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**VIA HAND DELIVERY**

DOCKET FILE COPY ORIGINAL

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: **MM Docket No. 00-10**

Dear Ms. Salas:

On behalf of Davis Television Duluth, LLC; Davis Television Corpus Christi, LLC; Davis Television Pittsburg, LLC; Davis Television Topeka, LLC; Davis Television Fairmont, LLC; and Davis Television Wausau, LLC, I am transmitting herewith an original and eleven copies of their *Reply to Opposition to Petitions for Reconsideration* in the above-referenced proceeding.

Should there be any questions concerning this matter, please contact the undersigned counsel.

Very truly yours,



Ross G. Greenberg

Enclosures

No. of Copies rec'd 0+11  
List A B C D E

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED  
JUL 20 2010  
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of )  
 )  
Establishment of a Class A ) MM Docket No. 00-10  
Television Service )

To: The Commission

**REPLY TO OPPOSITION TO PETITIONS FOR RECONSIDERATION OF  
DAVIS TELEVISION DULUTH, LLC; DAVIS TELEVISION CORPUS CHRISTI, LLC;  
DAVIS TELEVISION PITTSBURG, LLC; DAVIS TELEVISION TOPEKA, LLC;  
DAVIS TELEVISION FAIRMONT, LLC; AND DAVIS TELEVISION WAUSAU, LLC**

Davis Television Duluth, LLC, applicant for a new NTSC construction permit on Channel 27 at Duluth, Minnesota; Davis Television Corpus Christi, LLC, applicant for a new NTSC construction permit on Channel 38 at Corpus Christi, Texas; Davis Television Pittsburg, LLC, applicant for a new NTSC construction permit on Channel 14 at Pittsburg, Kansas; Davis Television Topeka, LLC, applicant for a new NTSC construction permit on Channel 43 at Topeka, Kansas; Davis Television Fairmont, LLC, applicant for a new NTSC construction permit on Channel 66 at Fairmont, West Virginia; and Davis Television Wausau, LLC, permittee of a new NTSC station on Channel 55 at Wittenberg, Wisconsin (these commonly owned Davis entities collectively referred to herein as "Davis"), by their attorneys and pursuant to Section 1.429(g) of the Commission's Rules, hereby submit their reply to the Community Broadcasters Association's (the "CBA") Opposition to Petitions for Reconsideration (the "Opposition") of the

Commission's Report and Order, FCC 00-115, released April 4, 2000, in the above-captioned proceeding ("Report and Order").<sup>1</sup>

In its Opposition, the CBA urges the Commission not to protect all pending NTSC applications from newly-licensed Class A LPTV stations. The CBA claims that Congress' use of the term "transmitting in analog format" indicates that Congress did not intend to protect proposed or pending analog stations and that protection of NTSC applications is "clearly unwarranted and unsupported by the statutory language." Opposition at ¶ 4-5. Davis believes strongly that CBA's views on this issue are wrong, for reasons previously stated by Davis upon numerous occasions. See February 10, 2000 Comments of Davis to Order and Notice of Proposed Rule Making, FCC 00-16 (the "Notice") at 3-9; February 22 Reply Comments of Davis to Notice at 3-9; June 8, 2000 Petition for Reconsideration of Report and Order of Davis at 2-6.

The fact that the Commission has already extended protection to certain NTSC applications<sup>2</sup> and that the CBA "has not opposed this resolution of the issue" makes it impossible

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<sup>1</sup> The time for filing oppositions expired on July 7, 2000. Accordingly, this Reply is timely filed. See 47 C.F.R. §§ 1.429(f),(g), 1.4(h) (1999).

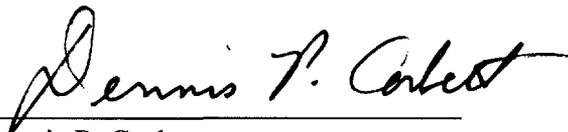
<sup>2</sup> The Commission has extended protection to applications for full-power NTSC facilities that were pending on November 29, 1999, that had completed all processing short of grant as of that date, and for which the identity of the successful applicant is known. The applications in this latter category are post-auction applications, applications proposed for grant in pending settlements, and any singleton applications cut off from further filings.

for the CBA to argue that no NTSC applications are protected under the statute. As Davis has stated, with that issue decided, law and logic dictate that the statutory protection be afforded to all NTSC applicants.

Respectfully submitted,

**DAVIS TELEVISION DULUTH, LLC  
DAVIS TELEVISION CORPUS CHRISTI, LLC  
DAVIS TELEVISION PITTSBURG, LLC  
DAVIS TELEVISION TOPEKA, LLC  
DAVIS TELEVISION FAIRMONT, LLC  
DAVIS TELEVISION WAUSAU, LLC**

By:



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July 20, 2000

Their Attorneys

**CERTIFICATE OF SERVICE**

I, Yaiza E. Garabito, do hereby certify that copies of the foregoing *Reply to Opposition to Petitions for Reconsideration of Davis Television Duluth, LLC; Davis Television Corpus Christi, LLC; Davis Television Pittsburg, LLC; Davis Television Topeka, LLC; Davis Television Fairmont, LLC; and Davis Television Wausau, LLC*, have been mailed by first-class mail, postage prepaid, this 20th day of July, 2000, to the following:

Edward L. Owen, President  
Michael Sullivan, Executive Director  
Community Broadcasters Association  
1600 Aspen Lane  
St. Cloud, MN 56303



Yaiza E. Garabito