

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUL 11 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of)
RAINBOW BROADCASTING COMPANY)
For an extension of time)
to construct)
and)
For an Assignment of its)
construction permit for)
Station WRBW(TV), Orlando, Florida)
TO: The Honorable Joseph Chachkin
Administrative Law Judge

GC Docket No. 95-172
File No. BMPCT-910625KP
File No. BMPCT-910125KE
File No. BTCCT-911129KT

DOCKET FILE COPY ORIGINAL

PRESS BROADCASTING COMPANY, INC.
HEARING EXHIBIT

NO. _____

Letter from James E. Baker, Vice President-Finance,
Guy Gannett Publishing Co.
to Joseph Rey, President,
Rainbow Broadcasting Company,
dated July 9, 1991

<u>Federal Communications Commission</u>	
Becket No. <u>GC 95-172</u>	Exhibit No. <u>6</u>
Presented by <u>Press Broadcasting</u>	
Disposition	Identified <u>X</u>
	Received <u>X</u>
	Rejected _____
Reporter <u>JS</u>	
Date <u>6-26-96</u>	

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Guy Gannett Publishing Co.

James E. Baker
Vice President-Finance
Treasurer
(207) 780-9332

One City Center
P.O. Box 15277
Portland, Maine 04101
(207) 780-9000

July 9, 1991

Mr. Joseph Rey, Partner
RAINBOW BROADCASTING CO.
c/o Joseph Rey
151 Crandon Boulevard #110
Key Biscayne, FL 33149

Re: Bithlo Tower Co. / Rainbow Broadcasting Co. Lease Agreement

Dear Mr. Rey:

Gannett has executed a lease with Press Broadcasting Co. providing for the lease of space on the Bithlo Tower at approximately the height of 1,502 feet. We have, up to this point, consistently indicated to you, as well as to Channel 18, that Channel 65 would have the first choice as to its antenna location on the tower. On November 26, 1990, we requested that you complete Exhibit C to the Lease indicating the exact description and location of your antenna. We have not received any reply to that request.

In order for us to continue to provide you first choice of location for your antenna, we must insist that we receive your selection for the location of your antenna on or before July 24, 1991. If we have not heard from you by then, you will leave us no alternative but to allow Press Broadcasting Co. to have first choice of location for its antenna. If we do not hear from you, we will assume that Rainbow intends to locate its antenna on the tower so that it will be compatible with Press' choice of location.

Thank you.

Sincerely,

James E. Baker
James E. Baker

JEB:dln
cc: M. Bock
J. Flaherty
S. LoGiudice
R. Edwards

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TO: The Honorable Joseph Chachkin
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PRESS BROADCASTING COMPANY, INC.
HEARING EXHIBIT

NO. _____

Letter from James E. Baker, Vice President-Finance,
Guy Gannett Publishing Co.
to Joseph Rey, President,
Rainbow Broadcasting Company
dated July 17, 1991

<u>Federal Communications Commission</u>	
Becket No. <u>GC 95-172</u>	Exhibit No. <u>7</u>
Presented by <u>Press Broadcasting</u>	
Disposition	Identified <input checked="" type="checkbox"/>
	Received <input checked="" type="checkbox"/>
	Rejected <input type="checkbox"/>
Reporter <u>JS</u>	
Date <u>6-26-96</u>	

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James E. Baker
Vice President-Finance
Treasurer
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One City Center
P.O. Box 15277
Portland, Maine 04101
(207) 780-9000

July 17, 1991

CERTIFIED MAIL

Mr. Joseph Rey, Partner
Rainbow Broadcasting Company
151 Crandon Blvd., #110
Key Biscayne, FL 33149

Dear Mr. Rey:

I am replying to your letter of July 3, 1991 to John R. DiMatteo who has recently left the Company and will be retiring in September. James Shaffer is the new President of the Company and has asked me to reply to your letter.

In November 1990, John DiMatteo sent you a letter requesting your agreement to the single building concept that would provide space for several TV and radio tenants. We also told you at that time that we needed to complete an Exhibit B to the lease agreement so that we could move ahead with those construction plans. We never received a reply to that correspondence. On June 26, 1991, seven months later, Michael Bock sent you another letter requesting similar information. Your letter of July 3, 1991 to John DiMatteo is simply not responsive to our request. Nevertheless, I would like to try once more to move this matter forward.

