



PUBLIC NOTICE

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COMMISSION GRANTS MUTUALLY EXCLUSIVE DTV MAXIMIZATION APPLICATIONS SUBJECT TO THE CONDITION THAT APPLICANTS RESOLVE THEIR MUTUAL EXCLUSIVITY WITHIN 30 DAYS

By Public Notice released May 30, 2008, the Commission lifted the freeze on the filing of DTV maximization applications by full power television stations.¹ All applications filed from the date of release of the Public Notice through June 20, 2008, as well as applications filed prior to release of the Public Notice which requested a waiver of the filing freeze, were treated for cut-off purposes as being filed on June 20, 2008.

Current DTV processing rules provide mutually exclusive applicants a 90-day period of time to resolve their mutual exclusivity via an engineering amendment or settlement; applications that remain mutually exclusive at the end of this period are to be dismissed.² Because the public interest would be served by facilitating completion of maximization facilities whenever possible before the end of the statutory DTV transition deadline, the Commission also announced in the Public Notice that, with respect to applications filed between the release of the Public Notice and the end of the DTV transition deadline, it intended to grant mutually exclusive applications subject to the condition that the applicants resolve their mutual exclusivity within 30 days of grant of the applications.³ Construction permits that remained in conflict with another construction permit at the end of this period would be cancelled and the stations required to file new applications.

By this Public Notice, the Media Bureau grants the groups of mutually exclusive applications listed in Attachment A, subject to the condition that each station resolve its mutual exclusivity within 30 days of the date of this public notice. Stations may resolve their mutual exclusivity with other stations in their group by means of engineering amendments or by interference consent agreements. Technical amendments submitted by stations must be minor, as defined by applicable rules, and must not create new mutual exclusivity or application conflict. Stations must submit their engineering proposals and/or interference consent agreements on FCC Forms 301 and 340, using the Commission's Consolidated Database System ("CDBS") Electronic Filing system via the Internet from the Media Bureau's Web site at: <http://www.fcc.gov/mb/cdb.html> or http://fjallfoss.fcc.gov/prod/cdb/forms/prod/cdb_ef.htm. The Commission will cancel the maximized facility construction permits of stations which fail to resolve their mutual exclusivities within 30 days.

¹ Commission Lifts the Freeze on the Filing of Maximization Applications and Petitions for Digital Channel Substitutions, Effective Immediately, 23 FCC Rcd 8330 (MB 2008)("Freeze Public Notice").

² 47 C.F.R. § 73.623(h)(3).

³ Freeze Public Notice, 23 FCC Rcd at 8332.

For further information, contact the Media Bureau's Video Division: Kevin Harding, Kevin.harding@fcc.gov at (202) 418-7077 or Hossein Hashemzadeh, hossein.hashemzadeh@fcc.gov at (202) 418-1658. TTY: (202) 418-7171.

Attachment A

GROUP #1

WCTE-DT

BMPEDT-20080620ADW

Cookeville, TN

WPXK-DT

BPCDT-20080620AGZ

Jellico, TN

GROUP #2

KLTV-DT

BMPCDT-20080619AAU

Tyler, TX

WFAA-DT

BMPCDT-20080617ADW

Dallas, TX

GROUP #3

KCCO-DT

BMPCDT-20080619AAV

Alexandria, MN

KJRR-DT

BMPCDT-20080619ADZ

Jamestown, ND

GROUP #4

KLTL-DT

BPEDT-20080619AGE

Lake Charles, LA

KFDM-DT

BPCDT- 20080618AAY

Beaumont, TX