



FEDERAL COMMUNICATIONS COMMISSION

Enforcement Bureau  
Spectrum Enforcement Division  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Tom  
Let's discuss  
on Monday

September 15, 2008

**VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED**  
**AND FACSIMILE TO COUNSEL AT 202-293-4827**

Dr. Janalyn W. Glymph, General Manager  
Los Angeles Unified School District  
Licensee of Station KLCS (TV)  
1061 West Temple St.  
Los Angeles, CA 90012

Re: File No. EB-08-SE-771

Dear Dr. Glymph:

The Enforcement Bureau is investigating potential violations by the above-listed licensee of section 73.674 of the Commission's Rules ("Rules"), 47 C.F.R. § 73.674. The DTV Consumer Education Initiative requires that each full-power broadcast station provide on-air information to its viewers about the DTV transition by complying with one of three Consumer Education Campaign Options and also requires that the licensee of each station file with the Commission a DTV Quarterly Activity Station Report (FCC Form 388) detailing its DTV consumer education efforts.<sup>1</sup> This quarterly report must be electronically filed by the station licensee in the Consolidated Database System ("CDBS").<sup>2</sup> The second report, covering the quarter from April 1 to June 30, 2008, was due no later than July 10, 2008.

The Commission received a timely filed Form 388 for KLCS, Los Angeles, CA from its licensee, Los Angeles Unified School District (also referred to as "licensee" or "Company"), covering this period, which indicates that Station KLCS opted to comply with the DTV transition education requirements using Option Three. However, it is not clear whether and to what extent the licensee complied with the DTV transition education requirements. The Instructions for responding to this letter and the Definitions for certain terms used in this letter are contained in the attachment hereto. We direct you to provide the information specified herein within 10 days of the date of this letter.

<sup>1</sup> See *DTV Consumer Education Initiative, Report and Order*, 23 FCC Rcd 4134 (2008) ("*DTV Education Initiative Report and Order*"); see also 47 C.F.R. § 73.674.

<sup>2</sup> See *DTV Consumer Education Initiative, Order*, 23 FCC Rcd 9833 (2008) (revising the location for filing Form 388 to the CDBS).

Inquiries: Information to Be Provided

The specific requirements for Option Three are: From March 27, 2008 through April 30, 2008, a noncommercial broadcaster must, at a minimum, air 60 seconds per day of transition-related education PSAs, in variable timeslots, including at least 7.5 minutes per month between 6 pm and 12 am.<sup>3</sup> From May 1, 2008, through October 31, 2008, a noncommercial broadcaster must, at a minimum, air 120 seconds per day of transition-related education PSAs, in variable timeslots, including at least 15 minutes per month between 6 pm and 12 am.<sup>4</sup>

Using the above requirements, answer the following questions:

1. For the period April 1, 2008 through and including April 30, 2008, state the number of days Station KLCS failed to air at least 60 seconds per day of DTV transition consumer education PSAs. State your response in whole numbers only. In addition, explain in detail, if applicable, the reason why Station KLCS failed to air the required amount of PSAs.
2. For the period May 1, 2008 through and including June 30, 2008, state the number of days Station KLCS aired at least 120 seconds per day of DTV transition consumer education PSAs. State your response in whole numbers only. In addition, explain in detail, if applicable, the reason why Station KLCS failed to air the required amount of PSAs.
3. For the period April 1, 2008 through and including April 30, 2008, state whether Station KLCS aired a total of at least 7.5 minutes of DTV transition consumer education PSAs between the hours of 6:00 pm and 12:00 am. In addition, explain in detail, if applicable, the reason why Station KLCS failed to air the required amount of PSAs.
4. For the period May 1, 2008 through and including June 30, 2008, state whether Station KLCS aired a total of at least 15 minutes per month of DTV transition consumer education PSAs between the hours of 6:00 pm and 12:00 am. In addition, explain in detail, if applicable, the reason why Station KLCS failed to air the required amount of PSAs.

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<sup>3</sup> See 47 C.F.R. § 73.674(e)(1).

