

either Lookout Mountain or Mount Morrison." Exhibit No. 2 at 33. Boulder County believes that Lookout Mountain is the appropriate site for television broadcast facilities. See Exhibit No. 11. Further, it is the expert opinion of Mr. McNeish, who specializes in zoning and land use, "that the only site which is potentially available and suitable for broadcast transmission for a Boulder television station, from a land use and zoning point of view, is Lookout Mountain." Exhibit No. 8 at ¶ 9. Mount Morrison is not a suitable site for KTVJ.

Mount Morrison is located approximately 3.8 miles south of Lookout Mountain and further from Boulder. Technical studies show that KTVJ would not place the required city grade signal over Boulder from Mount Morrison because of significant shadowing of the KTVJ signal over the southern half of Boulder. See Exhibit 12 hereto. Since Mount Morrison is located in Jefferson County, any proposed transmitter site on the mountain would be subject to the same rigorous Jefferson County zoning review that the KTVJ proposal on Lookout Mountain has received. Although the County Telecommunications Plan encourages communications towers to be co-located either on Mount Morrison or Lookout Mountain, the County rates Lookout Mountain as the preferred site for a television station. Exhibit No. 2 at 31. Members of the Board have expressed their aversion to the location of KTVJ on Mount Morrison with an antenna height sufficient to eliminate or significantly lessen adverse shadowing of Boulder. The City of Denver, which has contractual veto power over tenants on the existing Mount Morrison

tower, has expressed total opposition to the location of KTVJ on that tower. Lastly, Mount Morrison is 3.8 miles closer to the land mobile facilities of Martin Marietta at Waterton, Colorado, and the difficulty in protecting those land mobile facilities from objectionable interference is substantially greater than protecting them from a KTVJ operation from Lookout Mountain.

In summary, the entire Lookout Mountain antenna farm is a unique site and no comparable site is available to Newsweb for the location of the KTVJ transmitting facilities.¹⁰ Channel 6 and the other members of the TV Group, by either providing access to one of their towers or by relocating to the proposed KTVJ tower, control Lookout Mountain and KTVJ's access to it. The failure of Channel 6 and the other members of the TV Group to provide KTVJ with access to Lookout Mountain is clearly in violation of Section 73.635.

C. The Exclusive Use of Lookout Mountain Unduly Limits Service

Subsection (c) of Section 73.635 requires a showing that the failure to provide access to the subject site "would unduly limit the number of television stations that can be authorized in a particular area or would unduly restrict competition among television stations." In *D & D Broadcasting*, the Commission noted that Boulder was part of the Denver ADI and concluded that, because twelve commercial television stations are licensed to the Denver Market, "the market is served by a substantial number of television broadcasters, and Newsweb also has not met its burden under Section

¹⁰ It should be noted that the Commission found the entire Shoreview antenna farm area, rather than a particular tower site, to be unique in *WTCN Television, Inc.*, 14 FCC 2d at 887.

73.635(c)." The Commission cites *K-W TV, Inc.*, 7 FCC Rcd 3617, 3620 (1992), in support of its conclusion.

First, the Commission's reliance upon *K-W TV* is misplaced. Therein, the Commission, after citing subsection (c) of Section 73.635, refused to enforce the rule because "several fully spaced sites are available from which K-W could serve New Haven. Consequently whether [the tower owner] chooses to co-locate with K-W has no effect on K-W's ability to fulfill its obligation to serve its community of license."¹¹ *Id.* at 3620. The Commission also cites the following language from the Report and Order in which it declined to revise Section 73.635 to compel the sharing of common antenna sites by VHF and UHF permittees and licensees:

[W]e believe that our current restriction [Section 73.635] strikes the proper balance between the exercise of a licensee's business judgment and the Commission's responsibility to regulate the broadcast industry in the public interest. That is, we would intrude in this area only in situations where the exclusive use of a unique site results in limitation of service to the public.

Common Use of TV Towers, 49 RR 2d 482, 484 (1981). In that Report and Order, the Commission noted:

Initially, we note that arrangements for the sharing of antenna towers are desirable. Such agreements can reduce individual station costs, thereby making a better program product possible. Moreover, they also may permit utilization of more advantageous transmitter sites which can improve signal quality in the area to be served. In this regard, supporters of the proposed rule could cite only one

¹¹ Unlike the case here where Lookout Mountain is the only site available to KTVJ, K-W had other sites available which it did not consider to be "acceptable." *Id.* at 3617.

instance of a refusal to consider the joint use of a tower. This leads us to believe that the economic forces which seem to compel licensee consideration of such sharing arrangements are working as we would expect.

Id. at 483 (footnotes omitted, emphasis added).

It is clear that "economic forces" in the present case are not working as the Commission expected. Here, not only has each of the six television licensees owning sites on Lookout Mountain individually failed to provide access to KTVJ or to relocate on the proposed KTVJ tower, they have joined as the TV Group before the Jefferson County Board to steadfastly segregate KTVJ and further frustrate its attempt to locate on Lookout Mountain.

Second, an analysis of the Denver ADI requires more than a list of the television stations listed as serving the market. The following information has been obtained from the *1993 Television and Cable Factbook*. Geographically within Colorado, the Denver ADI stretches from the eastern border of Colorado to its western border, some 365 miles, and from the northern border of Colorado to within 30 miles of its southern border, some 265 miles. Furthermore, the ADI reaches 110 miles north into Wyoming, covering four counties, and 135 miles into Nebraska, covering four counties. Exhibit No. 13. Of the 12 stations serving the Denver ADI, the following eight stations are licensed to Denver:

KWGN-TV, Channel 2
KCNC-TV, Channel 4
KMGH-TV, Channel 7
KUSA-TV, Channel 9
KTVD, Channel 20
KDVR, Channel 31
KCEC, Channel 50
KUBD, Channel 59

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Of those stations, KUBD does not place a city grade signal over Boulder. The four remaining stations listed in the Denver ADI are:

KREG-TV, Channel 3, Glenwood Springs, CO
KFNR, Channel 11, Rawlins, WY
KSBS-TV, Channel 24, Steamboat Springs, CO
KWHD, Channel 53, Castle Rock, CO

The distances of those cities from Boulder, respectively, are 117 miles, 159 miles, 89 miles and 52 miles. None of those stations places a Grade B signal over Boulder.

The case at hand is virtually on all fours with the Commission's action with regard to the Shoreview *de facto* antenna farm serving the Twin Cities. In that case, the Commission, citing Section 73.635, ordered all of the VHF television licensees proposing to operate from Shoreview to make their antenna structures available to "future permittees and licensees of [UHF] television facilities . . . who have already made requests or who make requests therefor on a fair and equitable basis." *WTCN Television, Inc.*, 14 F.C.C. 2d 870, 893 (Rev. Bd. 1968).¹² All of the VHF licensees were also ordered to file with the Commission, within 60 days, the terms and conditions under which the structures were to be made available to potential users. *Id.* The imposition of the condition was ultimately affirmed by the Commission. See, *United Television, Inc.*, 38 F.C.C. 2d 655 (1972) and *United Television, Inc.*, 54 F.C.C. 2d 291 (1975).

¹² In further justification of its order, the Commission found that there would be a public interest benefit of locating all Twin Cities stations at Shoreview, which "would have the effect of equalization or preservation of competition among area broadcasters" and one station would not "be disadvantaged as to total coverage, and plagued by severe orientation problems as against the [antenna farm] operations." *WTCN Television* at 891.

Indeed, the number of stations serving Denver and Minneapolis-St. Paul is virtually the same. The Twin Cities are served by commercial Channels 4, 5, 9, 11, 23, 29 and 45. Thus, television service in the Denver and Twin Cities markets is virtually the same and the number of relevant stations in those markets, *per se*, does not demonstrate that television service in the Denver ADI, in general, and in Boulder, in particular, is not unduly restricted by the refusal of the members of the TV Group to provide access to KTVJ, as required by Section 73.635.