As you know, we have recently signed a lease with Press Broadcasting Company for space on our tower. In separate correspondence (July 9, 1991), I have requested certain information concerning the location of your antenna. This request for information concerning your antenna is not related to the transmitter building. We are still waiting for a separate reply to that request.

During the last year and, more recently, during the last 7 months, we have been moving forward with the permitting process for our building addition and negotiations with the contractor for the

construction of the building shell. Until recently, it was our understanding that you would not build your television station if Press Broadcasting was allowed on our tower. We understand now that you intend to occupy the tower space.

We have signed a construction contract with Miorelli Engineering, Inc. of West Melbourne, Florida for the construction of the building shell as depicted in the June 12, 1990 plans prepared by Miorelli Engineering, Inc., a copy of which you have been provided. We have begun construction.

In order not to hold up either Rainbow Broadcasting or Press Broadcasting from moving ahead with either of their projects, we have entered into a contract with Miorelli Engineering, Inc. in a manner that provides Rainbow Broadcasting various alternatives in satisfying its needs within timetables which are acceptable to Rainbow. Accordingly, the following alternatives are available to Rainbow:

1. Rainbow may participate in the single building project as described and outlined in the above referenced blueprint. The original permit obtained by Bithlo Tower Company includes the space selected previously by you for Rainbow and the contract provides for completion of a shell which includes the floor slab, walls, roof, and doors for Rainbow's use. After the completion of the shell, Rainbow may contract with whomever you desire (with Landlord's approval) to complete custom work for Rainbow's use.

Our Lease Agreement provides that Rainbow will pay the "actual cost" of construction for its addition. I believe that when that language was written in our Lease we contemplated a single addition for which Rainbow would pay the entire cost. At this time we will need to make some allocations. I would propose that Rainbow's allocation of the total cost would be based on the percentage of the square feet related to Rainbow's transmitter room to the total square footage. This would amount to approximately 31% of the cost of the total project which amounts to approximately \$132,600. Your cost would be approximately \$41,106. The final costs, of course, would be based on the final amounts paid for the completion of the project.

At your request, we have also located a new wave guide bridge to the tower in a location convenient to your selected transmitter room. If you choose to share in the

cost on a 1/3 basis (total cost of bridge is estimated to be \$24,000), then you may use the bridge to support your wave guide.

2. If Rainbow continues to desire the location it chose (the center space) in the June 12, 1990 drawings but does not want to participate in the single building project, then Gannett will modify its contract with Miorelli Engineering to exclude the space previously selected by you for Rainbow. This would mean that neither the west wall of the transmitter room so selected nor the floor or roof of that space would be constructed by Miorelli. After Miorelli completes its construction of what would then look like a U-shaped addition, Rainbow could with its selected contractor (as approved by the Landlord), obtain appropriate permits and complete the construction of its space in a manner which is consistent with Rainbow's plans. If Rainbow decides that it wants a transmitter room that is somewhat wider than that depicted in the June 12, 1990 drawings and chooses to extend the building in a westerly direction beyond the back of the building as shown in the June 12, 1990 drawings, we would probably agree to allow Rainbow to build its addition in that manner. We, of course, would want to see the details of such an addition prior to giving final approval.
3. Rainbow could build a separate addition to the transmitter building in a manner similar to that proposed in the November 14, 1986 drawings prepared by William Bigoney of Ft. Lauderdale, Florida as provided recently to us in your letter to John DiMatteo of July 3, 1991. Again, the details would have to be worked out and approval by the landlord obtained in a manner as provided in the lease agreement.

Joe, we are pleased to see that Channel 65 is going to construct its television station and go up on our tower. It is extremely difficult to deal with these issues while in litigation and under the constant threat of further litigation. However, we do feel that the alternatives noted above provide Rainbow with total flexibility in dealing with this matter. Since we are presently under construction, it will be extremely important for you to make a decision as to which of the above alternatives you would like to chose. If you would like to move ahead with the single building project alternative (number 1 above), we will need to have your agreement to that alternative by August 1, 1991. If we have not heard from you by that date, we will assume that you will be

choosing either to complete the space yourself or to build a different addition using some other contractor selected by Rainbow and approved by Gannett. We would accordingly, modify the construction contract which we have with Miorelli Engineering to exclude any construction of the space previously selected by you for Rainbow Broadcasting. If such is the case, we will have Rick Edwards contact you to resolve any open items.

