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RECEIVED

OCT 15 1998

October 15, 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Washington, DC 20554

**Re: Report of Ex Parte Communication  
MM Docket No. 91-221 and MM Docket No. 87-7**

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, I am attaching two copies of written *ex parte* comments relating to the above-referenced rule making proceedings, sent by facsimile today, October 15, 1998, by Lara Kunkler, President of **Montclair Communications, Inc.** to the following:

Chairman William E. Kennard  
Commissioner Susan Ness  
Commissioner Harold Furchgott-Roth  
Commissioner Michael Powell  
Commissioner Gloria Tristani  
Roy J. Stewart, Chief, Mass Media Bureau

Very truly yours,



Peter Tannenwald

Attachments

cc: (w/att) Roy R. Russo, Esq.  
(w/o att) Ms. Lara Kunkler

No. of Copies rec'd 02  
List A B C D E



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**WZVN TV**

VIA FACSIMILE TO 202-418-2801

October 15, 1998

The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
Washington, DC 20554

Dear Chairman Kennard:

On July 14, 1998, I met with Susan Fox of your office to explain why the proposals in MM Docket No. 91-221, to make television broadcast local marketing agreements attributable ownership interests, would destroy my television business in Fort Myers, Florida, unless the LMA under which my station receives much of its programming is either permitted under any new rules or grandfathered.

I own the corporation that operates Station WZVN-TV, Naples, Florida. My station has its own ABC network affiliation, but I receive my local news and most of my other local programming from WBBH-TV, Fort Myers, which is in the same market as my station. This arrangement has permitted my station to acquire new equipment we desperately needed and has resulted in a significant increase in the quality and quantity of our local news and programming services. It will also provide us with the financial wherewithal we need to convert to digital service.

I am a new entrant into the broadcasting business -- a woman with no other media interests, who would not have been able to finance the purchase of a television station without the LMA. I now see that the Commission has adopted new competitive bidding rules, which include a new Section 73.5007(a), granting a 35% "new entrant" bidding credit in upcoming broadcast auctions. That rule is designed to encourage new parties, such as myself, and women and members of minority groups in particular, to enter the broadcasting business.

Surely if you will give me a 35% bidding credit to buy a new station, which likely would not be enough for me to bid against any large broadcasting company, the public interest dictates as much or more that new regulations not take away the ownership I have already achieved by depriving me of the economic support I need for my station to survive.

As I told Ms. Fox at our meeting, I work every day at my station, full time. I make all major policy decisions for the station, including with respect to programming obtained under the LMA. I ask you not to take away what I have worked hard to have. I am not a large company looking to buy an empire. I am a local resident in my community asking to keep working there.

I will certainly have no incentive to re-enter the business, whether through an auction with a

**MONTCLAIR COMMUNICATIONS, INC.**  
3719 Central Avenue, Fort Myers, FL 33901 (941) 939-6236

The Honorable William E. Kennard  
October 15, 1998  
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new entrant credit or otherwise, if what I have achieved now -- fully legally -- is subject to being taken away because of a perceived industry evil that I did not cause and that does not pertain to my station. I urge you, therefore, to permit new entrants such as myself to remain licensees by grandfathering the LMA on which I rely for support.

If you cannot see your way to approving or grandfathering my arrangement because of implications for other situations, then please acknowledge my situation in your Report and Order, with a suggestion that a rule waiver request would be favorably considered. The Commission has done that in the past, for example in ruling on a petition for reconsideration by Brown Broadcasting Service, Inc. in FM Allocations (MM Docket No. 86-144), 64 RR 2d 1339, 1340 at par. 8 (1988). I ask you to give me the same kind of consideration.

Very truly yours,



Lara Kunkler  
President

cc: Secretary, for Ex Parte file in MM Docket Nos. 91-221 and 87-7  
Roy J. Stewart, Chief, Mass Media Bureau



WZVN TV

VIA FACSIMILE TO 202-418-2802

October 15, 1998

Honorable Harold Furchgott-Roth  
Commissioner  
Federal Communications Commission  
Washington, DC 20554

Dear Commissioner Furchgott-Roth:

On July 14, 1998, I met with you and Helgi Walker to explain why the proposals in MM Docket No. 91-221, to make television broadcast local marketing agreements attributable ownership interests, would destroy my television business in Fort Myers, Florida, unless the LMA under which my station receives much of its programming is either permitted under any new rules or grandfathered.

I own the corporation that operates Station WZVN-TV, Naples, Florida. My station has its own ABC network affiliation, but I receive my local news and most of my other local programming from WBBH-TV, Fort Myers, which is in the same market as my station. This arrangement has permitted my station to acquire new equipment we desperately needed and has resulted in a significant increase in the quality and quantity of our local news and programming services. It will also provide us with the financial wherewithal we need to convert to digital service.

I am a new entrant into the broadcasting business -- a woman with no other media interests, who would not have been able to finance the purchase of a television station without the LMA. I now see that the Commission has adopted new competitive bidding rules, which include a new Section 73.5007(a), granting a 35% "new entrant" bidding credit in upcoming broadcast auctions. That rule is designed to encourage new parties, such as myself, and women and members of minority groups in particular, to enter the broadcasting business.

