



THE BEST IN LOCAL TELEVISION

1064 Woodland Ave, Suite P

Modesto, CA 95351

209-566-9135

Informal Petition for Declaration as Must Carry Station
Submitted pursuant to FCC Regs section 76.61 et seq

April 10, 2012

In re KAZV-LP

This petition seeks a determination that the above named station is a qualified Low Power station and is therefore a Must Carry station for cable companies serving the San Joaquin, Stanislaus and Merced counties geographical area. The station is currently carried by Comcast systems and was, until March 1, 2012, carried by Carter Communications on their Turlock and Livingston hubs, reaching portions of the three aforementioned counties.

In January 2012, station General Manager, George A. Baker, received a call from Lisa Ludovici of Charter Communications requesting a copy of the contract for carriage. Mr. Baker replied that he did not have a copy of the contract and contacted Frank and Linda Azevedo, the holders of the license requesting a copy of the contract. Mr. Azevedo indicated that there was no contract, that the cable company had carried the station as part of their franchise agreement with the cities of Turlock and Ceres, and with Stanislaus County. Further, that the carriage decision had predated Charter Communications takeover of the involved system.

The next communication with Charter Communications was a letter dated in Late January from Lisa Ludovici stating that the channel would be removed from the system on or about March 1, 2012. This letter indicated that the reasons for removal included a failure to meet programming requirements for non-entertainment programming, poor signal quality, and that the needs of the members of the community were being served in other fashions.

On February 17, a letter was drafted and mailed to Lisa Ludovici, as representative of Charter Communications pursuant to FCC Regs section 76.61 et seq. A copy of this letter is attached hereto as Exhibit "A" and incorporated herein by this reference. This letter stated the position of the licensee and the Real Party in Interest, Central Valley Media Center, to the effect that the station was in compliance with the requirements for must carry status, that the station was the only general interest local station serving the affected communities, and that the public interest would be best served by the continued carriage of the station on Charter Communications cable system.

An email communication was sent to Lisa Ludovici for a status report on February 27. Copies of the enquiry email and the response are attached hereto as Exhibits "B" and "C" respectively and incorporated herein by this reference.

On or about March 1, 2012, a certified letter was received from attorneys for Charter Communications. This letter changed the basis for removal and limited it simply to one of qualification to be carried. A copy of this letter is attached hereto as Exhibit "D" and incorporated herein by this reference.

We were notified by viewers that we had been taken off the air. Several viewers had contacted Charter Communications prior to the removal, and more contacted both Ms. Ludovici and the offices in Turlock, Ceres and Livingston requesting initially that the station not be removed, then that the station be returned to the line-up. Copies of a few of these communications are attached hereto as Exhibits "F", "G", "H", "I" and "J" and incorporated herein by this reference.

On March 7, a certified letter was sent in reply to the previously mentioned letter. In part, the purpose of this letter was to clarify some of the factual errors contained in the preceding letter from the Charter Communications attorneys. Additionally, it was to establish that KAZV-LP is unique and provides a service not offered by anyone else in the area. Based on this information, we again requested carriage. A copy of this letter is attached hereto as Exhibit "E" and incorporated herein by this reference.

The basis for the letter from the attorneys for Charter Communications was that KAZV-LP was not a qualified station. The two reasons cited were population of the city of Modesto as of June 30, 1990 and the existence of two other full power stations in the areas served by KAZV-LP and Charter Communications, serving the same viewers. As noted in the response (Exhibit "E", the facts upon which Charter bases their analysis are in error.

First, the figures upon which they base the population numbers as cited were for the entire county of Stanislaus, not the city of Modesto. We do not dispute that the population of Modesto at the June 30, 1990 date exceeded 30,000, however, the owners of the station do not live within the city limits of Modesto, and did not at the time of the licensing of the station in the mid 1990s. The location of the studios was in the unincorporated area of Stanislaus County, and the transmitter was in the county as well,. The studio had a Modesto mailing address and the transmitter a Patterson address.

More significant is the allegation that there are 2 full power stations, one broadcasting from Ceres, CA – KBSV – and the other from Merced, CA – KNSO. As noted in the response "Exhibit "E", neither of these stations serves the audience served by KAZV-LP

George A. Baker
General Manager on behalf of

Frank and Linda Azevedo
License Holders for KAZV TV