For your convenience I have enclosed a photocopy of the June 12, 1990 blueprint (which I have referred to on several occasions above) and have highlighted the building addition and noted the space which you previously selected for Rainbow. If you have any questions concerning the particulars of this construction, please do not hesitate to contact Rick Edwards, our Vice President of Engineering, in Miami, Florida or Michael Bock, or me.

Sincerely,



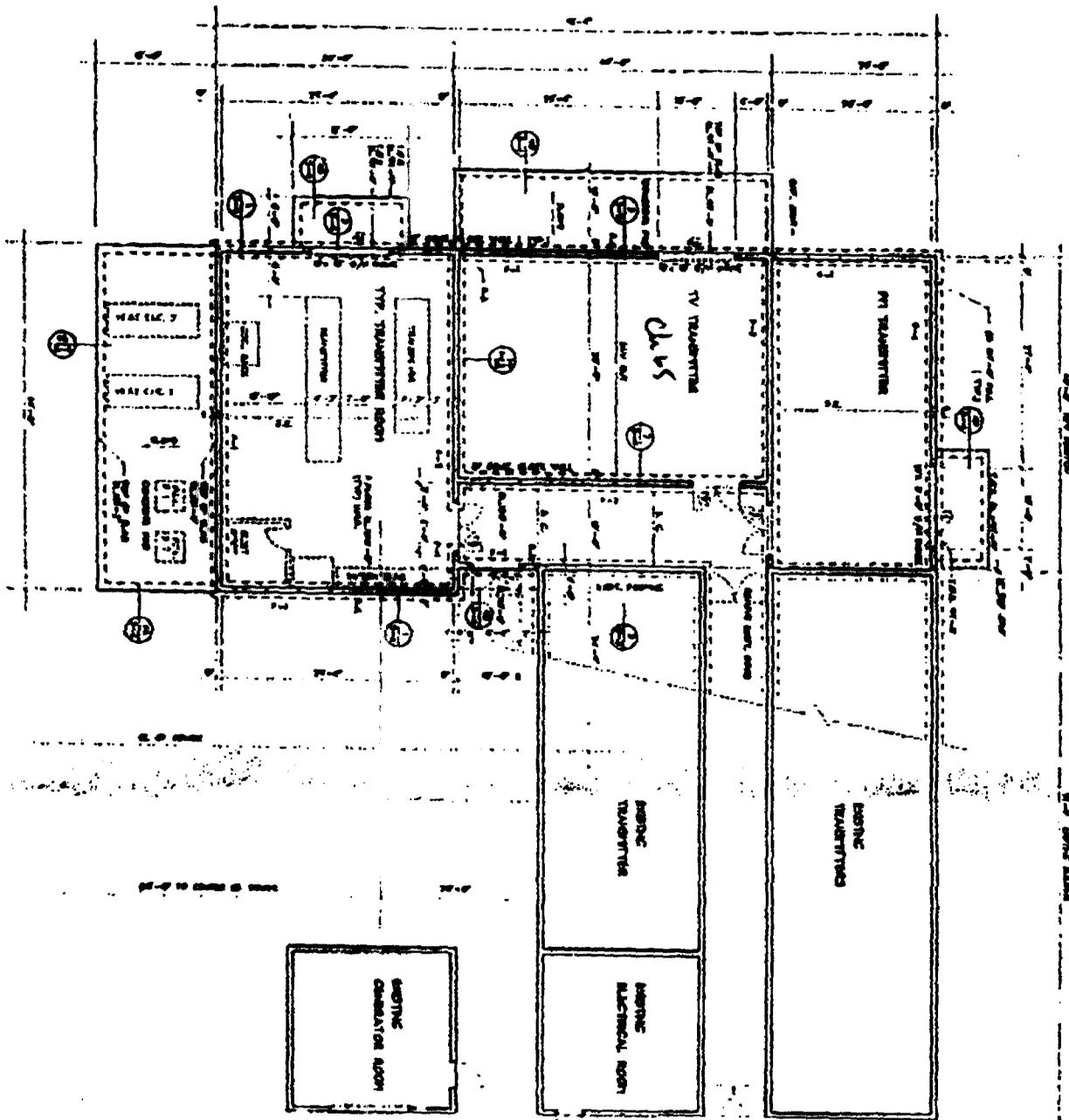
James E. Baker

JEB:dlm

Enclosure

cc: J. Shaffer
M. Bock
R. Edwards
J. Flaherty

FLOOR PLAN



1	2	3	4	5	6	7	8	9	10

SCALE: 1/8" = 1'-0"



SEE TRANSMITTER PLAN

