

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of THE PIKES PEAK BROADCASTING COMPANY, licensee of KRDO-TV, Colorado Springs, Colorado, in support of its comments on the MSTV Alternate Channel Allotment Plan.

Based on the spacing criteria contained in Section 73.623(d) of the Commission's Rules, it has been determined that Digital Television Channel 46 may be allotted to KTSC, Pueblo, Colorado, for use at its licensed transmittal site.

I declare that the foregoing statements are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'N. M. Smith', with a long horizontal stroke extending to the right.

NEIL M. SMITH

December 17, 1997

CERTIFICATE OF SERVICE

I, Monica Moore, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 17th day of December 1997, a copy of the foregoing *Comments on MSTV Alternate Channel Allotment Plan* was sent via first-class mail, postage pre-paid, to the following:

Mr. William Kennard *
Chairman
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, D.C. 20554

Mr. Jonathan D. Blake
Covington & Burling
1201 Pennsylvania Ave., N.W.
P.O. Box 7566
Washington, D.C. 20044-7566

Mr. Harrold W. Furchgott-Roth*
Commissioner
Federal Communications Commission
1919 M Street, N.W.
Room 802
Washington, D.C. 20554

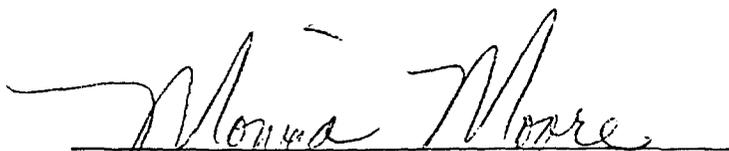
Malcolm G. Stevenson, Esquire
Schwartz, Woods & Miller
1350 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036
(Counsel for University of
Southern Colorado)

Mr. Michael Powell*
Commissioner
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, D.C. 20554

Kevin F. Reed, Esquire
Timothy J. O'Rourke, Esquire
Scott D. Dailard, Esquire
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(Counsel for Sangre de
Cristo Communications, Inc.)

Ms. Susan Ness*
Commissioner
Federal Communications Commission
1919 M Street, N.W.
Room 832
Washington, D.C. 20554

Ms. Gloria Tristani*
Commissioner
Federal Communications Commission
1919 M Street, N.W.
Room 826
Washington, D.C. 20554



Monica Moore

THE PIKES PEAK BROADCASTING COMPANY

EXHIBIT B

December 7, 1992

DATE RECEIVED

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ACTION OFFICE
COPIES TO:



Mr. Dennis R. Connors
Public Telecommunications Facilities Program
National Telecommunications and Information
Administration
Room 4625
U.S. Department of Commerce
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Mr. Connors:

Please accept our apologies for a late response to the Quarterly Performance Report due for the third quarter. I trust you will find in the enclosed material sufficient understanding of a substantial transaction which may impact our completion of NTIA/PTFP Grant #91260. I believe you have had a preliminary briefing regarding this matter. I will attempt to formalize our request at this time.

The essence of our request surrounds the proposed channel exchange between PBS affiliate KTSC-TV, Channel 8 and NBC affiliate, Channel 5 both of which serve the Pueblo/Colorado Springs, Colorado market area. As originally awarded in grant #91260 PTFP assistance was provided to move KTSC-TV's main transmitter channel 8 from its current location 4 miles north of Pueblo to the top of Cheyenne Mountain in Colorado Springs. The advantage being that Colorado Springs, which has roughly 4 times the population of Pueblo, could be better served via a full-power channel 8 as opposed to a translator. The CBS, ABC and Fox stations all emanate from Cheyenne Mountain in Colorado Springs while the PBS and NBC stations were relegated to Pueblo with their main transmitters. Due to short spacing the NBC affiliate could not move their Channel 5 to Cheyenne Mountain but KTSC-TV could move our Channel 8 there. Some months after the awarding by PTFP of Grant #91260, the NBC affiliate approached KTSC-TV with a proposition to exchange channels. The then economic climate at the University of Southern Colorado was tight. The ability to fund the grant was quite close and the NBC affiliates offer was very attractive in light of the economic circumstances.

