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**KMZ Rosenman**  
KATTEN MUCHIN ZAVIS ROSENMAN

**RECEIVED**

**MAR - 9 2005**

**Federal Communications Commission  
Office of Secretary**

1025 Thomas Jefferson Street, N.W.  
East Lobby, Suite 700  
Washington, DC 20007-5201  
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March 9, 2005

**By Hand Delivery**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
236 Massachusetts Ave., NE  
Suite 110  
Washington, DC 20002

**Re: Public Notice DA 05-506, released February 28, 2005  
Report No. AUC-05-81-C  
Request for Correction to MX Group 048**

Dear Madam Secretary:

This is to formally notify the Commission and, in particular, the staff working on Low Power Television Auction 81, of an error in Attachment A to Report No. AUC-05-81-C, Public Notice DA 05-506, released February 28, 2005 ("Attachment A"), and to request the correction of MX Group 048 by removing Cooperative Television Association of Southern Minnesota ("CTV") from same. In support hereof, the following is shown.

Attachment A identifies MX Group 048 to include: CTV (Facility ID #125741/Channel 18, Jackson, MN); Federated Rural Electric Association ("FREA") (Facility ID #21283/Channel 17, Jackson, MN); Pappas Telecasting Companies (Pappas") (Facility ID #128464/Channel 17, Estherville, IA); and, Three Angels Broadcasting Network, Inc. ("TABN") (Facility ID #130195/Channel 17, Fairmont, MN).

The inclusion of CTV's application in MX Group 048 is in error. By way of explanation, on March 5, 2004, CTV and TABN, which then had an additional pending application in MX Group 048 (Facility ID #130218/Channel 18, Windom, MN) (the "Windom Application"), filed a Joint Request for Approval of Settlement Agreement ("Joint Request"), seeking the dismissal of TABN's Windom Application and the treatment of CTV's application as a singleton.<sup>1</sup>

By letter of May 25, 2004, the Video Division denied the Joint Request, indicating that the proposed settlement did not, as claimed, remove the mutual exclusivity with the other applications in MX Group 048. On June 16, 2004, CTV and TABN filed a Joint Petition for

<sup>1</sup> CTV's mutual exclusivity with the other applications in MX Group 048 was due to a "daisy chain" effect, i.e., CTV was mutually exclusive with TABN's Windom Application, which was mutually exclusive with other applications in MX Group 048. The dismissal of TABN's Windom Application meant that CTV could be removed from the MX Group and treated as a singleton.

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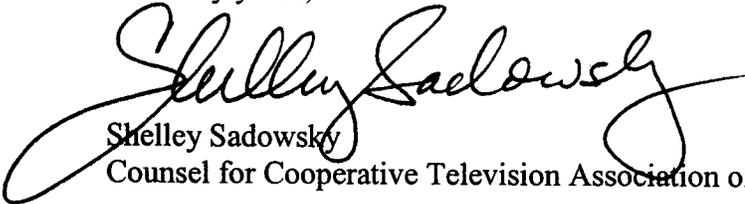
Reconsideration of the May 25, 2004 letter decision, demonstrating that the mutual exclusivity between CTV and the other applications was, in fact, removed by the dismissal of TABN's Windom Application.

By letter of November 15, 2004, a copy of which is attached hereto, the Video Division granted reconsideration and approved the Settlement Agreement between CTV and TABN, finding that the mutual exclusivity between their applications and the other applications in their MX Group was removed by their agreement. Accordingly, the November 15, 2004 letter dismissed TABN's Windom Application and directed CTV to file a complete FCC Form 346 for its application (File No. BNPTTL-20000821AAI) and pay the required application filing fee within 30 days. CTV complied with the directive contained in the November 15, 2004 letter, by filing its Form 346 application on December 6, 2004, and its application fee on December 8, 2004.<sup>2</sup>

In light of the findings contained in the Video Division's November 15, 2004 letter, which is now a final order, it is respectfully requested that the application of CTV be removed from MX Group 048 and processed as a singleton.<sup>3</sup>

Should the Commission staff desire any additional information concerning this matter, please contact the undersigned.

