



PUBLIC NOTICE

Federal Communications Commission
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March 1, 2002

MUTUALLY EXCLUSIVE DTV APPLICATIONS

Mass Media Bureau Announces Settlement Period Ending May 30, 2002

In its *DTV Report and Order* in MM Docket No. 00-39, the Commission adopted rules and procedures for resolving pending mutually exclusive (MX) digital television (DTV) applications.¹ The Commission adopted Section 73.623(h) of the Rules that provides, upon notice to applicants, for a 90-day settlement opportunity for MX DTV applications.

By this Public Notice, the Mass Media Bureau provides, as Attachment A, a list of pending DTV applications that have been determined to be MX and announces a 90-day period of time **ending** May 30, 2002 for these applicants to resolve their MX status via engineering amendment and/or settlement. During this settlement period, applicants may submit unilateral engineering amendments (*i.e.*, ones that do not involve negotiation or settlement with another other party) or settlements, including negotiated engineering solutions, to resolve their MX status.

Pursuant to the Commission's directive in the *DTV Report and Order*, the reimbursement restrictions set forth in Section 73.3525(a)(3) of the Commission's Rules will not apply to settlements submitted during this window. Otherwise, parties must ensure that their settlement agreements comply with the provisions of Section 311(c) of the Communications Act of 1934, as amended, and the remaining provisions of Section 73.3525 of the Rules. Parties that have entered into settlement agreements must submit a written agreement and the affidavits required by Section 73.3525, as well as any engineering amendment(s) necessary to implement their proposed settlement. Applicants

¹ See Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MM Docket No. 00-39, *Report and Order and Further Notice of Proposed Rulemaking*, 16 FCC Rcd 5946 (2001) (*DTV Report and Order*), *recon. granted in part and denied in part*, 16 FCC Rcd 20594.

filing unilateral engineering amendments shall file the affidavit required by Section 73.3525(c) of the Rules.

An original and four copies of all engineering amendments and/or settlement agreements must be filed **on or before May 30, 2002**, with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.

Applicants resolving their mutual exclusivities by means of engineering amendment(s) may submit the amendment(s) on an amended FCC Form 301-DT. Technical amendments submitted by applicants must be minor, as defined by applicable rules, and must not create new mutual exclusivity or application conflict. Applicants submitting engineering amendments may do so electronically; however, all other filings must be made in paper. Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at:

<http://www.fcc.gov/mmb>

For assistance with electronic filing, call the Mass Media Bureau Help Desk at (202) 418-2MMB.

The staff will withhold further action on the mutually exclusive proposals listed in Attachment A pending submission of settlement agreements or engineering amendments to resolve mutual exclusivity. Following the close of the settlement period, the staff will dismiss all DTV applications whose mutual exclusivity has not been resolved.

For additional information, contact Clay C. Pendarvis Pendarvis or Shaun Maher (legal) or Kevin Harding or John Morgan (technical) of the Video Services Division of the Mass Media Bureau at (202) 418-1600.

Attachment

DTV MX APPLICATIONS

GROUP #1

DOMINION BROADCASTING, INC.
BPCDT-19991027ADB
TOLEDO, OH
CH-5
N. LAT: 41-44-41
W. LON: 84-01-06
ERP: 5.5 KW
HAAT: 155M

GRAND VALLEY STATE UNIVERSITY
BPEDT-20000214AAP
KALAMAZOO, MI
CH-5
N. LAT: 42-18-23
W. LON: 85-39-25
ERP: 2.5 KW
HAAT: 174M

GROUP #2

COMMONWEALTH PUBLIC BROADCASTING CORP.
BPEDT-20000501AHD
GOLDVEIN, VA
CH-30
N. LAT: 38-37-43
W. LON: 77-26-21
ERP: 160KW
HAAT: 229M

RED LION BROADCASTING COMPANY, INC.
BPCDT-19991130AAQ
RED LION, PA
CH-30
N. LAT: 39-54-18
W. LON: 76-35-00
ERP: 500 KW
HAAT: 174.2M

GROUP# 3

YOUNGSTOWN TELEVISION LICENSE, LLC
BPCDT-19991025ACU
YOUNGSTOWN, OH
CH-41
N. LAT: 41-03-24
W. LON: 80-38-44
ERP: 700KW
HAAT: 418M

WPTT, INC.
BMPCDT-20000428ABY
PITTSBURGH, PA
CH-42
N. LAT: 40-29-43
W. LON: 80-00-18
ERP: 1000 KW
HAAT: 315M

GROUP#4

WPTA-TV LICENSE, INC.
BPCDT-19991027ACJ
FORT WAYNE, IN
CH-24
N. LAT: 41-06-07
W. LON: 85-11-04
ERP: 489KW
HAAT: 224M

TRI-STATE CHRISTIAN TV, INC.
BPCDT-19990803LG
MUSKEGON, MI
CH-24
N. LAT: 42-57-25
W. LON: 85-54-07
ERP: 1000KW
HAAT: 281M

