

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
GST TELECOM NEW MEXICO, INC.)File No. _____
)
Notice of Intent to Establish)
an Open Video System)

NOTICE OF INTENT TO ESTABLISH
AN OPEN VIDEO SYSTEM

GST Telecom New Mexico, Inc. ("GST"), pursuant to section 651 of the Telecommunications Act of 1996 and Section 76.1503(b)(1) of the Commission's Rules, hereby submits its "Notice of Intent" ("Notice") to establish an Open Video System ("OVS"). As required by Section 76.1503(b)(1), GST respectfully submits the following information:

1. The OVS operator is GST Telecom New Mexico, Inc. The contact person for the operator, Adam Haas, is located at 4317 NE Thurston Way, Vancouver, Washington 98662. Mr. Haas can be reached at (360) 604-2802.

2. The GST Open Video System's ("the system") projected service area includes the following communities:

	ZIP CODE
Albuquerque, NM	87104
	87105
	87106
	87107
	87108
	87109
	87110
	87111
	87112
	87113
	87114
	87115
	87116
	87117
	87118

87120
87121
87122
87123

Rio Rancho, NM87124
Village of Corrales, NM87048

3. The open video system will initially have a maximum of 150 channels available, each consisting of 6 MHz analog capacity. Subject to demand from prospective Video Programming Providers ("VPPs"), GST will evaluate and may implement an alternative technology including, but not limited to, a switched digital open video system. In any event, the selected solution will satisfy VPPs channel requests and meet all OVS channel capacity requirements.

4. Video Programming Providers ("VPPs") interested in carriage on the system may obtain additional information about the system by completing the OVS Information

Request Form (Attachment 1) and submitting it to:

Adam Haas
GST Telecom New Mexico
4317 NE Thurston Way
Vancouver, WA 98662

Pursuant to 47 C.F.R. 76.1503(b)(2) of the Commission's Rules, within five (5) business days after the receipt of a completed OVS Information Request Form, GST will provide the VPP with additional information regarding the open video system to enable the VPP to make an enrollment decision. With this information, the VPP will also be provided with additional forms and instructions necessary for carriage on GST's open video system. If a VPP decides to seek carriage on GST's open video system after receipt of the additional information, the VPP must submit the required forms, a non-refundable application processing fee, and a channel reservation deposit by the end of the enrollment period.

5. One-third of the system's maximum capacity will be set aside for GST and/or its affiliates. In addition, GST will utilize approximately 16 channels to carry

public programs, educational programs, governmental programs, and those stations entitled to demand carriage pursuant to 47 C.F.R. 76.56 and 76.1506 of the Commission's Rules. The remaining channels will be available for interested VPPs. No VPP will be assigned more than the capacity set aside for GST and its affiliates.

6. The enrollment period for VPPs seeking carriage on GST's open video system will commence on April 21, 1998 and conclude July 20, 1998. In order to allow for contract finalization, ensure orderly channel allocation and allow timely systems allocation to occur, VPPs must submit their preliminary enrollment requests no later than June 20, 1998. Allocation of capacity in the event demand exceeds system capacity will occur as described in Attachment 2.

7. Attached is a certification that GST has complied with all relevant notification requirements under the Commission's open video system regulations concerning must-carry and retransmission consent (47 C.F.R. 76.1506), including a list of all the local commercial and non-commercial television stations served. (Attachment 3). An example of the notification letter sent to television stations pursuant to this Section is also appended hereto, as Attachment 4. Also attached is a certificate of service showing that GST's Notice of Intent has been served on all local franchising authorities which are located within GST's anticipated OVS service area. (Attachment 5).

Respectfully submitted,

GST TELECOM NEW MEXICO, INC.

