

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Implementation of Short-term Analog Flash and ) MB Docket No. 08-255  
Emergency Readiness Act; Establishment of DTV )  
Transition “Analog Nightlight” Program )  
 )  
 )

**COUNTY OF LOS ANGELES, CALIFORNIA  
REQUEST FOR CLARIFICATION OR IN THE ALTERNATIVE  
PETITION FOR RECONSIDERATION**

The County of Los Angeles, California (“the County”), by its attorney, hereby requests that the Commission correct an error in its *Report and Order*, FCC 09-02, released January 15, 2009. In the alternative, the County seeks reconsideration to the extent that the Commission has identified KPBS, channel 15, San Diego, California, as an eligible station of the “Nightlight Program.”

The *Report and Order* was adopted in direct response to the *Short-term Analog Flash and Emergency Readiness Act* (“Analog Nightlight Act” or “Act”), Pub. L. No.110-459, 122 Stat. 5121 (2008). The Act permits the Commission to authorize certain television stations to continue analog operations for limited purposes for a 30-day period past February 17, 2009. However the Act is also very clear that certain channels that could impact public safety land mobile radio communications after February 17, 2009, are not eligible. In particular, Section 3(5) of the Act requires the Commission to “prohibit any broadcast of analog television service signals under section 2(b) on any spectrum that is approved or pending approval by the Commission to be used for public safety radio services, including television channels 14-20.”

On December 30, 2008, the Commission granted the County’s request (which had been pending since long before the adoption of the Analog Nightlight Act) to use channel 15 in the Los Angeles area for public safety communications.<sup>1</sup> As explained therein, the County’s use of channel 15 is limited until

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<sup>1</sup> *County of Los Angeles, California*, DA 08-2823, released December 30, 2008.

February 18, 2009, due to continued analog television operations on channel 15 in San Diego.<sup>2</sup>

Therefore, the Act would appear to prohibit the Commission from including that station in the list of stations eligible for the Nightlight Program. Nevertheless, presumably due to an oversight, KPBS, channel 15, San Diego, is included in the list of eligible stations contained in Appendix A (page 20) to the *Report and Order*.

Therefore, for the reasons set forth above, the County respectfully requests that the Commission issue an immediate *erratum* to delete KPBS, channel 15, from Appendix A of its *Report and Order*. In the alternative, County petitions for reconsideration of the *Report and Order* on that specific issue.

Respectfully submitted,

COUNTY OF LOS ANGELES, CALIFORNIA

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January 16, 2009

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<sup>2</sup> *Id.* at ¶27.