<sup>4</sup> See *id.*

Filing Requirements

We direct the Company to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Company with personal knowledge of the representations provided in the Company's response, verifying the truth and accuracy of the information therein and that all of the information requested by this letter that is in the Company's possession, custody, control or knowledge has been produced. If multiple Company employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer of the company noted above, if such officer (or any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with section 1.16 of the Commission's rules,<sup>5</sup> and be substantially in the form set forth therein.

To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.<sup>6</sup> Failure to respond appropriately to this letter of inquiry may constitute a violation of the Communications Act and our rules.

The Company shall direct its response, if sent by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002, to the attention of Linda M. Nagel, Spectrum Enforcement Division, Enforcement Bureau, Room 3-A440, with a copy to Ricardo M. Durham, Senior Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, Room 3-C460, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the attention of Linda M. Nagel, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743, with a copy to Ricardo M. Durham, Senior Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to

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<sup>5</sup> See 47 C.F.R. § 1.16.

<sup>6</sup> See 18 U.S.C. § 1001; *see also* 47 C.F.R. § 1.17.

Los Angeles Unified School District  
Licensee of Station KLCS (TV)  
Page 4

Linda M. Nagel, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 3-A440, Washington, D.C. 20554, with a copy to Ricardo M. Durham, Senior Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 3-C460, Washington, D.C. 20554. The Company shall also, to the extent practicable, transmit a copy of the response via email to Linda.Nagel@fcc.gov and to Ricardo.Durham@fcc.gov.

Sincerely,

  
for Kathryn S. Berthot  
Chief, Spectrum Enforcement Division  
Enforcement Bureau

Attachment

Copy:

Robert B. Jacobi, Esq.  
Cohn and Marks LLP  
1920 N Street, NW Suite 300  
Washington, DC 20036-1622

## ATTACHMENT

### Instructions

*Method of Producing Documents.* Each requested document, as defined herein, shall be submitted in its entirety, even if only a portion of that document is responsive to an inquiry made herein, unless the document is a recording or transcript, in which case it should be provided only for the period of time of the broadcast specified in the pertinent inquiry herein. This means that the document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other documents referred to in the document or attachments. All written materials necessary to understand any document responsive to these inquiries must also be submitted.

For each document or statement submitted in response to the inquiries below, indicate, by number, to which inquiry it is responsive and identify the person(s) from whose files the document was retrieved. If any document is not dated, state the date on which it was prepared. If any document does not identify its author(s) or recipient(s), state, if known, the name(s) of the author(s) or recipient(s). The Company must identify with reasonable specificity all documents provided in response to these inquiries.

*Documents No Longer Available.* If a document responsive to any inquiry made herein existed but is no longer available, or if the Company is unable for any reason to produce a document responsive to any inquiry, identify each such document by author, recipient, date, title, and specific subject matter, and explain fully why the document is no longer available or why the Company is otherwise unable to produce it.

*Retention of Original Documents.* With respect only to documents responsive to the specific inquiries made herein and any other documents relevant to those inquiries, the Company is directed to retain the originals of those documents for twelve (12) months from the date of this letter unless (a) the Company is directed or informed by the Enforcement Bureau in writing to retain such documents for some shorter or longer period of time or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, the Company must retain all such documents until the matter has been finally concluded by payment of any monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any collection action brought by the United States Department of Justice or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

*Continuing Nature of Inquiries.* The specific inquiries made herein are continuing in nature. The Company is required to produce in the future any and all documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, the Company must supplement its responses (a) if the Company learns that, in some material respect, the documents and information initially disclosed were incomplete or incorrect or (b) if additional responsive

documents or information are acquired by or become known to the Company after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless (a) the Company is directed or informed by the Enforcement Bureau in writing that the Company's obligation to update the record will continue for some shorter or longer period of time or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the release of such item.

### Definitions

For purposes of this letter, the following definitions apply:

"Any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

"Identify," when used with reference to a person or persons, shall mean to state his/her full legal name, job title (if any), current business address, and business phone number. If business address and/or telephone number are not available, state the person's home address and/or telephone number.

"Identify," when used with reference to an entity other than a person, shall mean to state its name, current or last known business address, and current or last known business telephone number.

"Company" shall mean Licensee, Los Angeles Unified School District, and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, and all owners, including but not limited to, partners or principals, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.