Sincerely yours,



Shelley Sadowsky  
Counsel for Cooperative Television Association of Southern Minnesota

cc via email to: [auction81@fcc.gov](mailto:auction81@fcc.gov)  
Shaun Maher, Esq.  
Lynne Milne, Esq.  
Hossein Hashmezadeh  
cc via fax to: 202-418-2827

<sup>2</sup> The attached CDBS confirmation of filing shows that CTV filed its required Form 346 for BNPTTL-20000821AAI on December 6, 2004, and the attached date-stamped FCC Remittance Advice shows that the related application fee was paid on December 8, 2005.

<sup>3</sup> As the Video Division staff is aware, CTV's application hasn't been processed because Federal Aviation Administration approval of the antenna structure proposed in CTV's application was required, and such approval was pending until February 23, 2005, when the FAA issued a Determination of No Hazard (Aeronautical Study No. 2004-AGL-7654-OE). As soon as that Determination becomes final, CTV will be permitted to update the existing antenna structure registration and amend its application accordingly, which steps will allow the Video Division to complete its processing of the application.



Federal Communications Commission  
Washington, D.C. 20554

NOV 15 2004

Shelly Sadowsky, Esq.  
Katten, Muchin, Zavis and Rosenman  
1025 Thomas Jefferson Street, NW  
Suite 700  
Washington, DC 20007-5201

Mr. Danny Shelton, President  
Three Angels Broadcasting Network, Inc.  
P.O. Box 220  
West Frankfort, IL 62896

Re: Applications for New Low Power  
Television Facilities

Cooperative Television Association  
of Southern Minnesota  
File No. BNPTTL-20000821AAI  
FIN: 125741

Three Angels Broadcasting Network,  
Inc.  
File Nos. BNPTTL-20000830BKC  
FIN: 130218

Dear Applicants:

This letter concerns the above-referenced applications for a new low power television facility filed in the limited auction filing window.

You submitted a settlement agreement to purportedly resolve the mutual exclusivity among these applications. Initial review of the settlement agreement found that it did not resolve the mutual exclusivity between these applications and other applications in their MX group. Therefore, the settlement agreement was denied. You sought reconsideration of that decision. Included with your petition for reconsideration was an engineering statement. Upon review of the engineering statement, we find that the settlement agreement does resolve the mutual exclusivity between these applications and the other applications in their MX group. Therefore, application file number BNPTTL-20000830BKC is hereby dismissed.

As for application File No. BNPTTL-20000821AAI, within 30 days of the date of this letter, the applicant must submit a complete FCC Form 346 (June 2000 version)

for each file number, pursuant to the procedures set forth in the Commission's rules.<sup>1</sup>

You must file your FCC Form 346 application electronically. An FCC Form 159 in payor form should also be sent to the Federal Communications Commission in the manner set forth above. Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at:

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

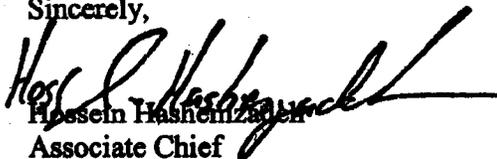
For assistance with electronic filing, call the Media Bureau Help Desk at (202) 418-26MB.

The staff will return applications not submitted in accordance with the procedures described above. The staff will dismiss, without further processing, the previously filed technical submissions of any applicant that fails to submit the complete FCC Form 346 and/or pay the requisite filing fee by the deadline set forth herein.<sup>2</sup>

The staff will study the submitted FCC Form 346 applications for acceptability. It will subsequently announce applications determined to be acceptable for filing and for which the staff is prepared to grant. Petitions to deny these FCC Form 346 applications must be filed within 15 days following the release of the public notice announcing acceptance of the applications at issue.<sup>3</sup> Interested parties should monitor these public notices.

For additional information, contact Shaun Maher (legal) or Hossein Hashemzadeh (technical) of the Video Division at (202) 418-1600.

Sincerely,



Hossein Hashemzadeh  
Associate Chief  
Video Division  
Office of Broadcast Licensing Policy  
Media Bureau

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<sup>1</sup> See 47 U.S.C. § 8; 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 1.1110, 73.5005(d), 73.3512.

