

DOW. LOHNES & ALBERTSON, PLLC
ATTORNEYS AT LAW

WASHINGTON, D.C.

SCOTT S. PATRICK
DIRECT DIAL 202-776-2885
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TELEPHONE 770-901-8800
FACSIMILE 770-901-8874

May 5, 2000

VIA COURIER

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

RECEIVED
MAY 05 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Attention: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Re: KPXG(TV), Salem, Oregon
Facility ID No. 6501
Amendment to Petition to Amend the DTV Table of Allotments

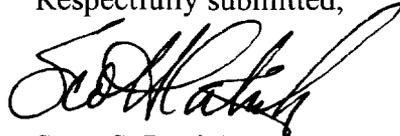
Dear Ms. Salas:

On behalf of Paxson Salem License, Inc., licensee of KPXG(TV), Salem, Oregon, we hereby amend its *Petition for Rule Making* proposing a substitution of channel 4 for channel 20 as the station's paired DTV allocation. The amendment is a "stamp-and-return" copy of a construction permit application for proposed digital facilities filed May 1, 2000, pursuant to the Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I, *codified at 47 U.S.C. § 336(f)*.

The initial petition was submitted on October 27, 1999 and has not yet appeared on public notice. The Commission has taken no formal action on the petition.

If any additional information is needed in connection with this matter, please contact me.

Respectfully submitted,



Scott S. Patrick

Enclosure

No. of Copies rec'd 0+5
List ABCDE

DOW, LOHNES & ALBERTSON, PLLC
ATTORNEYS AT LAW

STAMP & RETURN

SCOTT S. PATRICK
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May 1, 2000

RECEIVED
MAY 01 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
455 12th Street, S.W.
Washington, DC 20554

ATTN: Stop Code 1800E1
Television Branch

Re: Facility ID No. 6501
KPXG-DT, Salem, Oregon
BPCDT-20000427
Amendment to DTV Application for Operations on DTV Channel 4

Dear Sir or Madam:

On behalf of Paxson Salem License, Inc., licensee of KPXG(TV), Salem, Oregon, we hereby submit, in triplicate, an amendment to the application of KPXG to construct digital television facilities on DTV Channel 4, the channel proposed in a Petition for Rule Making submitted October 27, 1999.

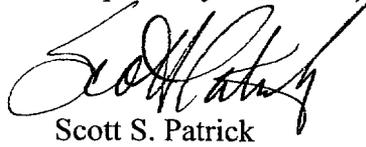
As set forth in the Petition for Rule Making, a substitute channel is sought to improve signal coverage for viewers in the Portland, Oregon DMA, ensuring effective service replication. On April 27, 2000, Paxson Salem License, Inc. filed an application for authority to construct on DTV Channel 4 despite the fact that the Commission has not yet had the opportunity to act on the Petition for Rule Making. Accordingly, a request for waiver of 47 C.F.R. § 73.3572 is enclosed as Exhibit No. 1. Paxson Salem License, Inc. requests that the Commission defer processing the application until such time as it has acted upon the Petition for Rule Making. To the extent necessary, a request for waiver of the prohibition against filing contingent applications is enclosed as Exhibit No. 2.

This amendment also corrects the licensee name to Paxson Salem License, Inc. The application as submitted on April 27, 2000 erroneously listed the licensee as Paxson Communications Corporation, which is a parent company of Paxson Salem License, Inc.

Magalie Roman Salas, Esq.
May 1, 2000
Page 2

Please contact the undersigned if any questions should arise.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott S. Patrick", written in a cursive style.

Scott S. Patrick

SSP/se12
Enclosure

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. Yes No

2. **Parties to the Application.**

a. List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.

- | | |
|---|--|
| (1) Name and address of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners. | (2) Citizenship. |
| | (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, etc. |
| | (4) Percentage of votes. |
| | (5) Percentage of equity. |

(1)	(2)	(3)	(4)	(5)

b. Applicant certifies that equity interests not set forth above are non-attributable. Yes No N/A See Explanation in Exhibit No.

3. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest. Exhibit No. N/A

4. **Multiple Ownership.**

a. Applicant certifies that the proposed facility:

1. complies with the Commission's multiple and cross-ownership rules;
2. does not present an issue under the Commission's cross-interest policy;
3. does not present an issue under the Commission's policies relating to media interests of immediate family members;
4. complies with the Commission's policies relating to future ownership interests; and
5. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.

Yes No See Explanation in Exhibit No.

Section II - Legal

- b. **Radio Applicants Only.** If the grant of the application would result in certain principal community service contour overlaps, see Local Radio Ownership Worksheet, Question 1, applicant certifies that all relevant information has been placed in public inspection file(s) and submitted to the Commission. Yes No N/A See Explanation in Exhibit No.
5. **Character Issues.** Applicant certifies that neither applicant nor any party to the application has or has had any interest in, or connection with: Yes No See Explanation in Exhibit No.
- a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
- b. any pending broadcast application in which character issues have been raised.
6. **Adverse Findings.** Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination. Yes No See Explanation in Exhibit No.
7. **Alien Ownership and Control.** Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments. Yes No See Explanation in Exhibit No.
8. **Program Service Certification.** Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area. Yes No
9. **Local Public Notice.** Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580. Yes No
10. **Auction Authorization.** If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable. Yes No N/A
- Exhibit No.
- An exhibit is required unless this question is inapplicable.
11. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. Yes No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing William L. Watson, Esq.	Typed or Printed Title of Person Signing Secretary
Signature 	Date April 28, 2000

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT
 (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT
 (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

EXHIBIT 1

Request for Waiver of 47 C.F.R. § 73.3572

By this application, Paxson Salem License, Inc. ("Paxson Salem") seeks authorization for the construction of digital facilities for KPXG-DT (the "Station"). Paxson Salem has submitted a Petition for Rule Making seeking to substitute channel 4 as the Station's paired DTV allocation for the transition period in lieu of channel 20, as originally allotted. As explained below, Paxson Salem is submitting the instant application to ensure protection of the Station's maximized digital facilities on the proposed channel. Accordingly, waiver of Section 73.3572 of the Commission's rules (47 C.F.R. § 73.3572) is hereby requested to the extent necessary for the Commission to process the application. Paxson Salem requests that the Commission defer processing the application until such time as it has acted upon the previously submitted Petition for Rule Making.