There is a further reason why the number of stations licensed to Denver does not negate the public interest need for the construction and operation of KTVJ and the enforcement of Section 73.635. Section 307(b) of the Communications Act of 1934, as amended, requires the Commission to distribute broadcast licenses "among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same." 47 U.S.C. § 307(b). In response to that mandate, the Commission allocated Channel 14 to Boulder, as its only local television service.

Commissioner Ervin S. Duggan is mindful of the need to preserve localism during the present technological revolution in the video market place. In his recent remarks before the Association of Independent Television Stations,¹³ Commission Duggan stated:

We need not choose between local service, on

¹³ "What Adam Said to Eve," January 25, 1993, San Francisco, CA.

the one hand, and DBS or digitally compressed, wire-delivered video on the other. Congress proved that in the 1920s. I believe that intelligent public policy can encourage both-- and must. I don't consider my view, furthermore, to be nostalgic or sentimental. I believe there is a clear public interest rationale for preserving and protecting localism. Millions of citizens all over this land want to know that they can turn to their local television stations for news, weather, sports and information about community events. They would agree with you and me and Kevin O'Brien that localism is important, whether it means something as dramatic as the helicopter rescue of that woman trapped in her burning neighborhood or just everyday local service. Either way, it seems clear to me that we will profit little if we gain a whole new world of technology but, in the process, lose the soul of local service.

Furthermore, Commissioner Duggan pledged that he would "stand up for the principle of localism. . . ." Localism here refers to Boulder, not Denver, for they are two distinct communities. Indeed, Boulder has all of the Section 307(b) prerequisites relied upon by the Commission in allocating television channels. See, *Television Channel Assignments, Kenansville, Florida*, 67 RR 2d 1102 (Chief, Policy and Rules Div. 1990).

Boulder, which is located 35 miles northwest of Denver, has both city and county elected governments, three branches of the U.S. Post Office, a Boulder Social Security Office, Boulder Better Business Bureau, Boulder Public Library (4 branches), Boulder Parks and Recreation Department, Visitors and Convention Bureau, Boulder Community Hospital and Avista Hospital (private). In addition to Colorado University, Boulder has one of the best primary and secondary school systems in the Rocky Mountain Region. Source:

Boulder Chamber of Commerce. The community is served by two daily newspapers; the *Colorado Daily* and *Daily Camera*.

According to the publishers of *Trilogy*, a magazine addressing three areas of interest; environment, recreation and industry, Boulder is a "unique place where environmental awareness and enlightened self-interest coagulate . . ." and is "the outdoor Mecca for the kind of recreation [*Trilogy*] tr[ies] to address. . . . Boulder, being Boulder, has a real pulse on the recreation world."¹⁴

Boulder, "long recognized for its independent, trend-setting ways . . . benefits from both its physical proximity to and isolation from Denver, and residents believe they have achieved a balance of metropolitan sophistication and small-town charm." Boulder's unique amenities and atmosphere help set it off from its neighbors. . . . In addition, Boulder's singular ambiance ensures the community will always attract some businesses that never would consider locations anywhere else."¹⁵

Boulder business is booming. Boulder has been the site of tremendous growth, independent of Denver, and is considered a "unique entrepreneurial hotbed of start-up companies." The number of new companies in Boulder has doubled since 1960.¹⁶ Much of the

¹⁴ "Trilogy Balances Environmental Stand With Industry's Views," *Boulder County Business Report*, Vol. 11, No. 5; Sec. 1, p. 14, May, 1992.

¹⁵ "Boulder on the Rebound", *The Denver Business Journal*, Vol. 39; No. 44; Sec. 2; p. 22, July 25, 1988.

¹⁶ "Group Begins \$11 Million R&D Office Project", *The Denver Business Journal*, Vol 39; Sec. 1; p. 7, October 5, 1987.

Boulder economy is based upon light manufacturing, more than half of which is high tech. "The University, the National Institute for Standards and Technology and other government offices" in Boulder "create a foundation that attracts new business and maintains a consistency within the economy."¹⁷ Boulder is "a breeding ground for biotech companies. . . . The main lure, of course, is the research capability at University of Colorado at Boulder."¹⁸ The Boulder Development Counsel, formed in 1987 as the economic arm of the Boulder Chamber of Commerce, recognizes that "Boulder offers a unique combination of benefits from the availability of young, creative people with more advanced technological degrees than perhaps any other city in the U.S., to one of the top ten public universities in the country in terms of federally funded research, and a sense of environmental concern and quality of life difficult to equal anywhere. . . . Boulder has been successful because we have achieved a partnership of the city, business and university that works. . . ." ¹⁹

Boulder's tourist industry has developed tremendously in recent years. Boulder's reliance on its status as the "Gateway to the Rockies" has become secondary to its independent burgeoning status as a destination in its own right -- a "neat, unique city".

¹⁷ "Is High Tech A Safe Bet?", *Boulder County Business Report*, Vol. 8; No. 8; Sec. 1; p. 1, September 1989.

¹⁸ "A Biotech Mecca: Boulder lures Biotech Firms From Their California Homes", *Denver Business Journal*, Vol. 43; No. 2; Sec. 2; p. 27, September 27, 1991.

¹⁹ "A Tale of Two Cities: Boulder and Longmont". *Denver Business*, Vol 11; No. 5; Sect 1; p. 24, January 1989.

This change is attributed to the multitude of cultural events, sports, fitness and recreational activities, great weather and spectacular scenery found in Boulder.²⁰ Boulder is the home of one of the top three Shakespeare Festivals in the country, the internationally known Coors International Bicycle Classic, the Bolder Boulder, one of the top ten 10K races in the world, the Colorado Dance Festival, the Colorado Music Festival, and the Boulder Philharmonic Orchestra, to name only a few.²¹

In summary, Boulder is a separate and distinct community with separate and distinct needs and interests from those of Denver. Its residents are entitled to their first local television service and the failure of Channel 6 to permit KTVJ to locate on its tower is unduly limiting the television service available Boulder. KTVJ has clearly met its burden under Section 73.635(c).

III. Conclusion

KTVJ has been the permittee of Channel 14 for over 10 years and has spent over \$1,500,000 in its attempt to locate on Lookout Mountain, the only site available to it. To be able to operate from Lookout Mountain, KTVJ must be permitted to locate on the Channel 6 tower or one of the other existing towers of the other television stations located on Lookout Mountain, or Channel 6 and/or the other television stations must relocate antennas to the

²⁰ "Boulder Works to Become a Tourist Destination", *Boulder Business Report*; Vol. 3; Sec. 1; p. 7, June, 1986.

²¹ *Id.*

proposed KTVJ tower and dismantle an existing tower or towers to meet Jefferson County's plan for tower consolidation. Channel 6's failure to accommodate KTVJ, at no financial loss, is directly responsible for the present inability of KTVJ to operate from Lookout Mountain. The agreement among Channel 6 and the other members of the TV Group, refusing to permit KTVJ to join in a plan for tower consolidation on Lookout Mountain, is also action clearly inconsistent with the public interest.

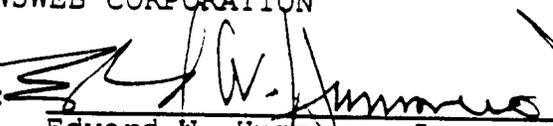
KTVJ has overwhelmingly demonstrated that Channel 6 and the other television licensees operating from Lookout Mountain have not provided access to Lookout Mountain, that Lookout Mountain is a unique site and no comparable site is available for use by KTVJ and that the exclusive use of Lookout Mountain by Channel 6 and the other television licensees is unduly restricting the number of television stations serving the Denver market, in general, and Boulder, in particular, in violation of Section 73.635 of the Commission's rules.

