channel 45 is technically superior.²⁹

Instead, KRCA faces an international coordination, as do many other television stations, none of which have been permitted to displace Class A stations in order to make the international coordination process "easier" or "faster." The relevant point in this proceeding is that KRCA-DT moving to channel 35 would *create* rather than resolve technical problems. As a result, KRCA-DT's proposal does not meet the interference protection or "engineering solution" requirements of the FCC's Rules, the CBPA, or the Communications Act.³⁰

IV. The Proposed Modification of the DTV Table of Allotments Fails to Advance the Public Interest in Any Respect and Is Unnecessary to Permit KRCA to Construct In-Core Facilities

While KRCA's proposal would result in a post-transition loss of service to well over half a million viewers, it fails to advance the public interest in any respect. KRCA asserts that the Commission should grant its allotment proposal because (i) KRCA was given two out-of-core channels and (ii) because there is a chance that the Mexican government *might* provide approval for channel 35 more quickly than for channel 45. Setting aside the entirely speculative nature of the *sole* proclaimed benefit of KRCA's proposal, neither its current operation on two out-of-core

²⁷ See 47 C.F.R. § 73.623.

²⁸ Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), codified at 47 U.S.C. § 336(f).

²⁹ See Comments of KRCA dated August 15, 2007 (at 2) in response to the Commission's Notice of Proposed Rulemaking in the *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 22 FCC Rcd 9478 (2007).

³⁰ Indeed, far from being a "technical problem," the Commission has stated that international coordination is a "foreign affairs function." See *Amendment of Parts 2, 22 and 25 of the Commission's Rules*, 7 FCC Rcd 266 at ¶ 51 (1992). As a result, it strains credulity to suggest that the international coordination process, a "foreign affairs function," has suddenly morphed into a "technical problem" requiring an "engineering solution."

channels nor its need for international coordination justifies the astonishingly unique treatment proposed here. Univision is one of the largest operators of dual out-of core stations in the *country*. However, as discussed above with regard to one of those stations, WFUT-TV, the Commission accorded it none of the “flexibility” sought by KRCA here, despite the fact that rejection of WFUT-TV’s petition for reconsideration (based on 0.2% interference) creates a loss of existing service to 380,000 people while making WFUT-DT one of the lowest powered UHF stations in the New York DMA.³¹

Similarly, Univision’s KFTR-DT in the Los Angeles DMA has been waiting for Mexican concurrence for its proposed transitional DTV facilities for more than 5 years and continues to wait.³² In order to permit the station to move forward on its allotted channel while awaiting concurrence, the Commission granted the station Special Temporary Authority to build and operate its digital facilities. KFTR-DT has now been operating with those STA facilities since 2005.³³ Thus, KRCA is hardly unique, and while perhaps not the perfect solution it seeks, issuance of Special Temporary Authority to construct and operate its post-transition facilities on channel 45 would place it on the same footing as other similarly situated stations awaiting international coordination without subjecting the public to the creation of harmful interference proposed in the *NPRM*. KRCA has simply provided no extraordinary – or even substantial – justification for the unprecedented allotment treatment it seeks.³⁴

³¹ See *In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, 2008 FCC LEXIS 2178, Appendix B (rel. March 6, 2008).

³² The application for KFTR-DT (BMPCDT-20021028ABV) has been referred to Mexico but the coordination process has not yet been completed.

³³ See BDSTA- 20050421ABY.

³⁴ In its Seventh Report and Order, *Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service*, 22 FCC Rcd 15581 at ¶ 133 (2007), the Commission recognized that many stations are awaiting international coordination and might run into construction delays prior to the DTV transition:

Footnote continued on next page

CONCLUSION

For the forgoing reasons, Univision respectfully requests that the Commission reject the changes to the DTV Table of Allotments proposed in the *NPRM*. KRCA's proposal would result in a loss of broadcast service to nearly 635,000 people, is based entirely upon speculation that Mexican coordination of channel 35 can be accomplished more quickly than the already pending coordination of channel 45, and ignores the far better alternative afforded other stations of constructing and operating a channel 45 facility pursuant to Special Temporary Authority pending completion of Mexican coordination. The Commission should therefore protect service to the public and make no changes to the DTV Table of Allotments with respect to KRCA-DT.

Respectfully submitted,

UNIVISION COMMUNICATIONS INC.