On November 29, 1999, the President signed into law the Community Broadcasters Protection Act of 1999 ("CBPA") creating a new Class A television service and according existing low power television ("LPTV") stations "primary" status *vis-à-vis* full power stations if they met certain minimum programming requirements.¹ However, the CBPA also provided that a full power station would be permitted to "maximize" its DTV facilities irrespective of interference with the new Class A stations so long as the station complied with certain procedures and filed a maximization application on or before May 1, 2000.² To resolve any "technical problems" that may obstruct maximization, the CBPA also allows such a station to change its DTV channel assignment without protecting Class A stations.³

The Commission has not yet had the opportunity to act on Paxson Salem's Petition for Rule Making to substitute a new DTV allotment for the Station. However, it is not clear that maximized facilities proposed in applications submitted after the statutory deadline of May 1, 2000 have certain protection against Class A stations. If the Station were to wait to submit the instant construction permit application until after the Commission had acted upon the Petition for Rule Making, it is possible that the Station's maximized service area would not be protected. In light of (1) Congress' intention to provide DTV broadcasters with a full opportunity to maximize; (2) Congress' intention to have the specifics of such maximization known by a date certain through the filing of an application on or before May 1, 2000; and (3) the fact that the CBPA does not explicitly account for the circumstances described herein, Paxson Salem accordingly is requesting waiver of Section 73.3572 to permit the submission of this construction permit application for the Station. Grant of the waiver request is in the public interest because it will allow the Commission to authorize maximized facilities for the Station upon grant of the requested channel substitution.

¹ Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336(f).

² 47 U.S.C. § 336(f)(1)(D).

³ *Id.*

EXHIBIT 2

Request for Waiver of 47 C.F.R. § 73.3517 and, if necessary, § 73.3518

By this application, Paxson Salem License, Inc. ("Paxson Salem") seeks authorization for the construction of digital facilities for KPXG-DT (the "Station"). Paxson Salem has submitted an application to construct the Station's DTV facilities on its allotted channel. As explained below, Paxson Salem is submitting the instant application to ensure protection of the Station's maximized digital facilities. Accordingly, waiver of Section 73.3517 of the Commission's rules (47 C.F.R. § 73.3517) is hereby requested. To the extent necessary, Paxson Salem also seeks waiver of Section 73.3518.

On November 29, 1999, the President signed into law the Community Broadcasters Protection Act of 1999 ("CBPA") creating a new Class A television service and according existing low power television ("LPTV") stations "primary" status *vis-à-vis* full power stations if they met certain minimum programming requirements.¹ However, the CBPA also provided that a full power station would be permitted to "maximize" its DTV facilities irrespective of interference with the new Class A stations so long as the station complied with certain procedures and filed a maximization application on or before May 1, 2000.² To resolve any "technical problems" that may obstruct maximization, the CBPA also allows such a station to change its DTV channel assignment without protecting Class A stations.³

The Commission has not yet had the opportunity to act on Paxson Salem's Petition for Rule Making to substitute a new DTV allotment for the Station. As such, the Station's ultimate DTV channel cannot be known with certainty at this time. It is not clear that maximized facilities proposed in applications submitted after the statutory deadline of May 1, 2000 have certain protection against Class A stations. If the Station filed only one DTV construction permit application for one of the two channels at issue and, for some reason, that permit was not granted, it is possible that the Station's maximized service area on the other channel would not be protected. In light of (1) Congress' intention to provide DTV broadcasters with a full opportunity to maximize; (2) Congress' intention to have the specifics of such maximization known by a date certain through the filing of an application on or before May 1, 2000; and (3) the fact that the CBPA does not explicitly account for the circumstances described herein, Paxson Salem accordingly is requesting waiver of Section 73.3517 to permit the submission of contingent DTV construction permit applications for the Station. Grant of the waiver request is in the public interest because it will allow the Commission to authorize maximized facilities for whichever DTV channel the Station ultimately receives.

¹ Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336(f).

² 47 U.S.C. § 336(f)(1)(D).

³ *Id.*

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ATTORNEYS AT LAW

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ATLANTA, GEORGIA 30346-2108
TELEPHONE 770-901-8800
FACSIMILE 770-901-8874

April 27, 2000

VIA BERRY BEST

Federal Communications Commission
Mass Media Services
P.O. Box 358165
Pittsburgh, Pennsylvania 15251-5165

Attention: Stop Code 1800E1
Television Branch

Re: **FACILITY ID No. 05801**
Television Station KPXG(TV), Salem, Oregon
Application to Construct Digital Television Facilities

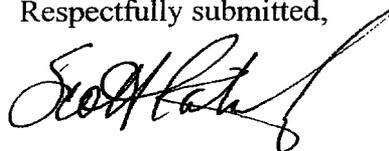
Dear Sir or Madam:

On behalf of Paxson Communications Corporation, licensee of Television Station KPXG(TV), Salem, Oregon, we submit herewith, in triplicate, an application for authority to construct digital television facilities on DTV Channel 4, the channel proposed in a Petition for Rule Making submitted October 27, 1999. This application is filed pursuant to the Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I, *codified at* 47 U.S.C. § 336(f). A notice of intent to maximize facilities for this station was timely filed.

A check in the amount of \$725.00, accompanied by FCC Form 159, is enclosed to cover the filing fee.

Kindly let me know if you have any questions about this application.

Respectfully submitted,



Scott S. Patrick

SSP/dlj
Enclosure

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3060-0589

REMITTANCE ADVICE

PAGE NO. 1 OF 1

(1) LOCKBOX # 358165

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

(3) TOTAL AMOUNT PAID (dollars and cents)

Dow, Lohnes & Albertson, PLLC

\$ 725.00

(4) STREET ADDRESS LINE NO. 1

Attn: Scott S. Patrick

(5) STREET ADDRESS LINE NO. 2

1200 New Hampshire Avenue, N.W., Suite 800

(6) CITY

Washington

(7) STATE

D.C.

