

Open Video System
Notice of Intent

Attention Cable
Services Bureau

BEFORE THE
 FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C. 20054

In the Matter of
 WH LINK, LLC

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File No. _____

Notice of Intent to Establish
 an Open Video System

**NOTICE OF INTENT
 TO ESTABLISH AN OPEN VIDEO SYSTEM**

WH LINK, LLC (WH LINK) 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), WH LINK, respectfully submits the following information:

1. The OVS operator is WH LINK, LLC. The contact person for the operator, Gene R. South, Sr., is located at 9938 State Highway 55 NW, Annandale, MN 55302. Mr. South may be reached at 320-274-7271.

2. WH LINK’s projected service area will encompass portions of Wright County and Hennepin County, Minnesota including all or portions of the following incorporated communities:

<u>Community</u>	<u>CUID#</u>
Areas of Buffalo, MN	MN0468
Areas of Otsego, MN	MN0502
Areas of Plymouth, MN	MN1111
Areas of Medina, MN	MN0568
Areas of Maple Grove, MN	MN0311
Areas of Rockford, MN	MN0457

3. The open video system will have a maximum of 300 digital channel input ports available, each consisting of an average of 4 megabits of capacity. WH LINK's system will satisfy all OVS channel capacity requirements.

4. Video Programming Providers (VPP) interested in carriage of WH LINK's open video system may obtain additional information about the system by completing the OVS

Information Request Form (Attachment 1) and submitting it to:

Gene R. South, Sr.
PO Box 340
Annandale, MN 55302
320/274-7271

Pursuant to 47 C.F.R. § 76.1503(b)(2) of the FCC's rules, within five business days of receipt of a request for information WH LINK 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 also will be provided with additional forms and instructions necessary for carriage on WH LINK's open video system. If a VPP decides to seek carriage on WH LINK'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 WH LINK and/or its affiliates. In addition, WH LINK will utilize approximately three channels to carry public programs, educational programs, governmental programs, in addition to approximately nineteen "must-carry" stations entitled to demand carriage pursuant to 47 C.F.R. §76.56 and § 76.1506 of the FCC's rules. The remaining channels will be available for interested VPPs. No VPP will be assigned more than the capacity set aside for WH LINK and its affiliates.

6. The enrollment period for VPPs seeking carriage on WH LINK's open video system will commence on May 9, 2001, and will conclude August 31, 2001. 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 July 1, 2001. Allocation of capacity in the event demand exceeds system capacity will occur as described in Attachment 2.

7. Attached is a certification that WH LINK has complied with all relevant notification requirements under the FCC's open video system regulations concerning must-carry and retransmission consent (47 C.F.R. § 76.1506), including a list of all 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 (Attachment 4.) Also attached is a certificate of service showing that WH LINK's Notice of Intent has been served on all local franchising authorities, which are located with WH LINK's anticipated OVS service area (Attachment 5).

Respectfully submitted,

WH LINK, LLC

Gene R. South, Sr.
WH LINK, LLC
9938 State Hwy 55 NW
PO Box 340
Annandale, MN 55302-0340
(320)274-7271 (Phone)
(320)274-3440 (FAX)

Dated: _____

WH LINK, LLC
OPEN VIDEO SYSTEM
INFORMATION REQUEST FORM

Section I: 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 WH LINK open video system, and that it has no formal or informal affiliation (as defined by 47 C.F.R. § 76.1500(g) of the FCC’s rules) or agreement with any other VPP requesting capacity or with any cable operator providing cable television services within WH LINK’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 WH LINK 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(1) of the FCC’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 WH LINK’s open video system and the subsequent activation of such enrollment, if any.

Signature

Name

Title

Date

WH LINK, LLC
OPEN VIDEO SYSTEM
CHANNEL ALLOCATION PROCESS

WH LINK's anticipated total system capacity on its open video system is 300 digital ports (channels). The following channel allocations already have been made:

WH LINK: 100 channels for video programming + approximately 22 channels for the PEG/Must-Carry requirements. The remaining number of channels to be allocated is 178.

Initial capacity requests must be submitted by July 31, 2001. 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 6 channels will receive its requested channels; VPPs requesting more than 6 channels will receive at least 6, total capacity permitting. The remaining channels will be allocated to each VPP requesting more than 6 channels on a pro-rate basis; that is 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 178 channels and a request for 398 channels from multiple VPPs.

	Channels Requested	Minimum Allocations	Remaining Channels Requested	Ratio of Rmng Chal Avlble to Rmng Chal Requested	No. of Channels Allocated
A	2	2	0	-	2
B	6	6	0	-	6
C	20	6	14	398	12
D	110	6	104	398	47
E	150	6	144	398	64
F	<u>110</u>	<u>6</u>	<u>104</u>	398	<u>47</u>
Total	398	32	366		178

Because VPPs C through F all requested more than 6 channels, each VPP is allotted up to 6 channels as the minimum allocation. The remaining number of channels available

to be divided among the VPPs is 146 (178 channels minus 32 channels).