GROUP# 5

SAN ANTONIO (KRRT-TV) LICENSEE, INC.
BPCDT-19991029ACH
KERRVILLE, TX
CH-32
N. LAT: 29-36-38
W. LON: 98-53-33
ERP: 880KW
HAAT: 510M

KVUE TELEVISION
BPCDT-19991025DW
AUSTIN, TX
CH-33
N. LAT: 30-19-18.6
W. LON: 97-48-11.6
ERP: 1000KW
HAAT: 394M

GROUP # 6

ALL AMERICAN TV, INC.
BPCDT-19991013ABQ
DALTON, GA
CH-16
N. LAT: 34-57-07
W. LON: 85-22-58
ERP: 300KW
HAAT: 447M

SULLIVAN BROADCASTING COMPANY II, INC.
BPCDT-19991101ADI
NASHVILLE, TN
CH-15
N. LAT: 36-15-50
W. LON: 86-47-39
ERP: 1000KW
HAAT: 411M

CROSSOVER LICENSES, LTD.
BPCDT-19991101ADV
BOWLING GREEN, KY
CH-16
N. LAT: 37-02-10
W. LON: 86-10-20
ERP: 600KW
HAAT: 224M

GROUP # 7

USA STATION GROUP PARTNERSHIP OF MASS.
BMPCDT-19981008KE
MARLBOROUGH, MA
CH-23
N. LAT: 42-23-02
W. LON: 71-29-37
ERP: 100KW
HAAT: 334M

C-28 FCC LICENSEE SUBSIDIARY, LLC
BPCDT-19991028AFL
NEW BEDFORD, MA
CH-22
N. LAT: 11-46-39
W. LON: 70-55-41
ERP: 350KW
HAAT: 214M

GROUP #8

PAXSON COMMUNICATIONS LICENSE COMPANY
BPCDT-19991020ACC
MIAMI, FL
CH-26
N. LAT: 25-58-7
W. LON: 80-13-20
ERP: 200KW
HAAT: 279M

BARRY TELECOMMUNICATIONS, INC.
BPEDT-20000403AAT
WEST PALM BEACH, FL
CH-27
N. LAT: 26-34-37
W. LON: 80-14-32
ERP: 200KW
HAAT: 440M

GROUP #9

KXAN, INC.
BPCDT-19991018AAR
AUSTIN, TX
CH-21
N. LAT: 30-19-33
W. LON: 97-47-58
ERP: 700KW
HAAT: 396M

BRAZOS VALLEY PUBLIC BROADCASTING FOUNDATION
BPEDT-20000426ABP
WACO, TX
CH-20
N. LAT: 31-19-17
W. LON: 97-20-40
ERP: 1000KW
HAAT: 299.3M

GROUP #10

KXAN, INC.
BPCDT-19991018AAV
LLANO, TX
CH-27
N. LAT: 30-40-36
W. LON: 98-33-59
ERP: 1000KW
HAAT: 249M

ENTRAVISION HOLDINGS, LLC
BPCDT-19991027ACG
CORPUS CHRISTI, TX
CH-27
N. LAT: 27-42-27.9
W. LON: 97-37-59
ERP: 1000KW
HAAT: 287.3M

GROUP #11

FORUM COMMUNICATIONS COMMISSION
BPCDT-19991028AEA
MINOT, ND
CH-15
N. LAT: 48-03-11
W. LON: 101-23-05
ERP: 500KW
HAAT: 216M

RED RIVER BROADCAST CO., LLC
BPCDT-19991101AKT
PEMBINA, ND
CH-15
N. LAT: 48-59-44
W. LON: 97-24-28
ERP: 1000KW
HAAT: 413 M

GROUP #12

PAXSON BOSTON-68 LICENSE, INC.
BPCDT-19991101AFW
VINEYARD HAVEN, MA
CH-40
N. LAT: 41-41-19
W. LON: 70-20-49
ERP: 300KW
HAAT: 159M

WLVI, INC.
BPCDT-19990909AAH
CAMBRIDGE, MA
CH-41
N. LAT: 42-18-12
W. LON: 71-13-08
ERP: 450KW
HAAT: 391M

GROUP #13

BUTLER UNIVERSITY
BPEDT-20000428ADD
INDIANAPOLIS, IN
CH-44
N. LAT: 39-53-20
W. LON: 86-12-07
ERP: 301 KW
HAAT: 167M

TRIBUNE TELEVISION COMPANY
BPCDT-19991029AHB
INDIANAPOLIS, IN
CH-45
N. LAT: 39-53-20
W. LON: 86-12-07
86-12-07 W
ERP: 700KW
HAAT: 285M