Wherefore, the premises considered, it is requested that the Commission deny the above referenced application for renewal of license or, in the alternative, grant the application for renewal of license subject to the condition that Channel 6 and/or the other licensees owning towers on Lookout Mountain make tower space available to KTVJ on a fair and equitable basis. Should such a conditional grant be made, the Commission should order Channel 6 and the other licensees owning towers on Lookout Mountain to file

with the Commission, within 60 days, the terms and conditions under which a tower will be made available to KTVJ.

Respectfully submitted,

NEWSWEB CORPORATION

By: 

Edward W. Hummers, Jr.
Kathleen Victory

Its Attorneys

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March 1, 1993

**ORIGINAL
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BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

MAR 31 1993

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In re Application of:)

COUNCIL FOR PUBLIC TELEVISION,)
CHANNEL 6, INC.)

) File No. BRET-921127KS

For Renewal of Licensee of)
Television Station KRMA-TV,)
Denver, Colorado)

To: The Chief, Mass Media Bureau

OPPOSITION TO PETITION TO DENY

**Submitted by:
Todd D. Gray, Esquire**

**DOW, LOHNES & ALBERTSON
1255 Twenty-Third Street, N.W.
Suite 500
Washington, D.C. 20037
(202) 857-2571**

March 31, 1993

060812

SUMMARY

This Opposition to Petition to Deny is filed by the Council for Public Television, Channel 6, Inc. (the "Council"), licensee of KRMA-TV, Denver, a noncommercial educational television station transmitting from Lookout Mountain near Golden, Colorado. On November 27, the Council filed its application for license renewal. On March 1, 1993, Newsweb Corporation ("Newsweb"), permittee of UHF Station KTVJ, Boulder, filed a petition to deny alleging that the Council is in violation of § 73.635 of the FCC's rules. Specifically, Newsweb asserts that Lookout Mountain is a "unique site" controlled by an alliance of television stations including KRMA-TV, that the Council has refused to allow station KTVJ onto the KRMA-TV tower, and that the Council has refused to move KRMA-TV to a new tower proposed by Newsweb, thereby limiting the number of television stations serving the Denver/Boulder market.

Newsweb's petition should be summarily rejected. The Commission has twice before rejected Newsweb's invocation of the "unique site" rule, and nothing has changed to support Newsweb's argument that it should be applied in the present case. In two rulings on the merits of Newsweb's § 73.635 argument, the Commission found that Lookout Mountain is not a "unique site," and that the Denver Market (which includes Boulder) is substantially served by television stations. The doctrine of collateral estoppel, or issue preclusion, now bars Newsweb's baseless petition against KRMA-TV.

Even if the Commission decides that Newsweb's petition is not precluded from a third hearing on the issue of the "unique site" rule, § 73.635 is clearly inapplicable

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February 1, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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OFFICE OF THE SECRETARY

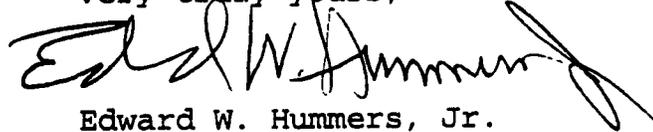
Re: Renewal of License of
~~KRMA-TV~~, Denver, Colorado
File No. BRET-921127KS

Dear Mr. Caton:

Transmitted herewith on behalf of Newsweb Corporation is an original and four copies of its "Request to Dismiss Petition to Deny" filed in regard to the above referenced renewal.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,



Edward W. Hummers, Jr.
Counsel for
Newsweb Corporation

EWH/bi
Enclosure
cc: Todd D. Gray, Esquire (w/enc.)

Channel
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Buys
Channel
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BEFORE THE

FEB - 1 1994

Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20554

In re Application of)
 Council for Public TV,)
 Channel 6, Inc.)
 For Renewal of License of) File No. BRET-921127KS
 Television Station)
 KRMA-TV, Denver, Colorado)

To: Chief Mass Media Bureau

REQUEST TO DISMISS PETITION TO DENY

Newsweb Corporation ("Newsweb"), permittee of Station KTVJ(TV), Channel 14, Boulder, Colorado, by counsel and pursuant to Section 73.3588 of the rules, hereby requests dismissal of its March 1, 1993 Petition to Deny the above referenced application of Council for Public TV, Channel 6, Inc. (the "Licensee") for renewal of license of Station KRMA-TV, Denver, Colorado, upon the condition that the Commission grant the pending applications for transfer of control of television station KTVD to Channel 20 TV Company and assignment of the television station KTVJ construction permit to Roberts Broadcasting of Denver, Inc., as more fully set forth below.

The subject Petition to Deny seeks Commission enforcement of Section 73.635 of the rules so as to provide Newsweb with access to Licensee's site on Lookout Mountain. As the Commission is aware, Fred Eychaner, the principal of Newsweb,

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the Commission is aware, Fred Eychaner, the principal of Newsweb, has for many years desired to operate a television station in the Denver market and has diligently sought to fulfill that desire by seeking local zoning authority to construct the facilities authorized by the Channel 14 construction permit. Now, however, Mr. Eychaner, as principal of Channel 20 TV Company, has purchased, through a Chapter 11 Bankruptcy proceeding and subject to prior Commission approval, control of Twenver, Inc., Debtor-in-Possession, the parent company of Twenver Broadcast, Inc., the licensee of television station KTVD, Channel 20, Denver. An application seeking Commission consent to the transfer of control of KTVD has been filed and is now pending before the Commission (BTCT-940113KE). However, the pending KTVD application for renewal of license (BRCT-921201LQ) is subject to a mutually exclusive application over-filed by Roberts Broadcasting of Denver, Inc. (BPCT-930302KE). The mutually exclusive applications have not yet been designated for hearing.

Newsweb has filed an application to assign the KTVJ construction permit to Roberts Broadcasting of Denver, Inc. (BAPCT-940107KE). In turn, on January 7, 1994, Roberts Broadcasting of Denver, Inc. filed with the Commission a request to dismiss its pending application for Channel 20 "because the FCC's rules do not permit the prosecution of both the [Channel 20] Application and the application to acquire the KTVJ construction permit." Neither Roberts nor its principals has received or will receive any money or other consideration in

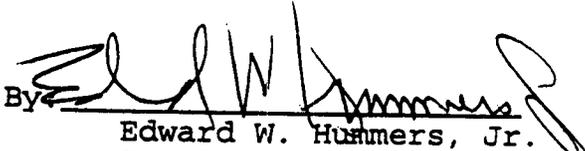
exchange for dismissing its Channel 20 application.

As set forth on the attached Declarations of Newsweb and the Licensee, neither Newsweb nor its principals has received or will receive any money or other consideration for the dismissal of the subject Petition to Deny.

Wherefore, upon grant of the transfer of control of KTVD to Channel 20 TV Company and assignment of the KTVJ construction permit to Roberts Broadcasting of Denver, Inc., it is respectfully requested that the subject petition to deny be dismissed.

Respectfully submitted,

NEWSWEB CORPORATION

By 
Edward W. Hummers, Jr.
Its Counsel

February 1, 1994

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11th Floor
1300 North 17th Street
Rosslyn, VA 22209
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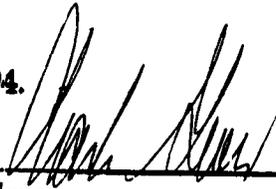
In re Application of)
)
 Council for Public TV, Channel 6, Inc.)
)
 For Renewal of License of)
 Television Station)
 KRMA-TV, Denver, Colorado)

File No. BRET-921127KS

DECLARATION

I, Charles F. Gross, Vice President and Chief Financial Officer of Newsweb Corporation, declare under penalty of perjury that neither Newsweb Corporation nor its principals has received or will receive any money or other consideration for the dismissal of the petition to deny filed with regard to the above referenced license renewal application.