<sup>2</sup> See 47 C.F.R. § 73.5005. Pursuant to procedures adopted in the *Broadcast Auction First Report and Order*, non-mutually exclusive applicants filing FCC Form 346 applications may change the technical proposals specified in their previous filing. However, such non-mutually exclusive applicants may not specify in the FCC Form 346 application a change in the proposed facility that constitutes a major change from the facility specified earlier, nor may applicants create new mutual exclusivity or application conflict. See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991.

<sup>3</sup> See 47 C.F.R. § 73.5006.

**FCC MB - CDBS Electronic Filing  
Application Reference Number: 20000821AAI  
Successfully filed at Dec 6 2004 5:33PM**

**A Fee Payment is Required for this application.**

You can use the FCC's Electronic Form 159 System to pay electronically and/or to print out an appropriate Form 159. Press the button below now or return to this screen later by pressing the "Pay Fee" button on the CDBS Main Menu. See the CDBS User's Guide for more information about fee payment.



Payment must be received by Mellon Bank within 14 (calendar) days of the date that the application is officially received by the Media Bureau's electronic filing system (indicated by the reference number above). This deadline applies to any payment submission method (electronic or via a paper check). If payment is not received in time, the filed application will be considered to be **not paid** and will therefore not be processed by the MB.

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

**RETURN COPY**

Approved by OMB  
3060-0589  
Page 1 of 1

(1) LOCK BOX # **358185**

FCC/MELLON

DEC 08 2004

**SECTION A - PAYER INFORMATION**

(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card)

**Katten Muchin Zavis Rosenman**

(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)

**\$625.00**

(4) STREET ADDRESS LINE NO. 1

**1025 Thomas Jefferson Street, NW**

(5) STREET ADDRESS LINE NO. 2

**Suite 700 East**

(6) CITY

**Washington**

(7) STATE

**DC**

(8) ZIP CODE

**20007**

(9) DAYTIME TELEPHONE NUMBER (include area code)

**202 - 6253500**

(10) COUNTRY CODE (if not in U.S.A.)

**US**

**FCC REGISTRATION NUMBER (FRN) REQUIRED**

(11) PAYER (FRN)

**0006890230**

**IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)  
COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET**

(13) APPLICANT NAME

**COOPERATIVE TELEVISION ASSOCIATION OF SOUTHERN MINNESOT**

(14) STREET ADDRESS LINE NO. 1

**C/O FROST-BENCO-WELLS ELECTRIC**

(15) STREET ADDRESS LINE NO. 2

**P.O. BOX 8**

(16) CITY

**MANKATO**

(17) STATE

**MN**

(18) ZIP CODE

**56002 -0008**

(19) DAYTIME TELEPHONE NUMBER (include area code)

**5073877963**

(20) COUNTRY CODE (if not in U.S.A.)

**USA**

**FCC REGISTRATION NUMBER (FRN) REQUIRED**

(21) APPLICANT (FRN)

**0007251655**

**COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET**

(23A) CALL SIGN/OTHER ID

**NEW**

(24A) PAYMENT TYPE CODE

**MOL**

(25A) QUANTITY

**1**

(26A) FEE DUE FOR (PTC)

**\$625.00**

(27A) TOTAL FEE

**\$625.00**

(28A) FCC CODE 1

**125741**

(29A) FCC CODE 2

**CDBS20000821AAI**

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY

(26B) FEE DUE FOR (PTC)

(27B) TOTAL FEE

(28B) FCC CODE 1

(29B) FCC CODE 2

**SECTION D - CERTIFICATION**

**CERTIFICATION STATEMENT**

I, \_\_\_\_\_, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

**SECTION E - CREDIT CARD PAYMENT INFORMATION**

MASTERCARD \_\_\_\_\_ VISA \_\_\_\_\_ AMEX \_\_\_\_\_ DISCOVER \_\_\_\_\_

ACCOUNT NUMBER \_\_\_\_\_ EXPIRATION DATE \_\_\_\_\_

I hereby authorize the FCC to charge my credit card for the service(s)/authorization herein described.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_