By: 
Scott R. Flick
Paul A. Cicelski

Its Attorneys

PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N Street, N.W.
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Dated: April 10, 2008

Footnote continued from previous page

We continue to believe that international coordination of digital allotments will proceed in a manner that will allow affected stations to construct digital facilities by the transition deadline. In some cases, however, stations may need to proceed with constructing authorized facilities to the extent approved by Canada or Mexico, even if those facilities differ from the preferred facilities sought by the station, if international coordination issues arise that delay action on a pending application and those issues cannot be resolved in time to allow construction to be completed before the end of the transition.

EXHIBIT 1

TECHNICAL EXHIBIT
IN SUPPORT OF COMMENTS OF
UNIVISION COMMUNICATIONS INC.
IN THE NOTICE OF PROPOSED RULE MAKING
MM DOCKET NO. 08-30
RIVERSIDE, CALIFORNIA

This Technical Exhibit was prepared on behalf of Univision Communications Inc., the ultimate parent of station KMEX-TV (analog channel 34, pre-transition digital channel 35, and post-transition digital channel 34), Los Angeles, California ("KMEX") in support of its comments in the Notice of Proposed Rule Making in MM Docket No. 08-30 ("NPRM") which was issued in response to comments filed by KRCA License, LLC ("KRCA"), licensee of TV station KRCA (analog channel 62, pre-transition digital channel 68, and post-transition digital channel 45), Riverside, California. The NPRM proposes that the FCC substitute channel 35 for KRCA-DT's post-transition channel 45 allotment. As detailed below, the proposed channel 35 substitution will (1) cause prohibited interference to KMEX-DT and KNBC-DT (analog channel 4, digital channel 36 for both pre- and post-transition), Los Angeles, CA, (2) cause prohibited interference to Class A TV station K35DG, La Jolla, California, (3) create service loss to KMEX-DT, KNBC-DT and K35DG, (4) violate the current freeze on certain TV modifications and (5) result in reduced post-transition service from KRCA-DT.

Prohibited Interference/Loss of Service

As noted in the NPRM, the proposed KRCA DTV allotment will cause 1.17 percent interference to the KMEX DTV allotment which exceeds both the 0.1 percent interference standard utilized by the FCC for interference conflict analyses¹ as well as the 0.5 percent interference standard adopted by the FCC for post-transition DTV operations². The widespread interference to KMEX would create a loss of service to 170,520 persons. Figure 1 depicts the cells of interference located within the KMEX 41 dBu contour which are caused by the proposed KRCA DTV channel 35 allotment. As also noted in the NPRM, the proposed KRCA DTV channel 35 allotment will also cause 0.24 percent to KNBC which exceeds the 0.1

¹ See paragraph 21 of the Seventh Further Notice of Proposed Rule Making in MB Docket No. 87-268.

² See paragraph 155 of the Report and Order in the Third DTV Periodic Review (MB Docket No. 07-91).

percent interference standard adopted by the FCC for interference conflict analyses. The interference to KNBC would create a loss of service to 46,253 persons. Furthermore, our calculations indicate that the proposed KRCA DTV allotment will cause 19.5 percent post-transition interference to K35DG. The interference to K35DG would create a loss of service to 208,516 persons.³

In addition, the FCC estimates that KRCA's current channel 45 allotment provides interference-free service to 15,069,000⁴ persons while the proposed KRCA channel 35 allotment will provide interference-free service to 14,860,000⁵ persons based on the 2000 US Census. Thus, the channel substitution itself would create an additional loss of service to 209,000 persons.

Filing Freeze Violation

The filing freeze adopted in August of 2004⁶ prohibits, among other things, a station from proposing a change in its DTV allotment or expanding its service area. The proposed channel change would obviously alter the station's DTV allotment in violation of the freeze.

The attached technical statement has been prepared by or under the direct supervision of W. Jeffrey Reynolds, technical consultant with the firm of du Treil, Lundin and Rackley, Inc., a telecommunications consulting firm located in Sarasota, Florida, who states that his qualifications are a matter of record with the Federal Communications Commission, having

³ The post-transition interference studies were based on use of OET-69, a nominal grid size of 2 km, the 2000 Census and considered post-transition DTV allotments only.

⁴ See Appendix B of the Memorandum Opinion and Order on Reconsideration of the Seventh Report and Order and Eighth Report and Order in MB Docket No. 87-268.

⁵ See Erratum to the NPRM released March 7, 2008.

⁶ See FCC Public Notice released August 3, 2004 and entitled "Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes (DA 04-2446).

been presented on previous occasions. All data and statements contained herein are true and correct to the best of his knowledge and belief.