Signed and dated this 27th day of January 1994.



 Charles F. Gross

060881



KRMA-TV Denver

1089 Bannock Street, Denver, Colorado 80204-4000 (303) 862-6666 Fax: (303) 820-6600

DECLARATION OF JAMES MORGESE

I, James Morgese, pursuant to Section 73.3588 of the Commission's Rules, declare as follows:

I am the President and General Manager of Station KRMA-TV, Channel 6, Denver, Colorado, which is licensed to the Council for Public Television, Channel 6, Inc. ("Council").

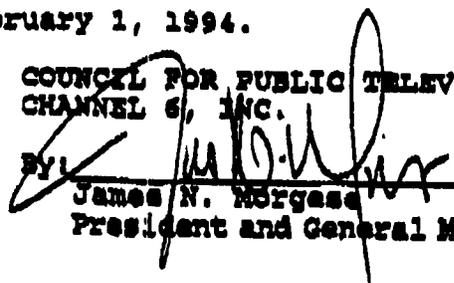
The license renewal application for Station KRMA-TV is pending before the Commission in FCC File No. BRET-921127KS. On March 1, 1993, Newsweb Corporation ("Newsweb") filed a petition to deny Station KRMA-TV's license renewal application. Newsweb now seeks to dismiss or withdraw its Petition to Deny.

Neither the Council nor any of its principals has paid or will pay any money or other consideration in exchange for the dismissal or withdrawal of Newsweb's Petition to Deny.

There is no agreement, written or oral, related to the dismissal or withdrawal of Newsweb's Petition to Deny.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 1, 1994.

COUNCIL FOR PUBLIC TELEVISION,
CHANNEL 6, INC.

By: 
James N. Morgese
President and General Manager

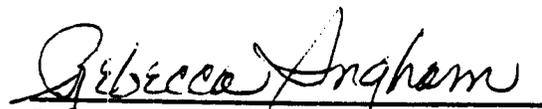
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CERTIFICATE OF SERVICE

I, Rebecca Ingham, a secretary in the law firm of Fletcher, Heald and Hildreth, do hereby certify that true copies of the foregoing "Request to Dismiss Petition to Deny" were sent this 1st day of February, 1994, by postage paid first class United States mail to the following:

Todd D. Gray, Esquire
Dow Lohnes & Albertson
1255 23rd Street, N.W.
Suite 500
Washington, D.C. 20037


Rebecca Ingham

060883

**Station KRMA-TV • Channel 6 • Denver, Colorado
Statement Concerning RF Exposure Conditions**

Statement of Robert D. Weller, Consulting Engineer

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of the licensee of Station KRMA-TV, Channel 6, Denver, Colorado, to evaluate that station's transmitting facilities for compliance with appropriate guidelines for limiting human exposure to radio frequency electromagnetic fields.

Site Description

Station KRMA-TV is located at Lookout Mountain, a major broadcast transmission site west of Denver in Jefferson County, Colorado. The site was visited by the undersigned engineer on October 21 and 22, 1997, and includes 16 FM, TV, and LPTV stations, with antennas mounted on 8 towers.

Method of Analysis

The ground-level RF power density levels associated with KRMA-TV were calculated using a proprietary computer program called RFR.GROUND™, which is described in detail in Figure 1. This calculation method is based upon the formulas given in OET Bulletin 65, as applied to KRMA-TV assuming the standard VHF television antenna pattern envelope.

The engineering specifications for each station analyzed were based upon a combination of information contained in the FCC Engineering Databases, discussions with representatives of several of the stations involved, and limited field verification.

Calculated RF Fields at Ground Level

The highest calculated power density at 2 meters above ground due to Station KRMA-TV is 4.0% of the applicable public limit of NCRP-86. Therefore, a categorical exclusion is claimed, pursuant to Section 1.1307(b)(3)(ii) of the Rules, which states that “[r]enewal applicants whose ...transmitters or facilities contribute to the ...power density at an accessible area not in compliance with the limits ...must submit an EA if emissions from the applicant’s ...facility results, in the area in question, in a power density that exceeds 5% of the power density exposure limit applicable to that ...facility.”

Our measurements show, as do prior published studies by others, ground level areas that exceed the public limits of ANSI/IEEE Standard C95.1-1992, but none in which KRMA-TV is calculated to contribute more than 5% of the applicable limits.



On-Tower Conditions

Using RFR.TOWER™, described in Figure 2, the highest calculated power density on the KRMA-TV tower, with all stations on that tower turned off, is approximately 3.3% of the occupational limit of NCRP-86. The calculations show that the KRMA-TV tower may be climbed to a height of 80 feet above ground before the occupational limit is exceeded. When climbing above 80 feet, we recommend that all stations on the tower be turned off, unless measurements or more detailed calculations demonstrate that less severe power reductions will suffice.

Our calculations show that KRMA-TV does not contribute more than 5% of the applicable occupational limit on any of the other towers at the site.

Conclusion

Based on the information presented above, KRMA-TV contributes a maximum of 4% of the applicable public limit at ground level and is therefore categorically excluded from providing a detailed study of the Lookout Mountain site. Implementation of the recommended power reductions during tower access will allow exposure levels on the KRMA-TV tower to comply by calculation with the occupational limit specified in NCRP-86. Therefore, it is my professional opinion that KRMA-TV can comply with the FCC's adoption of standards limiting human exposure to RF energy, so renewal of KRMA-TV license need not for this reason be considered a significant environmental action.



Robert D. Weller, P.E.

October 28, 1997



ORIGINAL

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)
Lomas De Oro Broadcasting

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to instruction (2) on reverse of form)
11111 8th Ave., Suite 101

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

CITY
Denver

STATE OR COUNTRY (If foreign address) | ZIP CODE | CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)
CO | 80215 | _____

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)	(B)	(C)	FOR FCC USE ONLY
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	
(1) M O L	0 0 0 1	\$ 425.00	

SECTION II — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	FOR FCC USE ONLY
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	
(2) [] [] []	[] [] [] []	\$ []	
(3) [] [] []	[] [] [] []	\$ []	
(4) [] [] []	[] [] [] []	\$ []	
(5) [] [] []	[] [] [] []	\$ []	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE. →

TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING	FOR FCC USE ONLY
\$ 425.00	<i>425.00</i>

JCA

APPLICATION FOR AUTHORITY TO CONSTRUCT OR
MAKE CHANGES IN A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION
(Carefully read instructions before filling out form - RETURN ONLY FORM TO FCC)

ORIGINAL

For <u>Commission Fee Use Only</u>	FEE NO:	For <u>Applicant Fee Use Only</u> Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, indicate reason therefor (check one box): <input type="checkbox"/> Nonfeeable application Fee Exempt (See 47 C.F.R. Section 1.1112) <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	FEE TYPE:	
	FEE AMT:	
	ID SEQ:	

For Commission Use Only
File No. BPTTL-920214WC

SECTION I - GENERAL INFORMATION

1. Name of Applicant Lomas De Oro Broadcasting Corporation	Address 1111 8th Ave. Suite 101		
	City Lakewood	State CO	Zip Code 80215
	Telephone No. (include area code) 303-235-0049		

2. This application is for: (check one box)

- Low Power Television TV Translator TV Booster

(a) Proposed Channel No. 43	(b) Community to be served: City Denver State CO
--------------------------------	--

(c) Check one of the following boxes:

- Application for NEW station
- MAJOR change in licensed facilities; call sign: _____
- MINOR change in licensed facilities; call sign: _____
- MAJOR modification of construction permit; call sign: _____ K43DK
File No. of Construction Permit: BPTTL900406IA
- MINOR modification of construction permit; call sign: _____
File No. of Construction Permit: _____
- AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Sections I and VII and those other portions of the form that contain the amended information.

