

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	GN Docket No. 09-47
Spectrum for Broadband)	GN Docket No. 09-137
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
)	NPB Public Notice #26

To: The Commission (filed electronically)

COMMENTS OF KAXT LLC

1. KAXT LLC (“KAXT”) submits these Comments in response to NPB Public Notice #26. KAXT LLC operates Stations KAXT-CA and KAXT-LD, San Francisco-San José, California.

2. The apparent premise of the FCC’s public notice is that broadcasters are not using all of their digital spectrum capacity. That is not true. KAXT-LD, Channel 42, is using every possible bit of capacity, providing 12 video streams and eight audio streams to our audience.¹ More information is in the attachment to these comments.

3. We spent years of time and hundreds of thousands of dollars we did not have and could not afford to get this service up and running. We filed applications and ended up in costly litigation first to win our spectrum and then to avoid having it taken away by a big corporation seeking to repeat a full power station. Much of our audience has no other free source of ethnic programming to meet their interests including local news and community information. We find it absolutely unbelievable that only six months after the DTV transition² and after we finally got a signal on the air, the FCC is talking about sending our station up in smoke and leaving us to go

¹ KAXT-LD uses state of the art technology for the 20 channels (12 video – 8 audio) of mostly ethnic programming. The off air quality exceeds cable or satellites video quality with higher sampling rates with out “picture blocking”.

² Several full power stations in the San Francisco market were not able to operate digitally during the DTV transition period because of spectrum limitations forced by the channel consolidation.

broke and our audiences with no ethnic services other than expensive non-local program packages on paid media like cable and satellite. Now that we are just beginning to earn a little revenue to pay our debts, shall we be rewarded with our government destroying local ethnic programming after our long struggle to provide this needed service?

4. We do not waste any of our data stream, let alone kilobits or megabits. If you relegate us to less bandwidth our business model will collapse and all our services will have to be discontinued. It is specifically because of the bandwidth available to KAXT-LD that the stations' minority programming can afford to be aired. KAXT has partnered with not only the Latino community, the Vietnamese community, the South Asian (Indian) community, and the Philippine community to provide local and regional news and information but with local community leaders within these groups to improve communication between the local leaders and the diverse community in the San Francisco Bay area. The KAXT-LD subchannels are 24 hour 7 day a week serve these communities, and is often the only local source of news and information available to these people. These are hard working people supporting their families and building a future and if you take their entire channels away by some scheme, the Commission will create an outrage within these communities. KAXT-LD³ serves the #5 Hispanic market with two local sub channels: Christian (Tiempos Finales channel 1-3), and Spanish Family programming (Bahia TV channel 1-4). KAXT-LD serves the #3 Asian market with (Diya TV channel 1-5) programming in Hindi, Punjabi and other south Asian languages, and KAXT-LD is preparing to launch in the next 90 days a Philippine 24/7 channel. There are an over 600,000 people of Philippine decent in the San Francisco Bay Area which KAXT-LD serves. Because our digital channel is only LPTV and a secondary spectrum user, all of our services will be lost. This is unfair to the minority groups and the minority partners of our small business enterprise. It will spell the end of free over-the-air

³ Spectrum congestion due to channel consolidation required KAXT-LD operates on major channel 1 to avoid viewer confusion with full power channels in the area.

television to approximately 2.4 million under served (if served at all) minority, religious, and local ethnic communities. Programming including news, community affairs, and local public service information for ethnic minorities will be lost.

5. KAXT-LD believes it's unconscionable to expect any business including television broadcasters to fully utilize its resources in just 6 months⁴ after a complete reconfiguration of the industry.

6. The proposal to take spectrum away would be another big step toward giving all of the nation's communications resources to mega-corporations, reducing diversity and localism. These big corporations are the ones who can afford to make the big political contributions, and it looks like they will once again be rewarded. We feel terribly betrayed and devastated that the FCC would even consider letting this happen.

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Respectfully submitted,

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Warren L. Trumbly
President

⁴ The DTV transition date June 12, 2009

Channel ONE KAXT-LD AND KAXT-CA

KAXT LLC, KAXT-CA channel 22
KAXT-LD channel 1, San Francisco-Oakland-San Jose, CA

PROGRAM CHANNEL LINE UP

Channel 1.1 Cool Music Network A 24 hour music video network that play a wide variety of music including classic concerts and recorded live events with such artists as Willie Nelson, The Animals, The Rolling Stones, and many more.

Channel 1.2 Que Huong TV The first 24 hour Vietnamese television channel in the San Francisco Bay Area. The South Bay has the largest Vietnamese community with in the United States. QHTV provides significant new and local community information as well as entertainment.

Channel 1.3 Tiempos Finales A local Spanish-Christian channel with 24 hours nearly all of the programming locally produced. Local Churches and pastors produce and air programs that are uplifting with teaching, music, and educational materials.

Channel 1.4 Bahia TV The only local independent Spanish channel in the San Francisco Bay area other than Tiempos Finales channel 1.3. Bahia TV, is a family oriented Spanish channel with significant educational material and local content.

Channel 1.5 Diya TV The only channel programming the South Asian community (Indian) with programs in multiple languages including Hindi, Punjabi, and several others. This 24 hour free of the air channel is the only channel serving the Indian community.

Channel 1.6 Colours TV Colours TV is a national multicultural channel with entertainment, news, and issues important to many different cultures including, African-American, Philippine, Indian, Japanese, Korean and many more.

Channel 1.7 My Family TV A 24 hour channel that provides family viewing in all day parts and includes many classic TV shows and movies as well as a significant amount of children's programming.

Channel 1.8 i2TV Democratizing the air ways is i2TV. Containing a wide variety of internet videos, i2TV offers local program producers, schools and music groups the opportunity to upload their programming and have it see on TV. This truly opens the air ways to all who have content. All content is screen to comply with decency standards.

Channel 1.9 Corner Store Corner Store TV is a 24 hour infomercial channel that is programmed specifically for the San Francisco Bay Area.

Channel 1.10 Coastal TV Central California's own travel channel, with local content for the region showing hotels, restaurants, resorts, the wine country as well as cooking programs and museum tours.

Channel 1.11 Jewelry TV For the in home shopper Jewelry TV offers an opportunity to purchase items

Channel 1.12 PeanutTV A local 24 hour real estate channel. Local viewer can upload homes for sale via the internet. Offer for sale by owners' and real estate professional an opportunity to find solutions in a tough real estate economy.

Channel 1.13 Que Huong Radio An AUDIO ONLY services with local community events, music news and information to the Vietnamese community.

Channel 1.14 Cool Music Radio Audio Only - Sound tracks from the Cool Music TV Network

Channel 1.15 La Voz Programmed by a local Church with music and teaching. It's a program developed to work with the youth of the church to teach radio production and ministry techniques.