By _____
Jane Z. Delahanty
Director, Regulatory Affairs and

Tariffs

GST TELECOM NEW MEXICO, INC.
OPEN VIDEO SYSTEM
INFORMATION REQUEST FORM

Section 1: Video Programming Provider Information

Name of Company: _____

Name of Contact: _____

Address: _____

Telephone: _____

Facsimile: _____

Section II: Carriage Information

Total amount of capacity requested: _____ channels

Section III: Certification and Non-Disclosure Statement

The undersigned video programming provider ("VPP") represents that it has the right under the copyright laws to select and contract for carriage of specific video programming on the GST open video system, and that it has no formal or informal affiliation (as defined by 47 C.F.R. 76.1500(g) of the Commission's Rules) or agreement with any other VPP requesting capacity or with any cable operator providing cable television services within GST's open video system service area, and that the capacity requested will only be used for the commercial operation of an information service. The VPP and its affiliates agree not to disclose to any other party the information provided by GST in response to this request, except for information that is in the public domain and except as provided in 47 C.F.R. 76.1513(j) of the Commission's Rules, and that they will not use the information for any purpose whatsoever other than making an informed decision as to whether to enroll in the GST open video system and the subsequent activation of such enrollment, if any.

SignatureNameTitleDate

GST TELECOM NEW MEXICO, INC.
OPEN VIDEO SYSTEM
CHANNEL ALLOCATION PROCESS

GST's anticipated total system capacity on its open video system is 150, 6 MHz analog channels. The following channel allocations already have been made:

GST:50 channels for video programming plus approximately 16, channels for the PEG/Must-Carry/Retransmission consent requirements. The remaining number of channels to be allocated is 84.

Initial capacity requests must be submitted by June 20, 1998. At that time, the total number of channels requested from all VPPs will be calculated. If sufficient capacity exists to fill all requests, each VPP will be allocated channel capacity equal to its request. If the sum of all channels requested exceeds available channel capacity, each VPP requesting fewer than 3 channels will receive its requested channels; VPPs requesting more than 6 channels will receive at least 3, total capacity permitting. The remaining channels will be allocated to each VPP requesting more than 3 channels on a pro rata basis, based on the ratio of the remaining number of channels requested by all VPPs.

The following is an illustration of the allocation process based on the availability of 84 channels and a request for 120 channels from multiple VPPs.

VPP	Channels Requested	Minimum Allocation	Remaining Channels Requested	Ratio of Remaining Channels Available to Remaining Channels Requested	Number of Channels Allocated
A	1	1	0	--	1
B	3	2	1	.67	3
C	8	2	6	.67	6
D	20	2	18	.67	14
E	42	2	40	.67	29
F	46	2	44	.67	31
Total	120	11	109		84

Because VPPs B through F all requested more than 2 channels, each VPP is allotted up to 2 channels as the minimum allocation. The remaining number of channels available to be divided among the VPPs is 73 (84 channels minus 11 channels).

The number of available channels to be allocated on a pro rata basis (73) is divided by the remaining number of channels requested (109), which equals .67. This factor is used to calculate the distribution of the remaining 73 channels to VPPs B through F.

The remaining channels requested by VPPs B through F are multiplied by the pro rata factor (.67) to determine the number of channels the VPPs will be allocated in addition to the 2 channel minimum. Fractions of channels have been rounded to the nearest whole number.

GST will mail notification to each VPP to confirm the channel capacity allocation by July 6, 1998. Any VPP that is allocated fewer channels than it initially requested may withdraw its channel capacity request by notifying GST by mail. Cancellations must be received by 5:00 p.m. Pacific standard time on July 13, 1998. Channel capacity made available through the withdrawal of one or more VPPs will be reallocated on a pro rata basis to the remaining VPPs who did not receive their full request. On July 20, 1998, GST will mail a notification to each remaining VPP to confirm the final channel capacity allocation.

CERTIFICATE OF SERVICE

I, Angela Waring, hereby certify that on the 20th day of April, 1998, I caused written notice to be sent by overnight mail to all commercial and noncommercial television stations operating within GST's proposed open video system television market, as indicated by the attached service list.