(8) ZIP CODE

20036-6802

(9) DAYTIME TELEPHONE NUMBER (Include area code)

(202) 776-2885

(10) COUNTRY CODE (if not in U.S.A.)

**IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B.
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)**

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

Paxson Communications Corporation

(12) STREET ADDRESS LINE NO. 1

601 Clearwater Park Road

(13) STREET ADDRESS LINE NO. 2

(14) CITY

West Palm Beach

(15) STATE

FL

(16) ZIP CODE

33401

(17) DAYTIME TELEPHONE NUMBER (Include area code)

(561) 659-4122

(18) COUNTRY CODE (if not in U.S.A.)

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID

KPXG (TV)

(20A) PAYMENT TYPE CODE (PTC)

M P T

(21A) QUANTITY

1

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

\$ 725.00

FCC USE ONLY

(23A) FCC CODE 1

(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

\$

FCC USE ONLY

(23B) FCC CODE 1

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

\$

FCC USE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

\$

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25)

PAYER TIN

0 5 3 0 1 8 6 7 7 4

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2

APPLICANT TIN

0 6 5 0 8 2 6 0 3 7

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT

I, Daniel L. Jacobs

(PRINT NAME)

, Certify under penalty of perjury that the foregoing and supporting information

are true and correct to the best of my knowledge, information and belief. SIGNATURE

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28)

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION DATE:

MASTERCARD

Account number input field

Expiration date input field

MONTH YEAR

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

ORIGINAL DOCUMENTS PRINTED ON PREMIUM QUALITY PAPER & MAS MICR PRINTED FOR ORDER

96981

Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W., SUITE 800
Washington, D.C. 20036
(202) 776-2000

FIRST UNION NATIONAL BANK
WASHINGTON, D.C. 20036
15-122
00480

Date: April 27, 2000

Pay: Seven hundred twenty-five and 00/100***** \$ ***725.00***

VOID AFTER 6 MONTHS

PAY TO THE ORDER OF: **Federal Communications Commission**

A. Brodman

TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$5,000.00

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK. HOLD AT AN ANGLE TO VIEW.

⑈09698 1⑈ ⑆05400 1 2 20⑆ 2066 7004 34 109⑈

Payee: Federal Communications Commission
Vendor ID: 2094

Check #: 96981
Check Date: Apr 27/00

Inv #	Inv Date	G/L Acct	Client	Matter	Narrative	Amount	Inv Total
CRMAS304270	Apr 27/00		01527	0610	VENDOR: Federal Communications; INVOICE#: CRMAS30427002; DATE: 04/27/2000 - FCC filing fee (01527.0610)	725.00	725.00
Invoice Totals:						\$725.00	\$725.00

FOR
FCC
USE
ONLY

FCC 301

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY
FILE NO.

Section I - General Information

1. Legal Name of the Applicant		
Paxson Communications Corporation		
Mailing Address		
601 Clearwater Park Road		
City	State or Country (if foreign address)	ZIP Code
West Palm Beach	FL	33401
Telephone Number (include area code)	E-Mail Address (if available)	
(561) 659-4122		
	Call Sign	Facility ID Number
	KPXG (TV)	05801

2. Contact Representative (if other than applicant)	Firm or Company Name
Scott S. Patrick	Dow, Lohnes & Albertson, PLLC
Telephone Number (include area code)	E-Mail Address (if available)
(202) 776-2885	spatrick@dlaalaw.com

3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):

Governmental Entity Other _____

4. Application Purpose.

- New station
- Major Change in licensed facility
- Minor Change in licensed facility
- Major Modification of construction permit
- Minor Modification of construction permit
- Major Amendment to pending application
- Minor Amendment to pending application

a. File number of original construction permit: _____ N/A

b. Service Type: AM FM TV DTV

c. Community of License:	City	State
	Salem	OR

d. Facility Type: Main Auxiliary

If an amendment, submit as an Exhibit a listing by Section and Question Number of the portions of the pending application that are being revised.

Exhibit No.

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. Yes No

2. **Parties to the Application.**

a. List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.

- | | |
|---|--|
| (1) Name and address of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners. | (2) Citizenship. |
| | (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, etc. |
| | (4) Percentage of votes. |
| | (5) Percentage of equity. |

(1)	(2)	(3)	(4)	(5)

b. Applicant certifies that equity interests not set forth above are non-attributable. Yes No N/A See Explanation in Exhibit No.

3. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest. Exhibit No. N/A

4. **Multiple Ownership.**

a. Applicant certifies that the proposed facility: Yes No See Explanation in Exhibit No.

1. complies with the Commission's multiple and cross-ownership rules;
2. does not present an issue under the Commission's cross-interest policy;
3. does not present an issue under the Commission's policies relating to media interests of immediate family members;
4. complies with the Commission's policies relating to future ownership interests; and
5. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.

Section II - Legal

b. **Radio Applicants Only.** If the grant of the application would result in certain principal community service contour overlaps, see Local Radio Ownership Worksheet, Question 1, applicant certifies that all relevant information has been placed in public inspection file(s) and submitted to the Commission. Yes No N/A See Explanation in Exhibit No.

5. **Character Issues.** Applicant certifies that neither applicant nor any party to the application has or has had any interest in, or connection with: Yes No See Explanation in Exhibit No.
 a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
 b. any pending broadcast application in which character issues have been raised.

6. **Adverse Findings.** Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination. Yes No See Explanation in Exhibit No.

7. **Alien Ownership and Control.** Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments. Yes No See Explanation in Exhibit No.

8. **Program Service Certification.** Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area. Yes No

9. **Local Public Notice.** Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580. Yes No

10. **Auction Authorization.** If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable. Yes No N/A

An exhibit is required unless this question is inapplicable.

Exhibit No.

11. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. Yes No

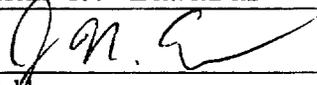
I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing William L. Watson, Esq.	Typed or Printed Title of Person Signing Secretary
Signature 	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT
 (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT
 (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

SECTION III PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name Jonathan N. Edwards		Relationship to Applicant (e.g., Consulting Engineer) Technical Consultant	
Signature 		Date April 24, 2000	
Mailing Address du Treil, Lundin & Rackley, Inc., 201 Fletcher Avenue			
City Sarasota		State or Country (if foreign address) Florida	ZIP Code 34237
Telephone Number (include area code) (941) 329-6000		E-Mail Address (if available) JON@DLR.COM	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

SECTION III-D - DTV Engineering

Complete Questions 1-5 of the Certification Checklist and provide all data and information for the proposed facility, as requested in Technical Specifications, Items 1-13.

Certification Checklist: A correct answer of "Yes" to all of the questions below will ensure an expeditious grant of a construction permit. However, if the proposed facility is located within the Canadian or Mexican borders, coordination of the proposal under the appropriate treaties may be required prior to grant of the application. An answer of "No" will require additional evaluation of the applicable information in this form before a construction permit can be granted.

1. The proposed DTV facility complies with 47 C.F.R. Section 73.622 in the following respects:
 - (a) It will operate on the DTV channel for this station as established in 47 C.F.R. Section 73.622. Yes No
 - (b) It will operate from a transmitting antenna located within 5.0 km (3.1 miles) of the DTV reference site for this station as established in 47 C.F.R. Section 73.622. Yes No
 - (c) It will operate with an effective radiated power (ERP) and antenna height above average terrain (HAAT) that do not exceed the DTV reference ERP and HAAT for this station as established in 47 C.F.R. Section 73.622. Yes No
2. The proposed facility will not have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding the applicable health and safety guidelines, and therefore will not come within 47 C.F.R. Section 1.1307. Yes No
Applicant must **submit the Exhibit** called for in Item 13.
3. Pursuant to 47 C.F.R. Section 73.625, the DTV coverage contour of the proposed facility will encompass the allotted principal community. Yes No
4. The requirements of 47 C.F.R. Section 73.1030 regarding notification to radio astronomy installations, radio receiving installations and FCC monitoring stations have either been satisfied or are not applicable. Yes No
5. The antenna structure to be used by this facility has been registered by the Commission and will not require reregistration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely effect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7. Yes No

SECTION III-D - DTV Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel Number:	DTV <u>4</u>	Analog TV, if any	<u>22</u>				
2. Zone:	<input type="checkbox"/> I	<input checked="" type="checkbox"/> II	<input type="checkbox"/> III				
3. Antenna Location Coordinates: (NAD 27)	<u>45</u> ° <u>30</u> ' <u>58</u> " <input checked="" type="checkbox"/> N <input type="checkbox"/> S Latitude						
	<u>122</u> ° <u>43</u> ' <u>59</u> " <input type="checkbox"/> E <input checked="" type="checkbox"/> W Longitude						
4. Antenna Structure Registration Number:	<u>1035120</u>						
	<input type="checkbox"/> Not applicable	<input type="checkbox"/> FAA Notification Filed with FAA					
5. Antenna Location Site Elevation Above Mean Sea Level:	<u>322.8</u>	meters					
6. Overall Tower Height Above Ground Level:	<u>301.7</u>	meters					
7. Height of Radiation Center Above Ground Level:	<u>223.1</u>	meters					
8. Height of Radiation Center Above Average Terrain:	<u>455</u>	meters					
9. Maximum Effective Radiated Power (average power):	<u>19.4</u>	kW					
10. Antenna Specifications:							
a.	<table border="1"><tr><td>Manufacturer</td><td>Model</td></tr><tr><td>Dielectric</td><td>THP-0-2-1</td></tr></table>		Manufacturer	Model	Dielectric	THP-0-2-1	
Manufacturer	Model						
Dielectric	THP-0-2-1						
b. Electrical Beam Tilt:	<u> </u> degrees	<input checked="" type="checkbox"/> Not Applicable					
c. Mechanical Beam Tilt:	<u> </u> degrees toward azimuth <u> </u> degrees True	<input checked="" type="checkbox"/> Not Applicable					
Attach as an Exhibit all data specified in 47 C.F.R. Section 73.625(c).			<table border="1"><tr><td>Exhibit No.</td></tr><tr><td>Figure 3</td></tr></table>	Exhibit No.	Figure 3		
Exhibit No.							
Figure 3							
d. Polarization:	<input checked="" type="checkbox"/> Horizontal	<input type="checkbox"/> Circular	<input type="checkbox"/> Elliptical				

TECH BOX

e. Directional Antenna Relative Field Values: Not applicable (Nondirectional)
 Rotation _____ ° No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

If a directional antenna is proposed, the requirements of 47 C.F.R. Section 73.625(c) must be satisfied. **Exhibit required.**

Exhibit No. N/A

11. Does the proposed facility satisfy the interference protection provisions of 47 C.F.R. Section 73.623(a)? (Applicable only if **Certification Checklist** Items 1(a), (b), or (c) are answered "No.") Yes No

If "No," attach as an Exhibit justification therefor, including a summary of any related previously granted waivers.

Exhibit No. N/A

12. If the proposed facility will not satisfy the coverage requirement of 47 C.F.R. Section 73.625, attach as an Exhibit justification therefor. (Applicable only if **Certification Checklist** Item 3 is answered "No.")

Exhibit No. N/A

13. **Environmental Protection Act. Submit in an Exhibit** the following:

Exhibit No. See Text

- a. If **Certification Checklist** Item 3 is answered "Yes," a brief explanation of why an Environmental Assessment is not required. Also describe in the Exhibit the steps that will be taken to limit RF radiation exposure to the public and to persons authorized access to the tower site.

By checking "Yes" to **Certification Checklist** Item 3, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

If **Certification Checklist** Item 3 is answered "No," an Environmental Assessment as required by 47 C.F.R. Section 1.1311.

PREPARER'S CERTIFICATION IN SECTION III MUST BE COMPLETED AND SIGNED.