360022

1. Facilities requested:

Output Channel No.	Transmitter Rated Power Output	Proposed Community(ies) to be served	
43	1.0 kilowatts	City Denver	State CO

Frequency Offset (check one)

No offset Zero offset Plus offset Minus offset

Translator Input Channel No. _____

2. Proposed transmitting antenna location:

City _____	State _____	County _____	NO CHANGE
Address or other description of location:		Geographical coordinates of transmitting antenna to nearest second	
		North Latitude	West Longitude
		° ' "	° ' "

Attach as an Exhibit a map or maps (preferably topographic, if obtainable, such as Geological Survey quadrangles) of the area of the proposed transmitting antenna location shown drawn thereon the following data:

Exhibit No. _____

- a. Scale of kilometers
- b. Proposed transmitting antenna location accurately plotted.

3. Transmitter:	Make TTC	Type No. XL1000MU	Output Power P 1.0 kilowatts
4. Transmission line:	NO CHANGE	Length	Rated efficiency E for length given (decimal fraction) 0.767

5. Transmitting antenna

Directional "off-the-shelf" Directional Composite (Multiple Antennas) Non-Directional

Manufacturer Antenna Concepts		Model ACS24B	Description ¹ 24 Bay Slot
Orientation of main lobe ² 065.0°T	Overall antenna structure height above ground ³ 59' meters	Elevation of Site ⁴ 7274' meters	Power gain G (multiplier) in the horizontal lobe of maximum radiation relative to a halfwave dipole ⁵ 33.4

Effective radiated power (ERP) 25.6 kilowatts Height of antenna radiation center above ground 15 meters
 (ERP=P X E X G) Height of antenna radiation center above above mean sea level 2229.8 meters⁶

- 1 Give basic type using general descriptive terms such as half-wave dipole, "bow-tie" with screen, corner reflector, 10 element Yagi, 4 element in-phase array, two stacked 5 element Yagis, etc.
- 2 For directional antennas in the horizontal plane show the direction of the main radiation lobe(s) in degrees with respect to true north in a 360 degree horizontal azimuth, numbered clockwise, with true north as zero azimuth.
- 3 Show overall height above ground in meters to topmost portion of structure, including highest top mounted antenna and beacon if any.
- 4 Show the ground elevation above mean sea level in meters at the base of the transmitting antenna supporting structure.
- 5 Give the actual power gain toward the radio horizon.
- 6 This is equal to the sum of the site elevation and the height of the antenna radiation center above ground.

360023

6. Attach as an Exhibit a vertical plan sketch for the proposed total antenna structure, including supporting structure, giving overall height of structure in meters above ground, including lighting beacon (if any).

Exhibit No.

7. Will the proposed antenna supporting structure be shared with an AM radio station?

Yes No

If yes, list the call sign of that station.

8. Attach as an Exhibit a polar diagram of the radiation pattern (relative field) in the horizontal plane of the transmitting antenna showing clearly the correct relationship between the major lobe or lobes and the minor lobes of radiation and a tabulation of the pattern at every ten degrees and all maxima and minima. Applicants proposing use of multiple transmitting antennas shall submit a composite radiation pattern. If a non-directional transmitting antenna will be employed, i.e., an antenna with an approximately circular radiation pattern, check here and omit polar diagram and tabulation. If the antenna manufacturer and model number are on the Commission's list of common "off-the-shelf" directional antennas, check here and omit polar diagram and tabulation.

Exhibit No.

9. Has FAA been notified of proposed construction?

Yes No

If Yes, give date and office where notice was filed:

10. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within 47 C.F.R. 1.1307, such that it may have a significant environmental impact, including exposure to workers or the general public to harmful nonionizing radiation levels?

Yes No

If you answer Yes, submit as an Exhibit an Environmental Assessment as required by Section 1.1311. If no, explain briefly why not.

Exhibit No.

This is an antenna upgrade. No construction is involved. Non-ionizing radiation at ground level is below OST BUL 65 Guidelines.

11. Unattended operation:

Is unattended operation proposed?

NO CHANGE

Yes No

If Yes, and this application is for authority to construct a new station or to make changes in the facilities of an authorized station which proposes unattended operation for the first time, applicant will comply with the requirements of 47 C.F.R. Section 74.734 concerning unattended operation.

Yes No

12. Is type approved broadcast equipment being specified?

Yes No

If No, indicate date equipment was submitted to FCC Laboratory for approval.

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

February 13, 1992

Date

Signature	
Typed or Printed Name	B. W. St. Clair
Telephone No. (include area code)	303-422-0164

- Technical Director
- Registered Professional Engineer
- Consulting Engineer
- Chief Operator
- Other (specify) **Engineering Consultant**

360024

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

NO CHANGE

1. For Low Power TV applicants, will this station employ on a full-time basis five or more persons? Yes

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. For new station and major change applicants only, the applicant certifies that it has or will comply with the public notice requirement of 47 C.F.R. Section 73.3580(c). Yes

2. For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. N/A Yes

Primary station proposed to be rebroadcast:

Call Sign	City	State	Channel No.
-----------	------	-------	-------------

3. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted. Yes

No Change

That person can be contacted at the following address and telephone number:

Name		Mailing Address or Identification	
City	State	ZIP Code	Telephone No. (include area code)

The APPLICANT hereby waves any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, or any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

360025

Name of Applicant Lomas De Oro Broadcasting Corporation	Signature <i>Thomas E. Jones</i>
Title President	Date 2/13/92

EXHIBIT 1

Request for Waivers:

When K43DK made a displacement channel change from CH 49 to CH 43, two waivers were necessary. This application is to improve the coverage of the station and the same waivers will be required.

Para 74.705(b)(4)

1. This CH 43 LPTV station is colocated with full service station KCEC. There is overlapping ownership and management of the two stations. There are no known instances of interference and it is not anticipated that any will result from this upgrade. Note that the increased coverage will result from approximately doubling the azimuth range but not reaching further out. The useful viewing area of K43DK will still be within the very strong signal area of KCEC.

A "No Objection Statement" from Golden Hills Broadcasting Corp, licensee of KCEC is attached.

Para 74.705(b)(5)

2. K43DK currently operates shortspaced to KWBI TV, CH 41. In the previously filed displacement application an intermodulation study was presented showing that if any intermodulation products developed they would fall in unused and unusable channels. There are no known problems from the short spaced operation. K43DK proposes to transmit over a wider horizontal angle and all of the increased area is in a direction further away from KWBI. Accordingly it appears the requested increase in coverage would not increase the likelihood of intermodulation caused interference.

360026

STATEMENT REGARDING THE APPLICATION OF K49CE
TO INCREASE ITS COVERAGE

Golden Hills Broadcasting Corporation holds the construction permit for and operates CH 50 in Denver (BPCT860212KO).

Without waiving its rights to require Lomas De Oro to correct any interference problems arising from the proposed increase in coverage or even to require it to cease such operation if there is interference which is uncorrectable, Golden Hills hereby consents to the waiver of Para 74.705(b)(4) requested by Lomas De Oro.

Signed this 13th day of February 1992.

By: Thomas E. Powers
Title: President_

360027

FEDERAL COMMUNICATIONS COMMISSION

LOW POWER TELEVISION BROADCASTING CONSTRUCTION PERMIT

DUPLICATE



Official Mailing Address:

LOMAS DE ORO BROADCASTING CORP.
11111 W 8TH AVE, STE 101
LAKEWOOD, CO 80215

Authorizing Official:

Keith A. Larson
Chief, LPTV Branch
Video Services Division
Mass Media Bureau

Grant Date: JAN 21 1995

Call sign: K43DK

Permit File No.: BPTTL-920214WC

This permit expires 3:00 am.
local time 18 months after
grant date specified above

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

This permit shall be automatically forfeited if the station is not ready for operation within the time specified (date of expiration) or within such further time as the Commission may allow, unless completion of the station is prevented by causes not under the control of the permittee. See Sections 73.3598, 73.3599 and 73.3534 of the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 74.13 and 74.14 of the Commission's Rules.