GROUP #14

ENTRAVISION HOLDINGS, LLC
BPCDT-19991101ADQ
HAGERSTOWN, MD
CH-16
N. LAT: 39-53-25
W. LON: 77-58-04
ERP: 700KW
HAAT: 380M

WTMW LICENSE PARTNERSHIP,G.P.
BPCDT-19991028ADH
ARLINGTON, VA
CH-15
N. LAT: 38-56-24
W. LON: 77-04-54
ERP: 900KW
HAAT: 173M

GROUP #15

ENTRAVISION HOLDINGS, LLC
BPCDT-19991027ACG
CORPUS CHRISTI, TX
CH-27
N. LAT: 27-42-27
W. LON: 97-37-59
ERP: 1000KW
HAAT: 287M

FOX TELEVISION STATIONS, INC.
BMPCDT-19980807KH
HOUSTON, TX
CH-27
N. LAT: 29-34-28
W. LON: 95-29-37
ERP: 750KW
HAAT: 534M

GROUP #16

MAX MEDIA OF MONTANA LLC
BPCDT-19991101AJX
BUTTE, MT
CH-19
N. LAT: 46-00-24
W. LON: 112-26-33
ERP: 125KW
HAAT: 585M

MONTANA STATE UNIVERSITY KUSM
BPEDT-20000501AHQ
BOZEMAN, MT
CH-20
N. LAT: 45-40-24
W. LON: 110-52-02
ERP: 200KW
HAAT: 217.8M

GROUP #17

SPARTAN-TV, LLC
BMPCDT-20000501AEL
JACKSON, MI
CH-34
N. LAT: 42-25-13
W. LON: 84-31-25
ERP: 130KW
HAAT: 299M

UNIVISION PARTNERSHIP OF OHIO
BPCDT-19991029ADJ
CLEVELAND, OH
CH-34
N. LAT: 41-22-58
W. LON: 81-42-07
ERP: 525KW
HAAT: 333.8M

GROUP #18

SULLIVAN BROADCASTING COMPANY ILL, INC.
BPCDT-19991101ADJ
DAYTON, OH
CH-30
N. LAT: 39-43-28
W. LON: 84-15-18
ERP: 425KW
HAAT: 351M

RAYCOM NATIONAL, INC.
BMPCDT-20000427ABJ
NEWPORT, KY
CH-29
N. LAT: 39-07-19
W. LON: 84-32-52
ERP: 600KW
HAAT: 290M

GROUP #19

FOX TELEVISION STATIONS, INC.
BMPCDT-19980807KH
HOUSTON, TX
CH-27
N. LAT: 29-34-28
W. LON: 95-29-37
ERP: 750KW
HAAT: 534M

KXAN, INC.
BPCDT-19991018AAV
LLANO, TX
CH-27
N. LAT: 30-40-36
W. LON: 98-33-59
ERP: 1000KW
HAAT: 249M

GROUP #20

TRIBUNE TELEVISION HOLDINGS, INC.
BPCDT-19990825LD
GRAND RAPIDS, MI
CH-19
N. LAT: 42-34-15
W. LON: 85-31-57
ERP: 725KW
HAAT: 306M

CH-41, INC.
BPCDT-19991022AAW
BATTLE CREEK, MI
CH-20
N. LAT: 42-34-15
W. LON: 85-28-07
ERP: 270KW
HAAT: 311M

GROUP #21

SAH ACQUISITION CORPORATION II
BPCDT-19991101AEX
CANTON, OH
CH-47
N. LAT: 41-06-33
W. LON: 81-20-10
ERP: 1000KW
HAAT: 134M

NORTHEASTERN EDUCATIONAL TELEVISION OF OHIO, INC
BPEDT-20000426ABK
ALLIANCE, OH
CH-46
N. LAT: 40-54-23
W. LON: 80-54-39
ERP: 400KW
HAAT: 223M

GROUP #22

SAGA BROADCASTING CORPORATION
BPCDT-19991021ACQ
VICTORIA, TX
CH: 15
N. LAT: 28-50-26
W. LON: 97-07-47
ERP: 900KW
HAAT: 311M

HISPANIC COMMUNITY EDUCATIONAL TV, INC.
BPEDT-20000428ACF
SAN ANTONIO, TX
CH: 16
N. LAT: 29-17-24
W. LON: 98-15-20
ERP: 500 KW
HAAT: 307M