TECHNICAL EXHIBIT
APPLICATION FOR DTV CONSTRUCTION PERMIT
STATION KPXG-DT (FAC. ID. 5801)
SALEM, OREGON

APRIL 24, 2000

CH 4 19.4 KW 455 M

TECHNICAL EXHIBIT
APPLICATION DTV FOR CONSTRUCTION PERMIT
STATION KPXG-DT (FAC. ID. 5801)
SALEM, OREGON
CH 4 19.4 KW 455 M

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TECHNICAL EXHIBIT
APPLICATION FOR DTV CONSTRUCTION PERMIT
STATION KPXG-DT
SALEM, OREGON
CH 4 19.4 KW 455 M

Technical Narrative

This Technical Exhibit supports an application for television (TV) station KPXG on NTSC (analog) channel 22 at Salem, Oregon (Facility ID 5801). This application requests a construction permit (CP) for a digital television (DTV) operation on channel 4.

The Federal Communications Commission (FCC) assigned channel 20 as KPXG's DTV allotment in the Memorandum, Opinion and Order (MO&O) concerning reconsideration of the 6th Report and Order in MM Docket No. 87-268. The reference point for the channel 20 DTV allotment is KPXG's current site for its analog channel 22. The FCC assigned an effective radiated power (ERP) of 54.6 kilowatts (kW) and an antenna height above average terrain (HAAT) of 363 meters to the DTV allotment.

Station KPXG is located in the Portland, Oregon Designated Market Area (DMA). The current site is approximately 57 kilometers (36 miles) south of Portland and the transmitter sites of nearly all the other TV stations serving the Portland market. Only stations KPXG and KWBP (analog channel 32, Salem, OR) are removed from the other Portland market stations. In order to better serve the market and eliminate problems with receiving antenna orientation, station KPXG proposes to locate its DTV operation on a tower at the KOIN site (analog channel 6, Portland, OR). Station KWBP, the other

Salem TV station, has also filed an application (BPCDT-981007KE) to locate its DTV operation at the KOIN site.

KPXG's use of DTV channel 20 at the KOIN site results in significant calculated interference being caused to KPXG's analog operation on channel 22 at Salem. Furthermore, station KCKA on DTV channel 19 at Centralia, Washington is an interference concern. In order to alleviate these interference problems for KPXG's DTV operation at the KOIN site, station KPXG proposes to change its DTV allotment from channel 20 to channel 4. Station KPXG has filed a petition for rule making to change the DTV allotment to channel 4 (Facility ID 123187, BPRM-20000413AAO)

The applicant recognizes the potential concern for use of channel 4 with respect to cable TV boxes and videocassette recorders (VCRs). The output signal from these devices is typically switchable for either channel 3 or 4. The FCC in its 6th Report & Order in MM Docket 87-268 (paragraphs 148-151) pointed out that channels 3 and 4 should not both be allotted in the same market. The closest TV station operating on channel 3 is KOAB-TV at Bend, Oregon. Station KOAB-TV is 194.5 kilometers (121 miles) southeast of the proposed KPXG channel 4 DTV site. The closest TV station operating on channel 4 is KOMO-TV at Seattle, Washington, 237 kilometers (147 miles) to the north. Both stations (KOAB-TV & KOMO-TV) are outside the Portland market area. Cable boxes and VCRs in the market should be able to use channel 3 to avoid interference problems from the proposed KPXG channel 4 DTV operation.

Station KPXG proposes to implement its DTV operation on channel 4 at the KOIN site (45-30-58, 122-43-59, FCC tower registration # 1035120). A non-directional antenna system is proposed with an ERP of 19.4 kW and antenna HAAT of 455 meters. The proposed transmitting facilities comply with Section 73.622(f)(6) of the FCC rules.

The proposed transmitter site (KOIN site) is located at 5516 SW Barnes Road, near Portland, in Multnomah County, Oregon. The site coordinates are as follows (NAD 27):

45° 30' 58" N
122° 43' 59" W

Figure 2 is a sketch of the antenna and supporting structure showing the location of the proposed KPXG DTV antenna system. The FCC tower registration number for the structure is 1035120.

The operation of AM station KUPL on 970 kHz at Portland, Oregon is located 0.1 kilometers southeast (134° true) of the proposed site. No other known AM stations exist within 4 kilometers (2.5 miles) of the proposed site. The applicant recognizes its responsibility to restore KUPL to proper operation if the addition of its antenna on the new tower results in KUPL operating outside of license tolerances.

The following is a list of known authorized full service FM and TV stations within 16 kilometers (10 miles) of the proposed site.

<u>Station</u>	<u>Channel</u>	<u>Bearing(°True)</u>	<u>Distance(km)</u>
KBVM(FM), Portland, OR	202C2	0	0.0
KMHD(FM), Gresham, OR	206C2	0	0.0
KBPS-FM, Portland	210C2	0	0.0
KUPL-FM, Portland	254C1	0	0.0
KUFO(FM), Portland	266C	0	0.0
KKJZ(FM), Lake Oswego, OR	294C	0	0.0
KBBT-FM(CP), Banks, OR	298C1	0	0.0
KINK-FM, Portland	270C	305	1.2
KOPB-FM, Portland	218C	305	1.2
KKRZ(FM), Portland	262C	305	1.2
KKCW(FM), Beaverton, OR	277C	305	1.2
KBOO(FM), Portland	214C1	135	4.3
KGON(FM), Portland	222C	135	4.3
KPDQ-FM, Portland	229C	135	4.3

<u>Station</u>	<u>Channel</u>	<u>Bearing(°True)</u>	<u>Distance(km)</u>
KXJM(FM), Portland	238C	135	4.3
KKSN-FM, Portland	246C	135	4.3
KWJJ-FM, Portland	258C1	135	4.3
KNRK(CP), Camas, WA	234C2	115	15.9
KOIN(TV), Portland	6	0	0.0
KNMT(TV), Portland	24	0	0.0
KOIN-DT(CP), Portland	40	0	0.0
KATU(TV), Portland	2	301	1.0
KATU-DT(CP), Portland	43	301	1.0
KGW(TV), Portland	8	305	1.2
KOPB-DT(CP), Portland	*27	305	1.2
KGW-DT(CP), Portland	46	305	1.2
KPTV, Portland	12	299	1.3
KPTV-DT, Portland	30	299	1.3
KPDX-DT, Vancouver, WA	48	298	1.7
KPDX, Vancouver, WA	49	298	1.7

Although no prohibitive electromagnetic interference is expected, the applicant recognizes its responsibility to correct problems, which may arise due to its proposed DTV operation.