Surely if you will give me a 35% bidding credit to buy a new station, which likely would not be enough for me to bid against any large broadcasting company, the public interest dictates as much or more that new regulations not take away the ownership I have already achieved by depriving me of the economic support I need for my station to survive.

As I told you at our meeting, I work every day at my station, full time. I make all major policy decisions for the station, including with respect to programming obtained under the LMA. I ask you not to take away what I have worked hard to have. I am not a large company looking to buy an empire. I am a local resident in my community asking to keep working there.

You expressed an understanding of my situation when you said that you thought it was unfortunate that I had to come all the way to Washington to plead to be allowed to remain in

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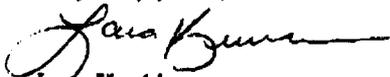
Commissioner Furchgott-Roth  
October 15, 1998  
Page Two

private enterprise. I appreciated that remark. I will certainly have no incentive to re-enter the business, whether through an auction with a new entrant credit or otherwise, if what I have achieved now -- fully legally -- is subject to being taken away because of a perceived industry evil that I did not cause and that does not pertain to my station. I urge you, therefore, to permit new entrants such as myself to remain licensees by grandfathering the LMA on which I rely for support.

If you cannot see your way to approving or grandfathering my arrangement because of implications for other situations, then please acknowledge my situation in your Report and Order, with a suggestion that a rule waiver request would be favorably considered. The Commission has done that in the past, for example in ruling on a petition for reconsideration by Brown Broadcasting Service, Inc. in FM Allocations (MM Docket No. 86-144), 64 RR 2d 1339, 1340 at par. 8 (1988). I ask you to give me the same kind of attention.

Thank you for your consideration.

Very truly yours,



Lata Kunkler  
President

cc: Secretary, for Ex Parte file in MM Docket Nos. 91-221 and 87-7  
Roy J. Stewart, Chief, Mass Media Bureau

**WZVN TV**

VIA FACSIMILE TO 202-418-7542

October 15, 1998

Honorable Gloria Tristani  
Commissioner  
Federal Communications Commission  
Washington, DC 20554

Dear Commissioner Tristani:

On July 14, 1998, I met with Rick Chessen of your office to explain why the proposals in MM Docket No. 91-221, to make television broadcast local marketing agreements attributable ownership interests, would destroy my television business in Fort Myers, Florida, unless the LMA under which my station receives much of its programming is either permitted under any new rules or grandfathered.

I own the corporation that operates Station WZVN-TV, Naples, Florida. My station has its own ABC network affiliation, but I receive my local news and most of my other local programming from WBBH-TV, Fort Myers, which is in the same market as my station. This arrangement has permitted my station to acquire new equipment we desperately needed and has resulted in a significant increase in the quality and quantity of our local news and programming services. It will also provide us with the financial wherewithal we need to convert to digital service.

I am a new entrant into the broadcasting business -- a woman with no other media interests, who would not have been able to finance the purchase of a television station without the LMA. I now see that the Commission has adopted new competitive bidding rules, which include a new Section 73.5007(a), granting a 35% "new entrant" bidding credit in upcoming broadcast auctions. That rule is designed to encourage new parties, such as myself, and women and members of minority groups in particular, to enter the broadcasting business.

Surely if you will give me a 35% bidding credit to buy a new station, which likely would not be enough for me to bid against any large broadcasting company, the public interest dictates as much or more that new regulations not take away the ownership I have already achieved by depriving me of the economic support I need for my station to survive.

As I told Mr. Chessen at our meeting, I work every day at my station, full time. I make all major policy decisions for the station, including with respect to programming obtained under the LMA. I ask you not to take away what I have worked hard to have. I am not a large company looking to buy an empire. I am a local resident in my community asking to keep working there.

I will certainly have no incentive to re-enter the business, whether through an auction with a

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3719 Central Avenue, Fort Myers, FL 33901 (941) 939-6236

Commissioner Tristani  
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new entrant credit or otherwise, if what I have achieved now -- fully legally -- is subject to being taken away because of a perceived industry evil that I did not cause and that does not pertain to my station. I urge you, therefore, to permit new entrants such as myself to remain licensees by grandfathering the LMA on which I rely for support.

If you cannot see your way to approving or grandfathering my arrangement because of implications for other situations, then please acknowledge my situation in your Report and Order, with a suggestion that a rule waiver request would be favorably considered. The Commission has done that in the past, for example in ruling on a petition for reconsideration by Brown Broadcasting Service, Inc. in FM Allocations (MM Docket No. 86-144), 64 RR 2d 1339, 1340 at par. 8 (1988). I ask you to give me the same kind of consideration.