Name of permittee:

LOMAS DE ORO BROADCASTING CORPORATION

Station Location:

CO-DENVER

Frequency (MHz): 644.0 - 650.0 Offset: Plus

Channel: 43

Hours of Operation: Unlimited

360145

Transmitter location (address or description):

KWGN-TV TRANS. BUFFALO BILL HIWAY LOOKOUT MTN., GOLDEN, CO.

Transmitter: Type accepted. See Section 74.750 of the Commission's Rules.

Antenna type: (directional or non-directional): Directional

Desc: ANTENNA CONCEPTS, ACS24B MOUNTED ON TOWER

Major lobe directions (degrees true): 65.0

Antenna coordinates: North Latitude: 39 43 59.0
West Longitude: 105 14 12.0

Transmitter output power (Visual) : 1.0 kW

Maximum effective radiated power (Visual) : 25.6 kW

Height of radiation center above ground : 13.0 Meters

Height of radiation center above mean sea level : 2230.0 Meters

Overall height of antenna structure above ground (including obstruction lighting, if any) : 18.0 meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

1. The grant of this application is conditioned upon the acceptance of interference which may be caused to the permittee by the facilities proposed by the application on the channel referenced below.

BPTT-910503EN, K57BT, DENVER, CO

360146

2. The authorization of a license to operate this station is conditioned upon the use of a transmitter that has been type accepted or meets Commission type acceptance requirements at a visual carrier frequency tolerance of plus/minus 1 kHz. In the event the transmitter has not been type accepted at this tolerance, the permittee shall, in the license application, provide full engineering data that demonstrates compliance with Section 74.750 (c) (3) (iii) of the Commission's Rules.

THIS AUTHORIZATION REQUIRES A SHORT SPACING WAIVER
CONDITION (SEE ATTACHMENT).

360147

Call Sign: K43DK

Permit No.: BPTTL-920214WC

This authorization includes a waiver of Sections 74.705(b)(4) and 74.705(b)(5) of the Commission's Rules to permit station construction within 100 kilometers and 32 kilometers, respectively, of the full-service television stations specified below. This waiver will convey for minor changes to the facility, except for those related to channel displacement, and for assignment or transfer of the authorization. The permittee or licensee is responsible to eliminate any objectionable interference to the off-air reception of these full service television stations resulting from the operation of this station.

KCEC-TV, Channel 50, Denver, Colorado

KWBI-TV, Channel 41, Denver, Colorado

360148

Channel

36

Previously
43 + 47

APR - 6 1990

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER

THE MCPHERSON BUILDING
901 FIFTEENTH STREET, N.W., SUITE 1100
WASHINGTON, D.C. 20005

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LOS ANGELES, CA 90067
(213) 552-6400
PALM BEACH OFFICE
125 WORTH AVENUE
PALM BEACH, FL 33480
(407) 833-5151
HONG KONG OFFICE
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TOWER 1, 32ND FLOOR
18 HARCOURT ROAD
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IRVING GASTFREUND
CHRISTOPHER H. MARRARO
LAWRENCE B. NOVEY
JAMES M. WEITZMAN

WRITER'S DIRECT DIAL NUMBER
(202) 682-3543

April 6, 1990

BY HAND

Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20054

Re: K49CE, Denver, Colorado

Dear Ms. Secretary:

Submitted herewith in triplicate, on behalf of Lomas de Oro Broadcasting Corporation, is a "Displacement Application" for K49CE, Denver, Colorado. This Displacement Application has been made necessary by the grant of construction permit for, and soon-to-be commenced construction of, full power television station Channel 50, also at Denver, Colorado (File No. BPCT-860212KO).

The instant Displacement Application proposes the use of UHF Channel 43, seven channels below the new service to be instituted on Channel 50. Operation of a low power television station seven channels below a full service station in the same geographic area is normally restricted by 47 C.F.R. § 74.705(b)(4), absent a waiver of the Commission's Rules or the consent by the full-power station to such an operation. The engineering statement submitted as part of the enclosed Displacement Application of Lomas de Oro demonstrates that

500081

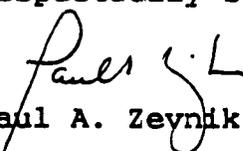
Ms. Donna Searcy
April 6, 1990
Page 2

interference is unlikely to be caused by Channel 43 to Channel 50. Furthermore, Golden Hills Broadcasting Corporation, permittee of Channel 50, has consented to the proposed operation by Lomas de Oro Broadcasting Corporation on Channel 43, and has consented to a waiver of 47 C.F.R. § 74.705(b)(4). A statement to this effect by the President of Golden Hills Broadcasting Corporation is appended to the enclosed Displacement Application.

Lomas de Oro Broadcasting Corporation respectfully submits that the enclosed Displacement Application should be granted and that any waiver of the Rules required in order to grant the Displacement Application would be proper inasmuch as "good cause" has been demonstrated for any such waiver. In addition, Lomas de Oro Broadcasting Corporation has since July 1, 1989, provided a locally-originated full-time programming in Spanish to the Hispanic community of Denver, Colorado, which constitutes in excess of 17% of the population of the Denver ADI. Lomas de Oro intends to continue to broadcast a full-time, locally-originated Spanish-language programming service on Channel 43, and respectfully submits that its continued operation on Channel 43 would thus serve the public interest, convenience and necessity.

Please direct any communication concerning this matter to the undersigned.

Respectfully submitted,


Paul A. Zeynik

Attorneys for Lomas de Oro
Broadcasting Corporation

Enclosures

500082

APPLICATION FOR AUTHORITY TO CONSTRUCT OR
MAKE CHANGES IN A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION
(Carefully read instructions before filling out form - RETURN ONLY FORM TO FCC)

For <u>Commission</u> Fee Use Only	FEE NO:	For <u>Applicant</u> Fee Use Only Is a fee submitted with this application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, indicate reason therefor (check one box): <input checked="" type="checkbox"/> Nonfeeable application Fee Exempt (See 47 C.F.R. Section 1.1112) <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	FEE TYPE:	
	FEE AMT:	
	ID SEQ:	

RECEIVED

SECTION I - GENERAL INFORMATION APR - 6 1990

For Commission Use Only
File No. BPTL-900406IA

1. Name of Applicant Lomas De Oro Broadcasting Corporation	Federal Communications Commission Office of the Secretary			Address 11,111 8th Avenue Suite 101		
	City	State	Zip Code			
	Lakewood,	CO	80215	Telephone No. (include area code) (303) 235-0049		

2. This application is for: (check one box)

- Low Power Television TV Translator TV Booster

(a) Proposed Channel No.	(b) Community to be served:	
43	City Denver	State CO

(c) Check one of the following boxes:

- Application for NEW station
- MAJOR change in licensed facilities; call sign: _____
- MINOR change in licensed facilities; call sign: _____ Displacement Application K49CE
- MAJOR modification of construction permit; call sign: _____
- File No. of Construction Permit: _____
- MINOR modification of construction permit; call sign: _____
- File No. of Construction Permit: _____
- AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Sections I and VII and those other portions of the form that contain the amended information.

50083

SECTION 11 - ENGINEERING DATA AND ANTENNA AND SITE INFORMATION

1. Facilities requested:

Output Channel No.	Transmitter Rated Power Output	Proposed Community(ies) to be served	
43	1.0 kilowatts	City Denver	State CO

Frequency Offset (check one)

No offset Zero offset Plus offset Minus offset

Translator Input Channel No. N/A

No Change

2. Proposed transmitting antenna location:

City	State	County
Address or other description of location:		Geographical coordinates of transmitting antenna to nearest second
		North Latitude West Longitude

Attach as an Exhibit a map or maps (preferably topographic, if obtainable, such as Geological Survey quadrangles) of the area of the proposed transmitting antenna location shown drawn thereon the following date:

Exhibit No.