After months of thoughtful consideration and exhaustive negotiations involving the highest level of University of Southern Colorado administration, an agreement was reached. We unequivocally believe the best interest of the public and public broadcasting will be served via this arrangement. The major components of the proposal are as follows:

Mr. Dennis R. Connors
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1. KTSC-TV, PBS will exchange frequency Channel 8 for the Channel 5 of KOAA-TV, NBC.
2. KTSC-TV will receive from KOAA-TV \$1,000,000 in cash which will be used in two main areas:
 - a. \$850,000 will be deposited into an endowment for enhanced local program production and additional program acquisition.
 - b. \$150,000 will be used to extend the KTSC-TV signal into currently unserved Grand Junction and Durango, Colorado with over 80,000 first service viewers.
3. KTSC-TV will transfer current main transmitter Channel 8 equipment for that of KOAA-TV Channel 5 main transmitter equipment of considerably more value. A statement of the remaining useful life and value of the KTSC and KOAA equipment will be forthcoming.
4. KTSC-TV will not alter service to Colorado Springs through continued use of translator Channel 15. A copy of the agreement is enclosed. It was filed with the federal communications commission on September 8, 1992.

Grant 91260

The gains made through this exchange on behalf of the public and public broadcasting far exceed the benefits of moving KTSC-TV's Channel 8 to Cheyenne Mountain and we hope that you would concur. We now ask for your consideration of two major points. KTSC-TV will not receive the \$1,000,000 or KOAA-TV's broadcast equipment until such time that KOAA-TV is prepared to become operational with Channel 8 on Cheyenne Mountain. As a safety net, should something bar the completion of this project, KTSC-TV requests that we retain the ability to activate grant #91260 at any point during the term of the original #91260 grant time frame. In other words, KTSC-TV wishes to take no further action at this time on grant #91260 pending FCC action on the channel exchange proposal. However, KTSC-TV is not yet prepared to deobligate grant #91260 to the PTFP on the outside possibility that the grant may be necessary at a later point. Should KTSC-TV no longer need the monies awarded in grant #91260 to move our main transmitter to Cheyenne Mountain, we would hope that you would consider a subsequent request to reprogram grant #91260 for other needed KTSC-TV equipment assistance.

December 7, 1992

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The second consideration is that PTFP allow the transfer of federal interest liens from that of KTSC-TV's current main transmitter equipment (which was purchased through grant #08-02-55038) to that of the more valuable transmitter equipment provided by KOAA-TV as per terms of the exchange. I have included documentation that supports the public being served with expanded first service into Grand Junction and Durango, Colorado while experiencing no loss or diminished service in Colorado Springs. Also enclosed is a

comparative exhibit provided by an independent engineering consultant verifying the additional value of the KOAA-TV transmission equipment over that of KTSC-TV's current equipment, which would be exchanged and appropriate federal interest applied.

Enclosed for your review is a draft UCC form 3 substituting the KOAA-TV equipment for the KTSC-TV equipment, and a statement of the remaining useful life in the KTSC-TV and KOAA-TV equipment.

Conclusion

I appreciate the complexity of this transaction and the extraordinary nature of our request. We would also hope that you recognize that this scenario does not cost the federal government additional dollars but in fact monies may be returned to the program. I hope I have provided enough information to assist you in your decision. Should you require further input, please let me know how I may be of assistance. Thank you for your consideration.

and

Sincerely,



Gregory B. Sinn, General Manager

GBS/jn

Enclosure

cc: Wayne Coy Jr. Esquire

Ken Solomen, Esquire

THE PIKES PEAK BROADCASTING COMPANY

EXHIBIT C

Sally McGill
Director

Sept. 3, 1992

KTSC-TV, KOAA-TV EXCHANGE CHANNELS

FOR IMMEDIATE RELEASE

PUEBLO, Colo. -- Officials at KTSC-TV (Channel 8), the public broadcasting television station licensed to the University of Southern Colorado, and KOAA-TV (Channels 5 and 30) have agreed to exchange channel frequencies.

