

ORIGINAL

Before the  
Federal Communications Commission  
Washington, D.C. 20554

FILED/ACCEPTED

APR 25 2008

Federal Communications Commission  
Office of the Secretary

In the Matter of	)	
	)	
Amendment of Section 73.622(i),	)	MM Docket No. 08-30
Final DTV Table of Allotments,	)	RM-11419
Television Broadcast Stations.	)	
(Riverside, California)	)	
	)	

To: Office of the Secretary, Federal Communications Commission  
Attn: Media Bureau, Video Division, Shaun Maher

**REPLY COMMENTS OF UNIVERSITY OF CALIFORNIA, SAN DIEGO**

The Regents of the University of California, for the University of California, San Diego (“the University”), by its attorneys, hereby submits its reply comments in the above captioned proceeding. The University is a public institution of higher education and is the licensee of Class A television station K35DG, La Jolla, California (Facility ID No. 66321), which currently operates on analog Channel 35 – the channel station KRCA seeks in this proceeding.

KRCA in its comments ignores the impact of its proposal on K35DG, namely: that Channel 35 is in use by a Class A station, that K35DG is licensed to a local entity providing inherently local programming to the local community; that there is no other channel available for K35DG to use; and that KRCA’s use of Channel 35 would deprive much of the community of K35DG’s local service. This surely is contrary to the public interest.

KRCA asserts in its comments that Channel 35 “is available as a post-transition channel.”<sup>1</sup> KRCA is incorrect. Channel 35 is not available to KRCA as a post-transition channel because its operation on Channel 35 would cause impermissible interference to K35DG and

<sup>1</sup> See Comments of KRCA License LLC (“KRCA’s Comments”) at 3.

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other stations in Southern California and cause the loss or displacement of K35DG in violation of Section 73.623(c)(5) of the Commission's Rules.<sup>2</sup> The University believes that the existence of reasonable alternatives – for example, Univision's suggestion that KRCA could operate on Channel 45 pursuant to STA pending the outcome of Mexican review – should compel the Commission to reject KRCA's proposed use of Channel 35.

**I. The Proposed Channel Substitution Will Displace K35DG.**

As described in the University's comments, KRCA's proposed channel substitution is predicted to cause interference to over 25 percent of K35DG's service area population (approximately 270,000 persons)<sup>3</sup> – a level of interference that would disenfranchise an enormous number of citizens who rely on over-the-air service and potentially “kill off” K35DG.<sup>4</sup> KRCA's comments filed in this rulemaking proceeding, however, make no mention of K35DG – or the fact that the interference caused by KRCA's proposed channel substitution would violate Section 73.623(c)(5) of the Commission's Rules.<sup>5</sup> The Commission should not countenance KRCA's cavalier attitude regarding the potential loss of K35DG, a well-recognized source of local educational programming in the San Diego region. At the very least, the Commission should not grant KRCA's proposed channel substitution without formally incorporating into this proceeding a plan for the preservation of K35DG.

For example, if the Commission grants the proposed channel substitution (over K35DG's objection), the Commission should identify a suitable displacement channel for K35DG and require KRCA to reimburse the costs of replacement facilities. The Commission also should

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<sup>2</sup> See Comments of Univision Communications Inc. in Opposition to Proposed Rulemaking (“Univision's Comments”) at 7-9; Comments of University of California, San Diego (“University's Comments”) at 5-7.

<sup>3</sup> See Exhibit E1 to Technical Statement at Attachment A in the University's Comments.

<sup>4</sup> See University's Comments at 6-7; Univision's Comments at 5.

<sup>5</sup> See KRCA's Comments.

require KRCA to coordinate its move with K35DG so as to avoid any disruption or loss of service. The Commission should allow K35DG, a Class A station, to displace LPTV or translator stations – or, at a minimum, allow its displacement application to take priority over the pending applications of any other non-full power station. Grant of the proposed channel substitution otherwise could deny local and regional programming to hundreds of thousands of San Diego residents.

**II. Displacement of K35DG is Unnecessary – KRCA Can Operate on Channel 45 Pursuant to STA Until Mexican Review is Completed.**

As Univision noted in its comments, KRCA could build and operate its post-transition facilities on Channel 45 pursuant to STA pending outcome of Mexican review.<sup>6</sup> The Commission has granted STA to similarly-situated stations awaiting international coordination.<sup>7</sup> The University believes that the existence of this reasonable alternative should compel the Commission to reject KRCA's channel change proposal in light of the dire consequences for K35DG and the loss service to approximately 635,000 persons, as Univision points out.<sup>8</sup> If Mexico ultimately declines to approve KRCA's use of Channel 45, KRCA should be no worse off for the delay – and certainly no worse off than K35DG would be – and perhaps by that time an alternative channel will be available for K35DG.

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<sup>6</sup> See Univision's Comments at 9-10.

<sup>7</sup> See *id* at 10.

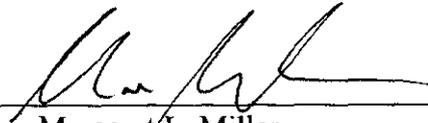
<sup>8</sup> See *id* at 4-5.

**CONCLUSION**

For the reasons described above, the Regents of the University of California, for the University of California, San Diego, respectfully requests that the Commission reject the proposed channel substitution for KRCA.

Respectfully submitted,

**REGENTS OF THE  
UNIVERSITY OF CALIFORNIA**

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April 25, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing "Reply Comments" was served on April 25, 2008, by first class mail, postage prepaid, upon the following:

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