- a. Scale of kilometers
- b. Proposed transmitting antenna location accurately plotted.

3. Transmitter:	Make	Type No.	Output Power P kilowatts
4. Transmission line:		Length	Rated efficiency E for length given (decimal fraction)

5. Transmitting antenna Directional "off-the-shelf" Directional Composite (Multiple Antennas) Non-Directional

Manufacturer	Model	Description ¹
Orientation of main lobe ²	Overall antenna structure height above ground ³	Elevation of Site ⁴
	18 meters	2217 meters
		Power gain G (multiplier) in the horizontal lobe of maximum radiation relative to a halfwave dipole ⁵

Effective radiated power (ERP) (ERP=P X E X G) No Change kilowatts Height of antenna radiation center above ground 13.0 meters
 Height of antenna radiation center above above mean sea level 2230 meters ⁶

- 1 Give basic type using general descriptive terms such as half-wave dipole, "bow-tie" with screen, corner reflector, 10 element Yagi, 4 element in-phase array, two stacked 5 element Yagis, etc.
- 2 For directional antennas in the horizontal plane show the direction of the main radiation lobe(s) in degrees with respect to true north in a 360 degree horizontal azimuth, numbered clockwise, with true north as zero azimuth.
- 3 Show overall height above ground in meters to topmost portion of structure, including highest top mounted antenna and beacon if any.
- 4 Show the ground elevation above mean sea level in meters at the base of the transmitting antenna supporting structure.
- 5 Give the actual power gain toward the radio horizon.
- 6 This is equal to the sum of the site elevation and the height of the antenna radiation center above ground.

50008

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. For Low Power TV applicants, will this station employ on a full-time basis five or more persons? Yes No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. For new station and major change applicants only, the applicant certifies that it has or will comply with the public notice requirement of 47 C.F.R. Section 73.3580(g). Yes No

2. For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. Yes No

Primary station proposed to be rebroadcast:

Call Sign	City	State	Channel No.

3. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted. Yes No

That person can be contacted at the following address and telephone number:

Name		Mailing Address or Identification	
City	State	ZIP Code	Telephone No. (include area code)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, or any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Lomas de Oro Broadcasting Corp.	Signature <i>Thomas E. Ramirez</i>
Title President	Date 4/4/90

500085

ENGINEERING STATEMENT

This Engineering Statement has been prepared in support of the "Displacement Application" for K49CE to change channel to Ch 43.

Background

The need for this change results from the granting of a construction permit for and the planned early construction by the permittee of a "full service" station on Ch 50 at the same site.

Low power TV station K49CE presently operates from a site on Lookout Mountain on the west edge of the Denver metropolitan area. As shown below in detail there is no channel which meets the LPTV channel selection criteria of the LPTV rules at this location. This is due in part to the clustering in the same general vicinity of eleven of the thirteen full service TV and LPTV stations serving the Denver area.

The antenna for K49CE is side mounted on the tower of KWGN (Ch 2). The Ch 50 transmitting antenna will displace the antenna of K49CE to an auxillary tower 10 meters away, where its height above ground level will be slightly reduced. There will be no other changes.

Need for a Waiver

From the present location, some 2000 feet above Denver, there is line of sight coverage to virtually the entire metropolitan area. There are no similiary elevated sites, tall buildings or suitable existing towers which are twenty miles away from the full service UHF stations where it would be possible to request a channel spaced in the two to five channel range from the full service stations. Thus, it is impractical avoid the need to request a waiver by relocating.

500086

The following analysis shows no channel is available without a waiver.

1. Ch 14 to Ch 55: All channels in the range from 14 to 55 are either adjacent to one of the following stations or have 2 to 5 channel spacing and are restricted by the 32 kilometer requirement.

Ch 14, KTVJ, CP
Ch 20, KTVD, LIC
Ch 31, KDVR, LIC
Ch 41, KWBI-TV, LIC
Ch 50, New, CP
2. Ch 56 to Ch 60: K57BT and KUBD, Ch 59, prevent the selection of these channels.
3. Ch 60 to Ch 62: An application on Ch 61, BPTTL8912028AQ, prevents the consideration of channels in this group.
4. Ch 63: K63DW, K63AJ and K63AB all show predicted co-channel interference.
5. Ch 64 and Ch 65: These channels are 14 and 15 respectively above Ch 50.
6. Ch 66: K66DK shows predicted co-channel interference.
7. Ch 67 and Ch 68: these channels are 14 and 15 channels respectively above KWHD, Ch 53, whose predicted grade B contour encompasses the site.
8. Ch 69: K69FT shows predicted co-channel interference.

Channel Selection

The above discussion lists only adjacent and 2 to 5 channel/20 mile conflicts. When the other "taboos" are taken into account only a very few channels could actually be considered as a candidate for the replacement channel even with a waiver. From this limited selection CH 43 has been chosen. Although it requires a waiver of two selection criteria, they are relatively innocuous in the circumstances present here.

Waiver #1: Para. 74.705(b)(5). The site of the LPTV station is less than 32 km from KWBI-TV, Ch 41. However, Table I shows that all third order intermodulation products (2A-B) fall in channels which are totally unused and furthermore unusable in the future in this area under the present channel selection rules. Thus, no intermodulation interference to the Ch 41 signal, or any other, will result from adding a CH 43 LPTV station at a spacing of less than 32 km.

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Table I

Prepared For: LOMAS DE ORO, CH 43

INTERMODULATION REPORT
Date: March 25, 1990

Frequency No. 1: 633.25 Ch 41 Visual
Frequency No. 2: 637.75 Ch 41 Aural
Frequency No. 3: 645.25 Ch 43 Visual
Frequency No. 4: 649.75 Ch 43 Aural

Maximum Order Of Products Checked: 2
Reporting Products Falling Between 548 And 710

#	Order	x	Freq.	Sum/Dif	Order	x	Freq.	=	Product
1.	2	x	633.25	-	1	x	637.75	:	628.75 Ch 40*
2.	2	x	633.25	-	1	x	645.25	:	621.25 Ch 39
3.	2	x	633.25	-	1	x	649.75	:	616.75 Ch 38
4.	2	x	637.75	-	1	x	633.25	:	642.25 Ch 42*
5.	2	x	637.75	-	1	x	645.25	:	630.25 Ch 40
6.	2	x	637.75	-	1	x	649.75	:	625.75 Ch 39
7.	2	x	645.25	-	1	x	633.25	:	657.25 Ch 45
8.	2	x	645.25	-	1	x	637.75	:	652.75 Ch 44
9.	2	x	645.25	-	1	x	649.75	:	640.75 Ch 42*
10.	2	x	649.75	-	1	x	633.25	:	666.25 Ch 46
11.	2	x	649.75	-	1	x	637.75	:	661.75 Ch 45
12.	2	x	649.75	-	1	x	645.25	:	654.25 Ch 44*

No More Frequency Products Within Desired Range

* Intermodulation product arising from a single channel only

Waiver #2: Para. 74.705(b)(4). The proposed LPTV station on Ch 43 will be 7 channels below the new Ch 50 station which is creating the need for this "Displacement Application". The concern here, of course, is that local oscillator radiation from TV receivers tuned to Ch 43 will cause interference to the reception of CH 50. The susceptibility of the Ch 50 signal to interference at any point is highly dependent upon its strength at that point. Noting that the Ch 50 and Ch 43 transmitters are on the same site, and that the 64 dBu contour of Ch 43 is probably the outer boundary of widespread viewing of Ch 43, the predicted (F50/50) field strength for Ch 50 was calculated at 10 degree intervals along the 64 dBu contour of Ch 43. As shown in Table II, this Ch 50 field strength is generally greater than the principal city contour value (80 dBu) and never less than 79dBu. This demonstrates that in the area where receivers tuned to Ch 43 will be found, a very strong Ch 50 signal will be available.