John O. Gilbert, KOAA-TV president and general manager, said his television station, Sangre de Cristo Communications, Inc., will pay KTSC-TV \$1 million in cash in exchange for the Channel 8 signal. The two stations also will exchange equipment which will result in a net gain for KTSC-TV of approximately \$250,000.

KTSC-TV will receive KOAA-TV's dual main transmitter which currently serves Pueblo and dual translator which currently serves Colorado Springs.

Today USC's governing board, the State Board of Agriculture, approved the plan. Final approval authority, however, rests with the Federal Communications Commission.

Greg Sinn, KTSC-TV general manager, said he is delighted with the proposition.

KTSC-TV, KOAA-TV -2-

"In my opinion," Sinn said, "John Gilbert and the staff of KOAA-TV have shown extraordinary support and professional consideration for public broadcasting in Southern Colorado.

"Because of the particular situations and needs of both stations," he explained, "the exchange ultimately will help both stations reach broader audiences with stronger signals."

In 1991, the FCC approved a plan for KTSC-TV to move its VHF signal to Cheyenne Mountain. However, the university has been unable to build the necessary transmission facilities there.

Acquiring KOAA's double translator in Colorado Springs would help KTSC-TV meet the objective to enhance service to the viewing area, and acquiring KOAA's double transmitter in Pueblo would strengthen KTSC-TV's signal and reliability in its primary service area.

Sinn said \$150,000 of KOAA's payment for the exchange would be used to expand KTSC-TV broadcasts to Durango and Grand Junction, two areas which currently are not served by public broadcast television.

The university intends to use the remaining \$850,000 of KOAA's cash payment to fund an endowment for KTSC-TV program acquisition and development. Sinn said the FCC will require that the funds from the exchange transaction be dedicated to public broadcasting.

KOAA-TV intends to invest \$2,000,000 in new equipment and a new Channel 8 transmitter and antenna. The station also will build an installation on Cheyenne Mountain, where Channels 11, 13 and 21 currently have their transmitters and antennas.

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The new Channel 8 signal from Cheyenne Mountain will improve KOAA-TV's television picture quality in Colorado Springs and maintain a quality picture in Pueblo and Southern Colorado.

Gilbert said that, since 1976 when he moved to Southern Colorado and began to manage the station, he and the KOAA-TV staff have invested a tremendous, continual effort and dedication to improving the station's service for its viewers.

Additionally, the station's corporation has invested \$4.5 million in capital improvements to upgrade KOAA-TV's broadcasting facilities.

"KOAA-TV's news, community involvement and programming have received literally hundreds of awards for excellence," Gilbert noted.

In June 1992, the Colorado Broadcasters Association presented KOAA-TV with the Television Station of the Year award for the fifth consecutive year.

Gilbert said the exchange of Channels 5 & 30 for Channel 8 is one more significant effort to continue improvement of KOAA-TV's service to the Colorado Springs/Pueblo market.

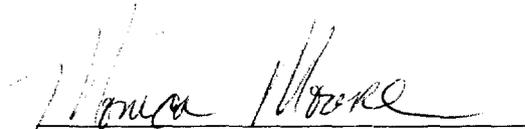
He said Cohn & Dippell, a Washington, D.C. consulting engineering firm, is in charge of the engineering involved in the channel exchange, the Channel 8 installation on Cheyenne Mountain, and the installation of new translators in Southern Colorado to expand KTSC-TV's service area.

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CERTIFICATE OF SERVICE

I, Monica Moore, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 20th day of April, 1998, a copy of the foregoing *Petition for Reconsideration of Memorandum Opinion and Order on Reconsideration Of the Sixth Report and Order* was sent via first-class mail, postage pre-paid, to the following:

Malcolm G. Stevenson, Esquire
Schwartz, Woods & Miller
Suite 300
1350 Connecticut Avenue, N.W.
Washington, D.C. 20036
(Counsel for University of Southern Colorado)

A handwritten signature in cursive script, appearing to read "Monica Moore", is written over a horizontal line.

Monica Moore