The site is approximately 307 kilometers from the closest point of the Canadian Border. Hence, coordination with Canada may be required.

The site is more than 1,500 kilometers from the closest point of the Mexican border. The closest FCC monitoring station is at Ferndale, Washington located 383 kilometers to the north. The National Radio Quiet Zone (VA/WV) is more than 3,400 kilometers to the east. The Table Mountain Radio Quiet Zone (CO) is more than 1,500 kilometers to the east-southeast. The closest radio astronomy site conducting research on TV channel 37 is at Brewster, Washington located 372 kilometers to the northeast. All these separations are considered sufficient to avoid interference from the proposed DTV operation.

Figure 2 is a map showing the DTV predicted coverage contour. The map provides the predicted 28 dBu f(50,90) DTV contour. The average elevations from 3.2 to

16.1 kilometers from the transmitter site were obtained from the N.G.D.C. 30-second digitized terrain database and were used for determining the distances to coverage contours. The Salem city limits were derived from information contained in the 1990 U.S. Census for Oregon. The population within the predicted 28 dBu contour is based on 1990 Census information. The U.S. land area within the predicted 28 dBu contour is based on the use of a computer algorithm.

Interference calculations have been made using the procedures outlined in the FCC's OET-69 Bulletin.¹ Interference calculations for the proposed KPXG channel 4 DTV operation are summarized below.

<u>Station</u>	<u>Channel</u>	<u>FCC Service Population</u>	<u>Prop. DTV Interference Population</u>
KOMO-TV(Lic), Seattle, WA	NTSC-4	3,103,309	19,006 (0.61%)
KOMO-TV(App), Seattle	NTSC-4	3,122,518	17,225 (0.55%)
KPIC, Roseburg, OR	NTSC-4	127,345	2,168 (1.70%)

No calculated interference was caused to other pertinent analog assignments or DTV allotments on channels 3, 4. The proposed KPXG DTV operation on channel 4 complies with the FCC's 2%/10% interference standards.

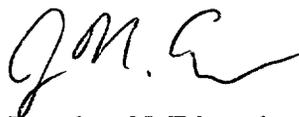
The proposed KPXG DTV facilities were evaluated in terms of potential radio frequency (RF) energy exposure at ground level to workers and the general public. The radiation center for the proposed DTV antenna is located 223.1 meters above ground level. The maximum DTV ERP is 19.4 kW. A relative field value of 0.4 is assumed for the antenna's downward radiation (see Figure 3). The calculated power density at a point

¹ The duTreil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order; subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 1 km was employed. An Alpha based processor computer system was employed. The results have been found to be in very close agreement with the results of the FCC implementation of OET Bulletin No. 69.

2 meters (6.6 feet) above ground level is 0.0021 mW/cm^2 . This is 1% of the FCC's recommended limit of 0.2 mW/cm^2 for channel 4 for an "uncontrolled" environment. It is 0.2% of the recommended limit of 1.0 mW/cm^2 for a "controlled" environment.

Access to the transmitting site will be restricted and appropriately marked with warning signs. As this will be a multi-user site, an agreement will be in effect to control access to the site. In the event that workers or other authorized personnel enter restricted areas or climb the tower, appropriate measures will be taken to assure worker safety with respect to radio frequency radiation exposure. Such measures include reducing the average exposure by spreading out the work over a longer period of time, wearing "accepted" RFR protective clothing and/or RFR exposure monitors or scheduling work when the stations are at reduced power or shut down. The proposed KPXG DTV operation appears to be otherwise categorically excluded from environmental processing.

If there are questions concerning the technical portion of this application, please contact the office of the undersigned.

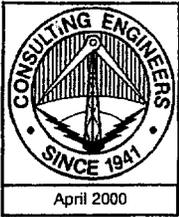


Jonathan N. Edwards

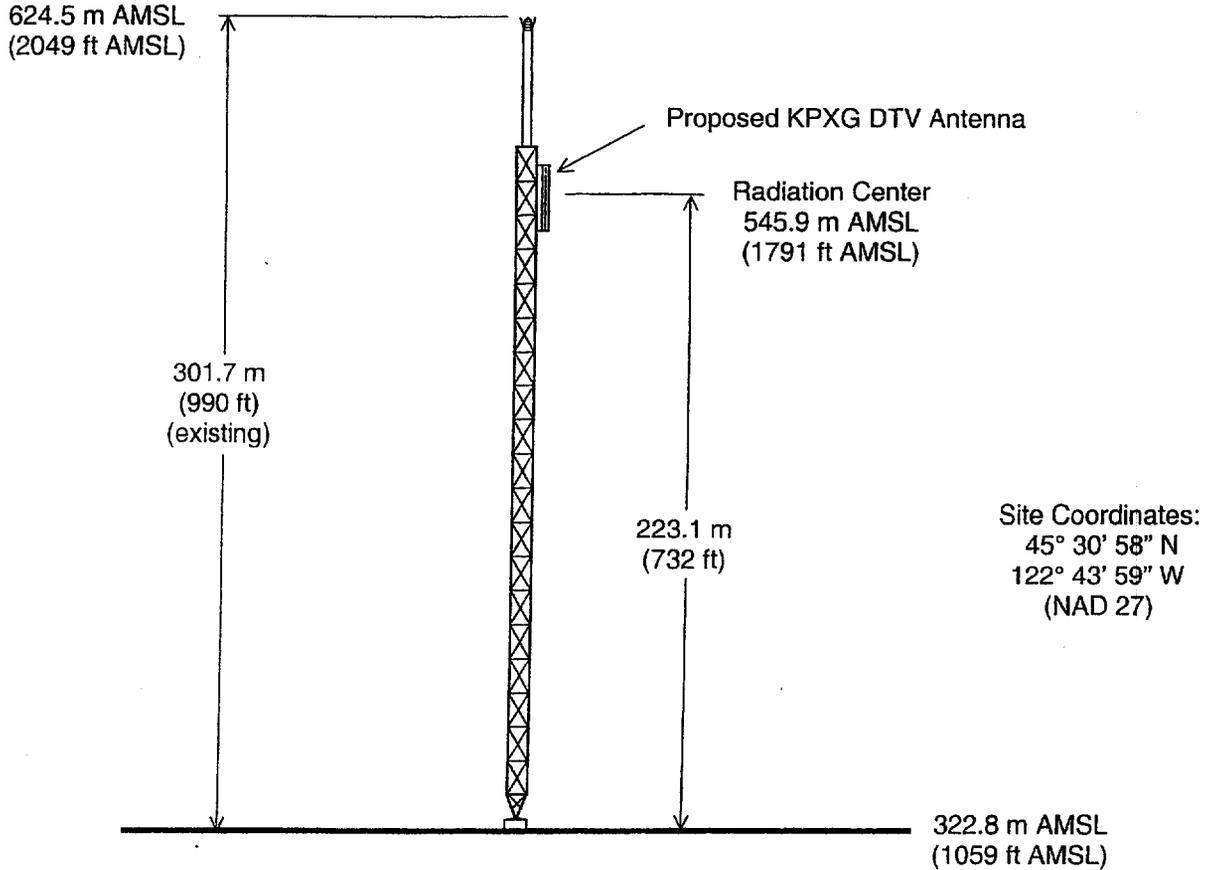
du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237