500088

Table II

Ch 50 Field Strength at the 64 dBu contour of Ch 43

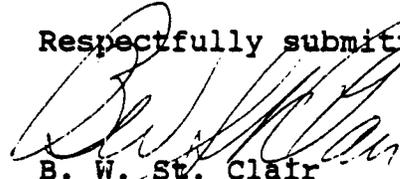
The following values are the predicted values of the F50/50 field strength of Ch 50 along the Ch 43 "grade B" (64 dBu) contour.

Azimuth	Field Strength (dBu)
00	80.0
10	79.5
20	81.4
30	81.7
40	81.2
50	82.6
60	79.7
70	79.4
80	79.4
90	79.1
100	79.2
110	79.3
120	80.2
130	82.1
140	84.8
150	88.1
160	90.5
170	92.1
180	93.2
190	93.5
200	93.5
210	93.1
220	92.5
230	91.7
240	90.7
250	90.2
260	88.9
270	89.8
280	86.2
290	84.1
300	81.7
310	79.0
320	79.2
330	80.3
340	81.9
350	81.6

Certification

This Engineering Statement is based upon firsthand knowlege of the site and other data which to the best of my knowledge and belief is true and correct.

Respectfully submitted



B. W. St. Clair
Engineering Consultant

500090



LOMAS DE ORO BROADCASTING CORPORATION
CHANNEL 49 • AFFILIATE OF THE UNIVISION NETWORK

April 4, 1990

Mr. Jack Connelly
Full Gospel Outreach, Inc.
5050 Edison Avenue #111
Colorado Springs, CO 80915

RE: K43CG

Dear Mr. Connelly:

Our LPTV station in Denver, K49CE, will soon be forced to change to a new channel by a proposed full service Ch 50 TV station which has a construction permit and expects to start construction shortly.

The proposed new channel which we propose to specify in our displacement application is Ch 43. We believe this choice will be satisfactory to the FCC provided you and we specify "off-set" operation with different off-sets.

I understand Byron St. Clair has discussed this with you and you are willing to change from "no off-set" to "zero off-set" provided we will cover the cost of augmenting your transmitter and stability required for off-set operation.

This letter is our guarantee that we will cover the cost. We request that you notify the FCC that K43CG will operate with "zero off-set", and we will submit our displacement application specifying "plus off-set".

Your cooperation in this matter is certainly appreciated.

Very truly yours,

LOMAS DE ORO BROADCASTING CORPORATION

by

Thomas E. Roman
President

500091

STATEMENT REGARDING THE DISPLACEMENT APPLICATION OF K49CE

TO CHANGE TO CHANNEL 43

Golden Hills Broadcasting Corporation holds the construction permit for Ch 50 in Denver (BPCT860212KO) and intends to proceed promptly with the construction of this station.

Without waiving its rights to require Lomas De Oro to correct any interference problems arising from its operation on Ch 43 or even to require it to cease such operation if there is interference which is uncorrectable. Golden Hills hereby consents to the waiver of Para 74.705(b)(4) requested by Lomas De Oro.

Signed this 4th day of April 1990

by Theresa E. Roney
Title President

500092

GODDARD & ASSOCIATES
Law Offices
Tel. (202) 544-6925 (202) 544-4111

DUPLICATE

WILLIAM D. GODDARD
Attorney

Capitol Hill
441 10th Street, N.E.
Washington, D.C. 20002

September 21, 1993

RECEIVED

BY R&S COURIER:

SEP 22 1993

Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: ~~K43DK~~ Denver, Colorado
FCC Form 307 Extension of Construction Permit
FCC License File 911112JW
Lomas De Oro Broadcasting Corporation

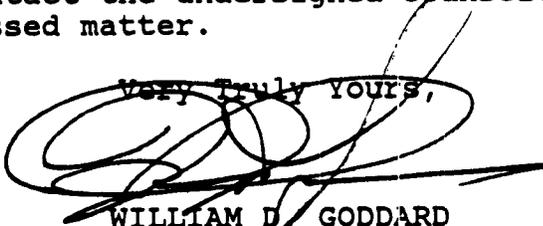
Dear Ms. Searcy:

Enclosed for filing with the Commission is the original and one copy of the FCC Form 307 application for extension of the construction permit for modifications to the licensed facilities of K43DK, Denver, Colorado, licensed to Lomas De Oro Broadcasting Corporation.

Please associate this FCC Form 307 application with a FCC Form 345 application filed this date by Lomas de Oro Broadcasting Corporation to assign the K43DK license, and the construction permit, to Golden Hills Broadcasting Corporation. In view of the pendency of the proposed assignment, Lomas de Oro Broadcasting Corporation requests that the construction permit be extended twelve (12) months. 47 C.F.R. Section 73.3534 (f).

If you have any questions concerning the enclosed application, please contact the undersigned counsel. This application is a non-fee assessed matter.

Very Truly Yours,



WILLIAM D. GODDARD
Goddard & Associates

Counsel for Golden Hills Broadcasting Corporation
and Lomas de Oro Broadcasting Corporation

Enclosure

360072

cc: Ms. Mary M. Fitzgerald (w/enc)
Low Power Television Branch
Mass Media Bureau

Ms. Irma G. Rico (w/enc)
General Manager
Golden Hills Broadcasting Corporation

Mr. Walter F. Ulloa (w/enc)
Vice President
Lomas De Oro Broadcasting Corporation

360073

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING) SEP 22 1993
FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY
For Commission Use Only
BMPTL-430422IG

1. Legal Name of Applicant (See Instruction C) Lomas de Oro Broadcasting Corporation		3. PURPOSE OF APPLICATION: <input type="checkbox"/> a. Additional time to construct broadcast station <input checked="" type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address (Number, street, city, state, ZIP code) 1111 West Eight Street #C Lakewood CO 80215		4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT:	
		File Number BLTTL911112JW/BMPTL930121WC K43DK	Call Letters
		Frequency 640.0-650.0	Channel No. 43
Telephone No. (Include Area Code) (303) 235 0049		Station Location Denver CO	

5. OTHER:
Submit as Exhibit No. **A** a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc.

3. EXTENT OF CONSTRUCTION:	
(a) Has equipment been delivered? <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, answer the following: See Exhibit A	(b) Has installation commenced? <input type="checkbox"/> YES <input type="checkbox"/> NO See Exhibit A
From Whom Ordered (If no order has been placed, so indicate) See Exhibit A	If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced.
Date Ordered DNA	Date Delivery Promised DNA
(c) Estimated date by which construction can be completed. See Exhibit A	

7. (a) If application is for extension of construction permit, submit as Exhibit No. **A** reason(s) why construction has not been completed.

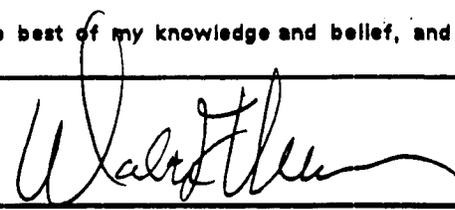
(b) If application is to replace an expired construction permit, submit as Exhibit No. **A** the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).

8. Are the representations contained in the application for construction permit still true and correct? YES NO
If NO, give particulars in Exhibit No. _____

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)
The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant Lomas de Oro Broadcasting Corporation	Signature 
Title Vice President	Date September 20, 1993

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT,
U.S. CODE, TITLE 18, SECTION 1001.