



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 25, 2009

OFFICE OF  
THE CHAIRMAN

The Honorable Christopher Smith  
U.S. House of Representatives  
2373 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your letter regarding the application filed with the Commission by PMCM TV concerning the proposed move of a commercial television broadcast station to New Jersey pursuant to Section 331 of the Communications Act of 1934, as amended. I appreciate the opportunity to update you regarding the status of this matter.

Section 331 of the Communications Act generally requires that the Commission "allocate channels for very high frequency (VHF) commercial television broadcasting in a manner which ensures that not less than one such channel shall be allocated to each State, if technically feasible." Section 331 also directs the Commission to issue a license to any existing VHF commercial television broadcasting licensee "that will agree to the reallocation of its channel to a community within a State in which there is allocated no VHF commercial television broadcast channel." Pursuant to these provisions, PMCM TV, the licensee of KVVN(TV), a VHF commercial television broadcast station, notified the Commission that it would agree to the reallocation of its channel from Ely, Nevada, to Middletown Township, New Jersey.

The PMCM TV proposal to relocate KVVN from Nevada to New Jersey is under review in the Commission's Media Bureau. The Bureau staff has observed that the Engineering Statement that accompanied the PMCM TV application indicates that the KVVN tower site and transmitter would be located in New York City. Given the limited availability of broadcast spectrum in the New Jersey/New York City area, the Bureau currently is conducting technical studies to satisfy the requirements of Section 331. The Bureau anticipates that it will complete its analysis of the PMCM TV proposal in the near future.

I appreciate learning your views on this important matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Julius Genachowski".

Julius Genachowski  
Chairman