

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

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FLETCHER, HEALD & MILDRETH

In the Matter of)
)
GULF-CALIFORNIA BROADCAST COMPANY)
)
Application for Minor Modification of a)
Construction Permit for)
Station KCWQ-LD, Palm Springs, CA)

File No. BMPDTL-20100512AFG
Facility Id. No. 167761

To: The Secretary
Attention: Chief, Video Division, Media Bureau

DATE: 7/27/10
TIME: 11:00 AM

REPLY TO OPPOSITION TO INFORMAL OBJECTION

1. San Bernardino Community College District ("SBCCD"), by its counsel, hereby replies to the Opposition to Informal Objection (the "Opposition") submitted by Gulf-California Broadcast Company ("Gulf-California") on July 21, 2010 in response to SBCCD's Informal Objection to the above-captioned application (the "Application"). Because Gulf-California has failed to demonstrate that the proposed low power digital facilities, as modified, will not cause interference to the input reception of KVCR-DT by television translator station KJHP-LP, SBCCD respectfully requests that the Video Division deny and dismiss the Application.

2. In the engineering statement submitted in support of the Opposition, Gulf-California's consulting engineer acknowledges that "interference will be caused to the KJHP-LP receiver at Edom Hill because it will operate co-channel with this LPTV receive antenna. . . ." The Opposition makes no effort to reconcile this admission with the explicit instruction in Section 74.703(a) of the Commission's Rules that an application for a change in the facilities of a low power television station "will not be granted when it is apparent that interference will be

caused.” Instead, Gulf-California’s overarching argument in its Opposition appears to be that, because the Commission’s Rules are not explicit in addressing the exact scenario presented, no relief is available to SBCCD. This is an absurd argument, at best – the fact that a particular application of the rules is novel does not preclude its application where the facts justify such application. The Commission has clear authority to intervene any time interference is caused to the licensed operation of a broadcast station. Moreover, that the FCC has found it necessary to carve-out the specific analogous protections previously raised by SBCCD demonstrates that the Commission’s interference protection regime can and does respond to scenarios not initially contemplated by the rules.

3. Gulf-California’s objections to SBCCD’s reliance on Section 74.703(b) are also flawed. First, Gulf-California claims that SBCCD has no basis for seeking “extraordinary” protection for the extension of KVCR-DT coverage from its primary DMA into the Palm Springs DMA. This argument is inapposite as the KJHP-LP contour is encompassed by the KVCR-DT protected contour, thus no “extension” of coverage is being promoted by seeking protection of the input reception of KVCR-DT by KJHP-LP.

4. The Opposition further claims that SBCCD’s objection is untimely, yet Gulf-California fails to mention that, while its original construction permit for the Edom Hill location was granted nearly two years ago, that application specified a operation at a mere 325 watts – the instant modification application seeks a greater than *20-fold increase in power*, to an ERP of 6.5 kW. Certainly the Commission (and Gulf-California) can appreciate that the newly-proposed extraordinary power increase would provide sufficient basis for new analysis of the impact of the proposed station. Regardless, Section 73.3587 of the Commission’s Rules does not constrain the filing of informal objections in the manner Gulf-California would have us believe; in fact, the

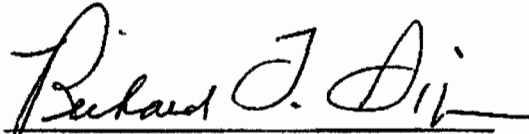
rule explicitly permits such filing against *any* application at any time before FCC action. Therefore, SBCCD's Informal Objection was timely and proper.


5. SBCCD has demonstrated that the proposed modified facilities for station KCWQ-LD would in fact interfere with the direct reception by the receiving antenna for KJHP-LP of the full service KVCR-DT signal, a fact which has been confirmed by Gulf-California's consulting engineer. SBCCD therefore respectfully requests the Video Division to provide relief by way of dismissing and denying the Application.

Respectfully submitted,

SAN BERNARDINO COMMUNITY
COLLEGE DISTRICT

By:


Richard F. Swift


Davina S. Sashkin
Its Attorneys

Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209
703-812-0400

August 6, 2010

CERTIFICATE OF SERVICE

I, Marie Clark, a secretary in the law firm of Fletcher Heald & Hildreth, PLC, hereby certify that on August 6, 2010, I caused a copy of the foregoing "Reply to Opposition to Informal Objection" to be served via U.S. Mail or by hand delivery (denoted by *) upon the following:

Barbara Kresiman Chief*
Video Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Hossein Hashemzadeh, Associate Chief*
Video Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Robert G. Allen
Executive Vice President
Gulf-California Broadcast Company
825 Edmond St.
St. Joseph, MO 64501

Robert Lewis Thompson
Smithwick & Belendiuk, PC
5028 Wisconsin Avenue, NW
Suite 301
Washington, DC 20016


Marie Clark