March 23, 2005

Secretary
Federal Communications Commission
Washington, DC 20554

RE: Petition to remove LPTV application BNPTTL-20000831BYG from Auction 81, Group MX169

Ladies and Gentlemen:

As explained in the attached “Engineering Statement” the subject application was amended during the August 2001 settlement window to clear the conflicts with the other applications in this group.

I believe it is not necessary for my application to be in the auction as there is neither an incoming or outgoing conflict.

Please reclassify my application as a “singleton”.

Respectfully submitted

s/s Mark Silberman
Applicant
ENGINEERING STATEMENT IN SUPPORT OF THE PETITION OF MARK SILBERMAN TO BE REMOVED FROM AUCTION 81, GROUP MX169

Introduction

Application BNPTTL-20000831BYG has been included in MX169 in spite of the unilateral engineering changes filed in a settlement window to clear the conflicts with the other applications in this group.

Outgoing Interference:
The offset was changed in the August 2001 settlement window to eliminate the interference to the other applications. This change of offset is reflected when viewed in the CDBS.

Incoming Interference:
The application contains a statement added in the August 2001 settlement window to the effect that the applicant will accept interference from the other applicants in this group. This statement appears when this application is viewed on CDBS. A copy of the page with this statement as it appears in CDBS is attached. See paragraph #4, Conclusion.

Discussion

The applicant by unilateral changes and additions to the application during a settlement window has cleared both outgoing and incoming conflicts. Thus it should not be in an auction with the other applicants in MX169.

Respectfully submitted,

B. W. St. Clair
Engineering Consultant
March 23, 2005
Exhibit 6
Description: ENGINEERING EXHIBIT - INTERFERENCE ANALYSIS

ENGINEERING EXHIBIT - INTERFERENCE ANALYSIS
IN RE: APPLICATION FOR LOW POWER TELEVISION BROADCAST STATION LICENSE, AUGUST, 2000
WINDOW
AUCTION NUMBER 81, ENGINEERING SOLUTION TO SEPARATE THIS APPLICATION FROM
MUTUALLY EXCLUSIVE GROUP

1. INTRODUCTION
GROUP: M569
APPLICANT:
M569 NM 52 CHI CHI TAH MARK SILBERMAN BNPTTL20000831BYG
CONFLICTING APPLICATIONS HAVING ONE OR MORE OVERLAPPING PROTECTED/INTERFERING
CONTOURS PER PUBLIC NOTICE DA-0129:
M569 NM 52 GALLUP TRINITY BROADCASTING/ NE BNPTT20000830AVQ

2. DISCUSSION
BECAUSE THERE WAS NO FREQUENCY OFFSET BETWEEN THEM, THE APPLICATIONS LISTED
ABOVE AS FILED WERE UNRESOLVABLE WITHOUT MAKING A CHANGE IN ONE OF THEM IN ORDER
TO CAUSE IT TO BECOME OFFSET WITH RESPECT TO THE OTHER. AFTER RESEARCH, IT WAS
DISCOVERED THAT THE OFFSET OF BNPTTL20000831BYG COULD BE CHANGED TO ZERO, THUS
ALLOWING REDUCED INTERFERENCE BETWEEN THE TWO APPLICATIONS AS SHOWN BY THE
LONGLEY-RICE STUDIES BELOW. THIS, THIS APPLICATION MODIFICATION PROPOSES A CHANGE
TO ZERO OFFSET FOR BNPTTL20000831BYG. ALTHOUGH THERE ARE ONE OR MORE OVERLAPPING
PROTECTED V. INTERFERING CONTOURS BETWEEN THIS APPLICATION AND OTHER APPLICATIONS
AS SHOWN BELOW, ALL WERE SUBJECT TO AN ANALYSIS OF POTENTIAL INTERFERENCE WHICH
INCLUDES A LONGLEY-RICE STUDY IN ACCORDANCE WITH OET BULLETIN 69 OF THE ACTUAL
PREDICTED INTERFERENCE, INCOMING AND OUTGOING, BETWEEN THIS APPLICATION AND THE
IDENTIFIED CONFLICTING APPLICATIONS WITHIN THE SAME AUCTION GROUP. THE FINDINGS ARE
SHOWN BELOW.

3. ANALYSIS
INTERFERENCE CAUSED BY THE APPLICANT'S PROPOSED (REVISED TO Z OFFSET) FACILITY TO
M569 NM 52 GALLUP TRINITY BROADCASTING/ NE BNPTT20000830AVQ
...0.128%

INTERFERENCE CAUSED BY THE FOLLOWING APPLICATIONS TO THE APPLICANT'S PROPOSED
FACILITY IS SHOWN FOLLOWING:
M569 NM 52 GALLUP TRINITY BROADCASTING/ NE BNPTT20000830AVQ
...NONE.

IF APPLICABLE, THE LONGLEY-RICE STUDY PRINTOUT IS SHOWN IN ITEM #5 BELOW.

4. CONCLUSION
NO INTERFERENCE OR INTERFERENCE TO ZERO PERSONS PER OET BULLETIN 69 IS CAUSED TO THE
APPLICANT'S PROPOSAL OR THE OTHER PROPOSALS SHOWN ABOVE WHEN THE LONGLEY-RICE
STUDY IS USED AS PART OF THE APPLICATION. IN THE EVENT INTERFERENCE WERE TO BE SHOWN
INCOMING TO THE APPLICANT, IT IS BELIEVED TO BE INSIGNIFICANT AND IS ACCEPTABLE TO THE
APPLICANT. Thus, THIS APPLICATION IS NO LONGER MUTUALLY EXCLUSIVE WITH ANY OTHER IN
ITS AUCTION GROUP. ACCORDINGLY, IT IS REQUESTED THAT IT BE REMOVED FROM THE GROUP
AND ALLOWED TO PROCEED FORTHWITH TO THE PERMITTING PROCESS. FINALLY, THIS
APPLICATION MODIFICATION AND A MODIFICATION OF APPLICATION BNPTTL20000831BYG FOR
CHANNEL 52 IN SHEEP SPRINGS, NM ARE BEING FILED SIMULTANEOUSLY BY THE SAME
APPLICANT WITH THE UNDERSTANDING THAT TRINITY BROADCASTING, BNPTT20000830AVQ,
GALLUP, NM IS ALSO RELEASED FROM MUTUALLY EXCLUSIVE GROUP M569.