Service List
Commercial and Non-Commercial Television Stations

KLUZ Channel 41
2725 Broadbent Pkwy NE
Albuquerque, NM 87107
(505) 342-4141

KDB TV 59 Telemundo
6320 Zuni Rd SE4501
Albuquerque, NM 87108
(505) 265-8331

Community Channel 27
600 1 NW
Albuquerque, NM 87102
(505) 243-0027

KASA FOX 2
1377 University Blvd. NE
Albuquerque, NM 87102
(505) 246-2222

KASY TV UPN 50
50 Broadcast Plaza SW
Albuquerque, NM 87102
(505) 764-5279

KRQE TV CBS 13
13 Broadcast Plaza SW
Albuquerque, NM 87104
(505) 243-2285

KCHF TV Channel 11
5710 4th Street NW
Albuquerque, NM 87107
(505) 345-1991

KAZQ TV 32
4501 Montgomery Blvd NE
Albuquerque, NM 87109
(505) 884-8355

Alpha Omega Broadcasting
Montgomery Blvd NE
Albuquerque, NM 87109
(505) 884-8355

KNAT TV 23
1510 Coors Road NW
Albuquerque, NM 87121
(505) 836-6585

KOAT TV ABC 7
3801 Carlisle Blvd NE
Albuquerque, NM 87107
(505) 884-7777

KOB TV NBC 4
Office 4 Broadcast Plaza SW
Albuquerque, NM 87104
(505) 243-4411

KNME TV PBS 5
1130 University Blvd. NE
Albuquerque, NM 87102
(505) 277-2121

Via Certified Mail - Return Receipt Requested

Name
Title
Station
Address Line 1
Address Line 2

Dear _____:

This letter serves to inform you that GST Telecom New Mexico, Inc. ("GST") intends to begin operating an Open Video System ("OVS") in the City of Albuquerque and certain surrounding areas.

Service activation is expected to occur in July of 1998. The open video system will have 150 channels of analog capacity.

Your station is entitled to carriage, should you so elect, provided it is subsequently determined that the station delivers a good quality signal to the principal headend located at 3830 Singer Blvd. NE, Suite 1000, Albuquerque, NM 87109, and provided further that carriage of the station will not subject GST to copyright liability. Under the Federal Communications Commission's OVS Rules, 47 C.F.R. 76.1500, et. seq., you may select mandatory carriage, or you may negotiate consent for retransmission of your signal. All video programming providers ("VPPs") will be notified of your decision. If you elect "must-carry", GST, as the operator of the system, will deliver your signal to all subscribers of any VPP on the system. If you elect "retransmission consent", you may negotiate with one or more VPPs delivering programming over the GST OVS for inclusion in their programming package. Please notify us by certified mail within five (5) business days of your election.

GST will initially provide service in the same geographic service area as Jones Cable. Pursuant to FCC Rules, your election for OVS must be the same as any elections you make with respect to Jones Cable.

The FCC's OVS Rules also specify that GST, as the system operator, must receive notification with respect to black-out requirements related to sports broadcasts, network non-duplication, and syndicated exclusivity. GST will make all notifications available to appropriate VPPs on the system and will delete signals from the system in accordance with the FCC's Rules.

Sincerely,

CERTIFICATE OF SERVICE

I, Angela Waring, hereby certify that on this 20th day of April, 1998, copies of the foregoing GST Telecom New Mexico, Inc. Notice of Intent to Establish an Open Video System were served via first class mail on the parties listed below:

Parks and General Services
Building A
Cable Authority
Attn: Christine Garcia - Manager
1801 4th Street, NW
Albuquerque, NM 87102

c/o Colleen Keane
1130 University Blvd., NE
Albuquerque, NM 87102

Media Resources
c/o Dave Matthews
1 Civic Plaza
P.O. Box 1293
Albuquerque, NM 87103

Parks and General Services
Building A
Cable Authority
Attn: Mike Minturn
1801 4th Street, NW
Albuquerque, NM 87102

Robert M. White
City Attorney
City of Albuquerque
Legal Department
1 Civic Plaza, NW
P.O. Box 2248
Albuquerque, NM 87103

Rio Rancho City Attorney
Donald Young
P.O. Box 15550
Rio Rancho, NM 87174-0550

Corrales City Attorney (under contract)
David Mathews
500 Marquette, NW
Suite 540
Albuquerque, NM 87102

Quote Unquote, Inc.
c/o Steve Rineri
600 First Street, NW.,
Suite 100
Albuquerque, NM 87102
Teach and Learn