(941) 329-6000

April 24, 2000



Tower Reg. No. 1035120



Not to Scale

ANTENNA AND SUPPORTING STRUCTURE

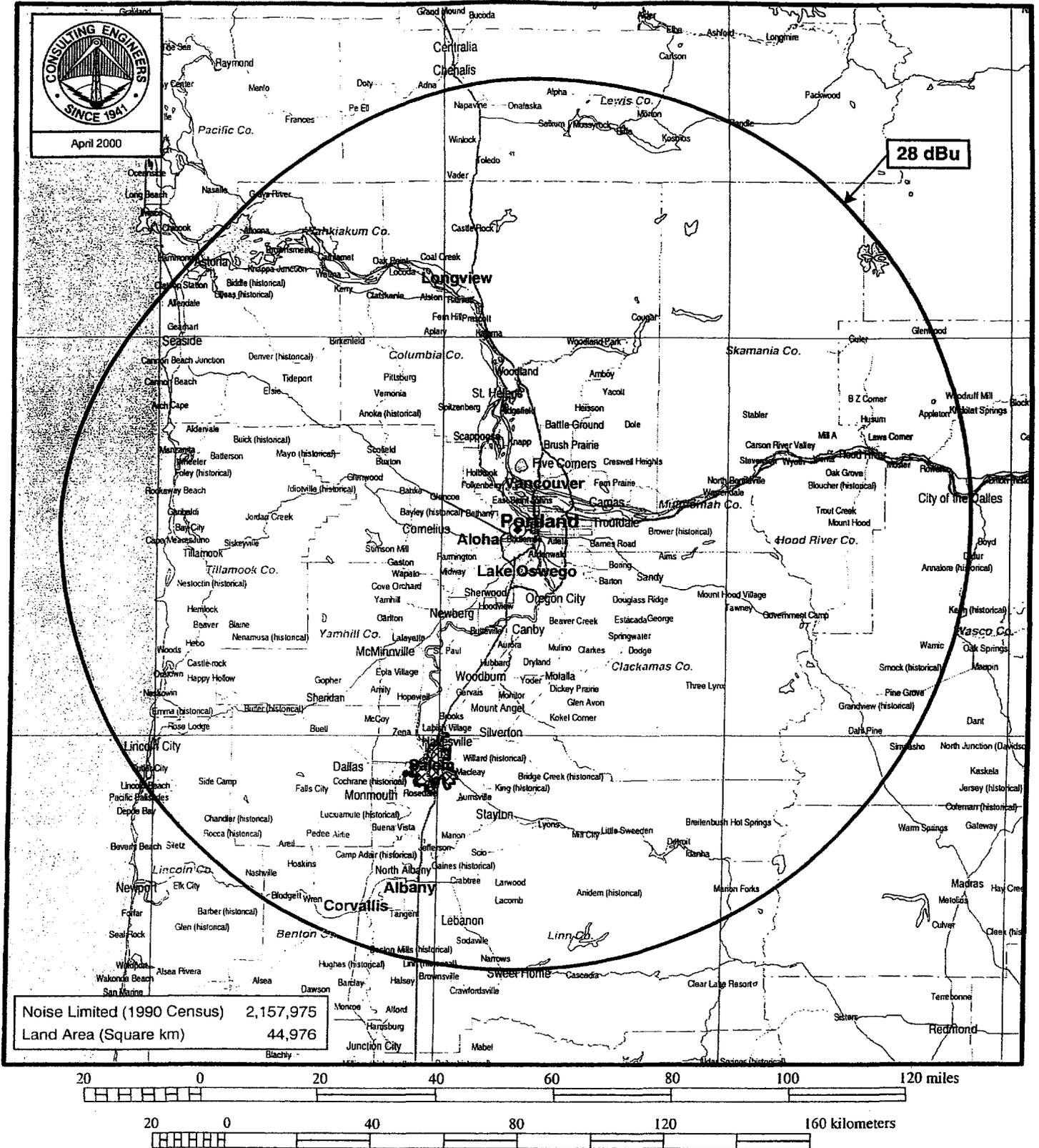
STATION KPXG-DT

SALEM, OREGON

CH 4 19.4 KW 455 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 2



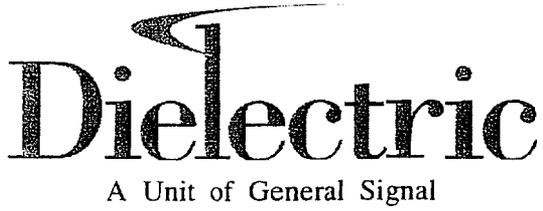
PREDICTED NOISE-LIMITED CONTOUR

STATION KPXG-DT

SALEM, OREGON

CH 4 19.4 KW 455 M

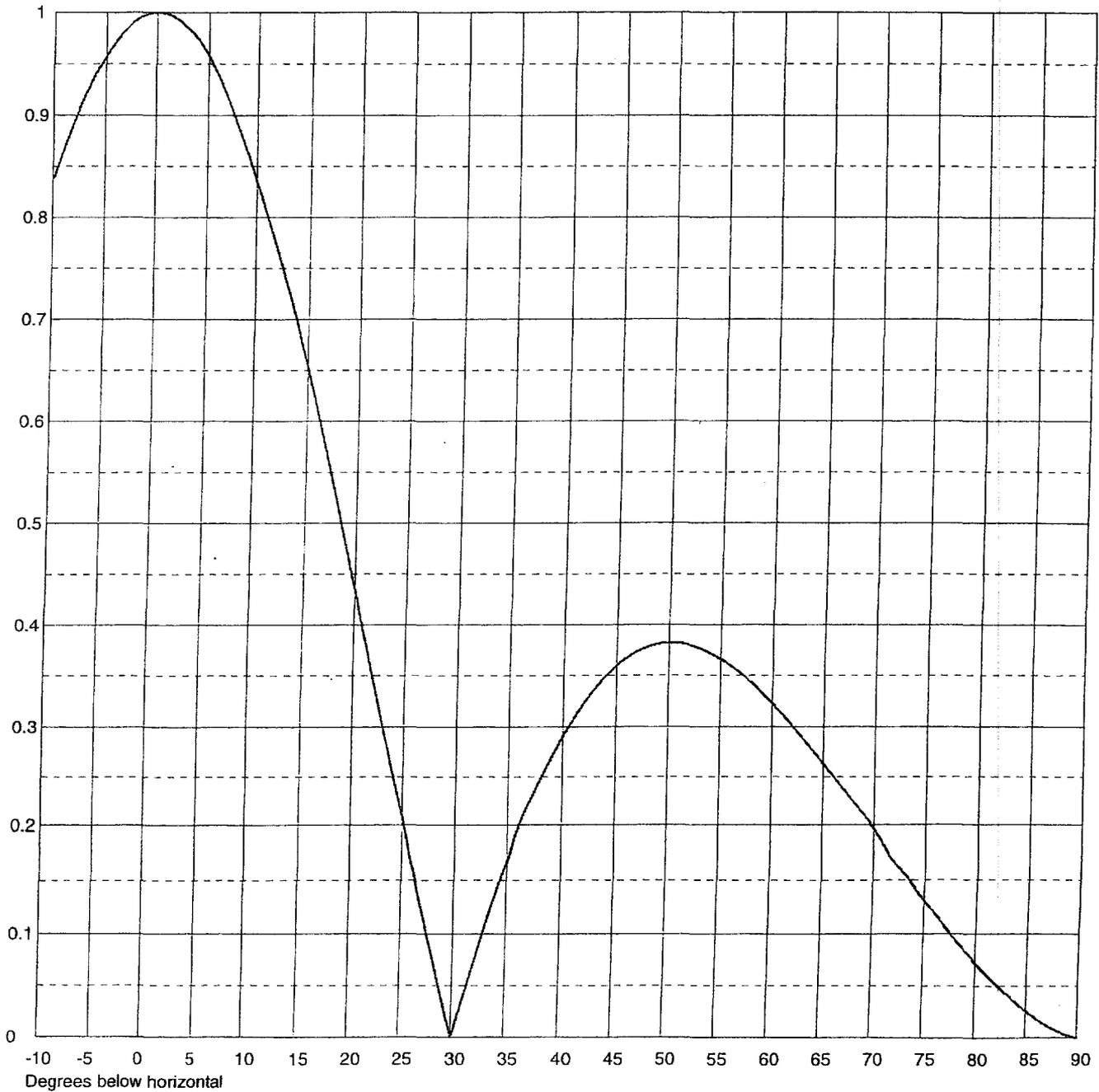
du Treil, Lundin & Rackley, Inc Sarasota, Florida



Date	31 Mar 1999	Channel	4
Call Letters	KPXG-DT		
Location	Salem, OR		
Customer	Paxson		
Antenna Type	THP-O-2-1		

ELEVATION PATTERN

RMS Gain at Main Lobe	2.1 (3.22 dB)	Beam Tilt	0.00 Degrees
RMS Gain at Horizontal	2.1 (3.22 dB)	Frequency	69.00 MHz
Calculated / Measured	Calculated	Drawing #	02H02100-90



TECHNICAL EXHIBIT
 APPLICATION FOR DTV CONSTRUCTION PERMIT
 STATION KPXG-DT
 SALEM, OREGON
 CH 4 19.4 KW 455 M

Technical Specifications

Channel	4
Frequency	66-72 MHz
Proposed Site Coordinates (NAD 27)	45° 30' 58" North Latitude 122° 43' 59" West Longitude
Site Elevation above mean sea level	322.8 m
Average elevation above mean sea level of 8 equally spaced radials, 3-16 kilometers	90.7 m
Overall height of antenna structure	
Above ground	301.7 m
Above mean sea level	624.5 m
Height of antenna radiation center	
Above ground	223.1 m
Above mean sea level	545.9 m
Above average terrain	455 m
DTV Transmitter	
Rated power output (average)	12 kW
Transmission line	Dielectric 562173
Nominal diameter	(3-1/8") 7.94 cm
Length	(800 ft) 243.8 m
Efficiency (0.64 dB loss)	86.4%
Antenna	Dielectric THP-O-2-1
Polarization	Horizontal
Power Gain	2.1
Beam Tilt	0°

Proposed Operation

Transmitter output power (average)	10.69 kW
Transmission line loss	1.45 kW
Antenna input power	9.24 kW
Effective Radiated Power	19.4 kW