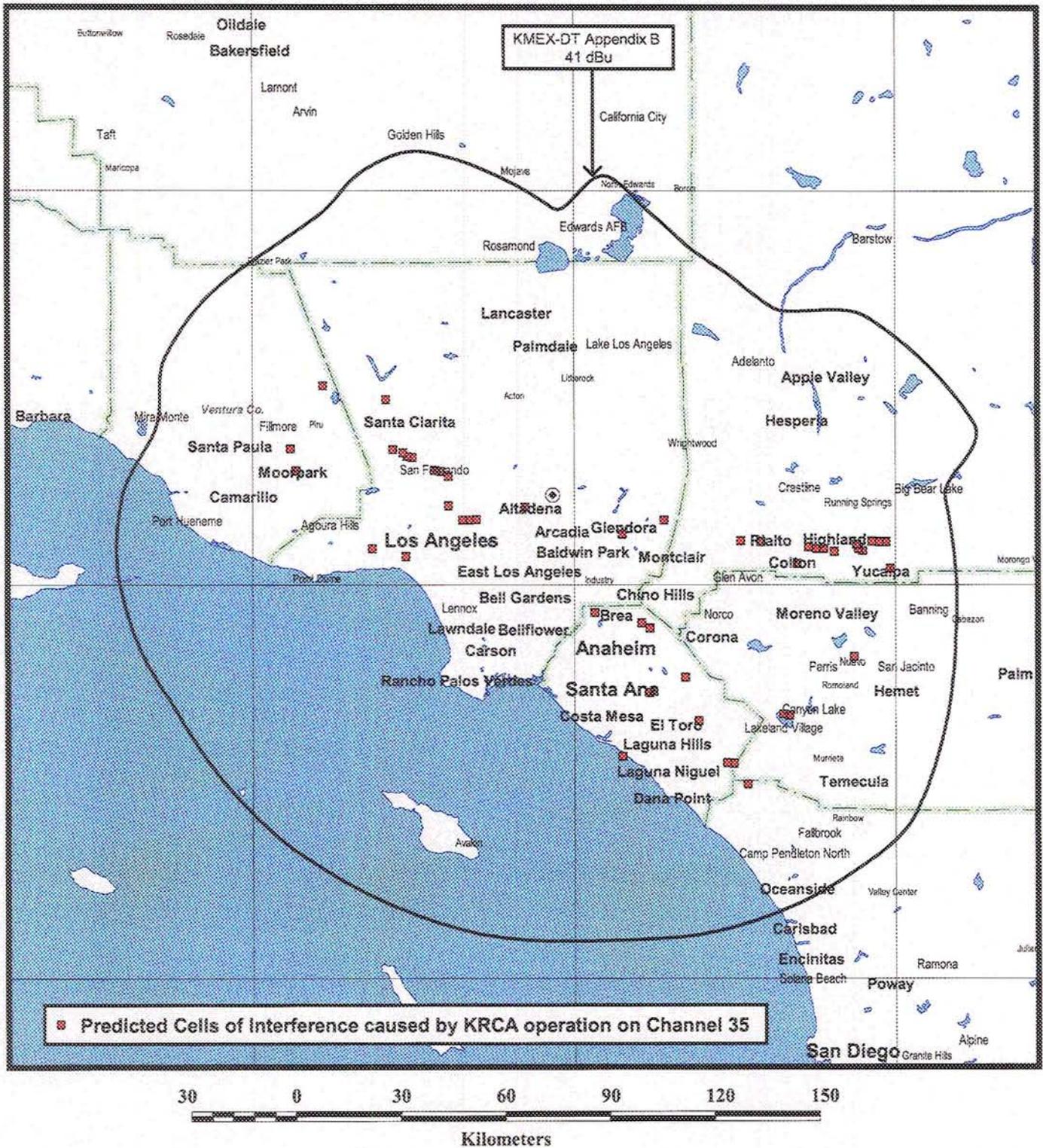


W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
201 Fletcher Ave.
Sarasota, Florida 34237

April 4, 2008

Figure 1



PREDICTED INTERFERENCE CELLS

DTV STATION KMX-DT
LOS ANGELES, CALIFORNIA
CH 34 392 KW-DA 956 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

CERTIFICATE OF SERVICE

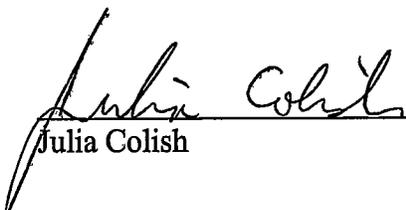
I, Julia Colish, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that copies of the foregoing "**COMMENTS OF UNIVISION COMMUNICATIONS INC. IN OPPOSITION TO PROPOSED RULEMAKING**" were served via U.S. mail on this 10th day of April 2008 to the following:

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