The number of available channels to be allocated on a pro-rata basis (146) is divided by the remaining number of channels requested (366) which equals .398. This factor is used to calculate the distribution of the remaining 146 channels to VPPs C through F.

The remaining channels requested by VPPs C through F are multiplied by the pro rata factor (.398) to determine the number of channels the VPPs will be allocated in addition to the six channel minimum. Fractions of channels have been rounded to the nearest whole number, provided that the

sum of all allocations not exceed the total number of available channels.

WH LINK will mail a notification to each VPP to confirm the channel capacity allocation by July 15, 2001. Any VPP that is allocated fewer channels than it initially requested may withdraw its channel capacity request by notifying WH LINK by mail. Cancellations must be received by 5:00 p.m. on July 24, 2001. 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 28, 2001, WH LINK will mail a notification to each remaining VPP to confirm the final channel capacity allocation.

CERTIFICATION Attachment 3

I, Gene R. South, Sr., hereby certify that on or before this 8th day of May, 2001, I caused must-carry-retransmission consent election notification to be sent by US mail to all commercial and noncommercial television stations operating within WH LINK's open video system television market, as indicated by the attached service list.

Gene R. South, Sr.
Executive Vice President

May 8, 2001 Attachment 4

Dear

This letter serves to inform you that WH LINK, LLC intends to begin operating an Open Video System (“OVS”) in and around the areas of Buffalo, Otsego, Plymouth, Medina, Maple Grove and Rockford, Minnesota. Service activation is expected to occur on August 1, 2001. The open video system will have 300 channels of digital capacity.

Due to the OVS’s geographic deployment, 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 location at Hutchinson, Minnesota, and provided further that carriage of the station will not subject WH LINK to copyright liability.

If your station is commercial broadcast station, under the Federal Communications Commissions’ OVS Rules, 47 C.F.R. 76.1500, et seq., you may elect mandatory carriage or you may negotiate consent for retransmission of your signal. All video programming providers (VPPs) on WH LINK’s Open Video System will be notified of your decision. If you elect “must carry”, WH LINK 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 WH LINK OVS for inclusion in their programming package. Please notify us by Certified Mail within five business days of your election. Pursuant to FCC Rules, your election of OVS must be the same as any election you make with respect to the cable system operators in the towns listed on the attachment.

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

To the extent that you are carried as part of the VPP’s programming package pursuant to retransmission consent, you should notify that VPP. Please make all notifications to WH LINK required by these regulations to:

Gene R. South, Sr.
WH LINK, LLC
9938 State Hwy 55 NW
PO Box 340
Annandale, MN 55302-0340

Please call me at 320-274-7271 if you have any questions.

Sincerely,
Gene R. South, Sr.
President

CERTIFICATE OF SERVICE

I, Gene R. South, Sr., hereby certify that I have caused copies of the foregoing open video system “Notice of Intent” of WH LINK, LLC to be sent via certified mail on the 8th day of May, 2001 to the following local franchising authorities listed below:

Merton Auger
City Administrator – City of Buffalo
212 Central Ave
Buffalo, MN 55313

Alan Madsen
City Administrator – City of Maple Grove
12800 Arbor Lakes Parkway
Maple Grove, MN 55369

Paul Robinson
City Administrator – City of Medina
2052 Co Rd 24
Medina, MN 55340

Mike Robertson
City Administrator – City of Otsego
8899 Nashua Ave NE
Elk River, MN 55330

Dwight Johnson
City Administrator – City of Plymouth
3400 Plymouth Blvd
Plymouth, MN 55447

Nancy Evers
City Administrator – City of Rockford
6031 Main St
Rockford, MN 55373

Gene R. South, Sr.
President

Company	Name	Address	City, State, Zip
CBS, Inc. WCCO-TV	Jan McDaniel	90 S 11 th Street	Minneapolis, MN 55403
Hubbard Broadcasting, Inc. KSTP-TV	Ed Piette	3415 University Avenue	St. Paul, MN 55114
United TV, Inc. KMSP-TV	Stuart Swartz	11358 Viking Drive	Minneapolis, MN 55344-7258
Gannett Minnesota Broadcasting, Inc.	John Remes	8811 Olson Memorial Hwy	Minneapolis, MN 55427
Paxson Comm of Minneapolis KPXM	David Peterson	Box 407, 22601 176 th St.	Big Lake, MN 55309
KVBM Television Inc. KVBM	Daniel Peters	Suite 45 1080 County Rd E West	St. Paul, MN 55101
KMWB	Dan Mellon	1640 Como Ave	St. Paul, MN 55108
KTCI-TCPT	James Pagliarini	172 E 4 th Street	St. Paul, MN 55101
KTCA-TCPT	James Pagliarini	172 E 4 th Street	St. Paul, MN 55101
West Central MN Educational TV Co	Ansel Doll	120 W Schlieman	Appleton, MN 56208
Fox-29 WFTC TV		1701 Broadway St NE	Minneapolis, MN 55413