Very truly yours,



Lara Kunkler  
President

cc: Secretary, for Ex Parte file in MM Docket Nos. 91-221 and 87-7  
Roy J. Stewart, Chief, Mass Media Bureau



WZVN TV

VIA FACSIMILE TO 202-418-2820

October 15, 1998

Honorable Michael Powell  
Commissioner  
Federal Communications Commission  
Washington, DC 20554

Dear Commissioner Powell:

On July 14, 1998, I met with Jane Mago of your office to explain why the proposals in MM Docket No. 91-221, to make television broadcast local marketing agreements attributable ownership interests, would destroy my television business in Fort Myers, Florida, unless the LMA under which my station receives much of its programming is either permitted under any new rules or grandfathered.

I own the corporation that operates Station WZVN-TV, Naples, Florida. My station has its own ABC network affiliation, but I receive my local news and most of my other local programming from WBBH-TV, Fort Myers, which is in the same market as my station. This arrangement has permitted my station to acquire new equipment we desperately needed and has resulted in a significant increase in the quality and quantity of our local news and programming services. It will also provide us with the financial wherewithal we need to convert to digital service.

I am a new entrant into the broadcasting business -- a woman with no other media interests, who would not have been able to finance the purchase of a television station without the LMA. I now see that the Commission has adopted new competitive bidding rules, which include a new Section 73.5007(a), granting a 35% "new entrant" bidding credit in upcoming broadcast auctions. That rule is designed to encourage new parties, such as myself, and women and members of minority groups in particular, to enter the broadcasting business.

Surely if you will give me a 35% bidding credit to buy a new station, which likely would not be enough for me to bid against any large broadcasting company, the public interest dictates as much or more that new regulations not take away the ownership I have already achieved by depriving me of the economic support I need for my station to survive.

As I told Ms. Mago at our meeting, I work every day at my station, full time. I make all major policy decisions for the station, including with respect to programming obtained under the LMA. I ask you not to take away what I have worked hard to have. I am not a large company looking to buy an empire. I am a local resident in my community asking to keep working there.

I will certainly have no incentive to re-enter the business, whether through an auction with a

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Commissioner Powell  
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new entrant credit or otherwise, if what I have achieved now -- fully legally -- is subject to being taken away because of a perceived industry evil that I did not cause and that does not pertain to my station. I urge you, therefore, to permit new entrants such as myself to remain licensees by grandfathering the LMA on which I rely for support.

If you cannot see your way to approving or grandfathering my arrangement because of implications for other situations, then please acknowledge my situation in your Report and Order, with a suggestion that a rule waiver request would be favorably considered. The Commission has done that in the past, for example in ruling on a petition for reconsideration by Brown Broadcasting Service, Inc. in FM Allocations (MM Docket No. 86-144), 64 RR 2d 1339, 1340 at par. 8 (1988). I ask you to give me the same kind of consideration.

Very truly yours,

  
Lara Kunkler  
President

cc: Secretary, for Ex Parte file in MM Docket Nos. 91-221 and 87-7  
Roy J. Stewart, Chief, Mass Media Bureau

**WZVN TV**

VIA FACSIMILE TO 202-418-2821

October 15, 1998

Honorable Susan Ness  
Commissioner  
Federal Communications Commission  
Washington, DC 20554

Dear Commissioner Ness:

On July 15, 1998, I met with Anita Wallgren of your office to explain why the proposals in MM Docket No. 91-221, to make television broadcast local marketing agreements attributable ownership interests, would destroy my television business in Fort Myers, Florida, unless the LMA under which my station receives much of its programming is either permitted under any new rules or grandfathered.

I own the corporation that operates Station WZVN-TV, Naples, Florida. My station has its own ABC network affiliation, but I receive my local news and most of my other local programming from WBBH-TV, Fort Myers, which is in the same market as my station. This arrangement has permitted my station to acquire new equipment we desperately needed and has resulted in a significant increase in the quality and quantity of our local news and programming services. It will also provide us with the financial wherewithal we need to convert to digital service.

I am a new entrant into the broadcasting business -- a woman with no other media interests, who would not have been able to finance the purchase of a television station without the LMA. I now see that the Commission has adopted new competitive bidding rules, which include a new Section 73.5007(a), granting a 35% "new entrant" bidding credit in upcoming broadcast auctions. That rule is designed to encourage new parties, such as myself, and women and members of minority groups in particular, to enter the broadcasting business.

Surely if you will give me a 35% bidding credit to buy a new station, which likely would not be enough for me to bid against any large broadcasting company, the public interest dictates as much or more that new regulations not take away the ownership I have already achieved by depriving me of the economic support I need for my station to survive.

As I told Ms. Wallgren at our meeting, I work every day at my station, full time. I make all major policy decisions for the station, including with respect to programming obtained under the LMA. I ask you not to take away what I have worked hard to have. I am not a large company looking to buy an empire. I am a local resident in my community asking to keep working there.

I will certainly have no incentive to re-enter the business, whether through an auction with a

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Commissioner Ness  
October 15, 1998  
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Very truly yours,



Lara Kunkler  
President

cc: Secretary, for Ex Parte file in MM Docket Nos. 91-221 and 87-7  
Roy J. Stewart, Chief, Mass Media Bureau