

DOCKET FILE COPY ORIGINAL

ORIGINAL

Before the  
Federal Communications Commission  
Washington, DC 20554

RECEIVED

FEB 14 2001

In the Matter of )  
)  
Amendment of Section 73.622(b), )  
Table of Allotments, )  
Digital Television Broadcast Stations, )  
(Corpus Christi, Texas) )

MM Docket 99-277  
RM-9666

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**MOTION TO ACCEPT LATE FILED COMMENTS**  
**and**  
**COMMENTS**

Minerva Lopez, by her attorney hereby requests permission to submit late filed comments in the above-captioned proceeding. Minerva Lopez is licensee of KTMV-LP, Channel 8, Corpus Christi, Texas. On January 23, 2001, her application for Class A status (FCC Form 302-CA) was placed on public notice as accepted for filing. On January 30, 2001, Channel 3 of Corpus Christi, Inc. ("Channel 3"), licensee of television station KIII, Corpus Christi, Texas, filed a Petition to Deny Minerva Lopez's application for Class A status.

In its Petition to Deny, Channel 3 stated that it had filed a petition for rule making seeking to change its DTV allotment from Channel 47 to Channel 8. Channel 3, in its Petition to Deny, admits that the proposed change of channel allotment from DTV 47 to DTV 8 would cause harmful interference to the existing operation of KTMV-LP. Channel 3 claims that it intends to maximize its facilities after the Commission grants its proposed allotment to Channel 8.

While Channel 3 had an opportunity to maximize its DTV facilities, that opportunity has now passed. Having failed to file an application on or before May 1, 2000, Channel 3 cannot

No. of Copies rec'd 014  
List A B C D E

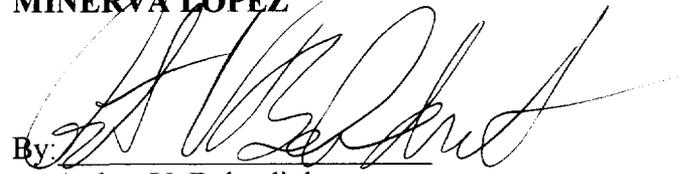
maximize its facilities in such a way as to cause interference to the operations of KTMV-LP.<sup>1</sup>

The grant of Channel 3's rulemaking petition would cause harmful interference to the operations of KTMV-LP, a station that fully qualifies for Class A status.

For the reasons stated herein, the Commission should deny Channel 3's petition for rule making seeking to substitute DTV Channel 8 for DTV Channel 47 at Corpus Christi, Texas.

Respectfully submitted,

**MINERVA LOPEZ**



By: \_\_\_\_\_  
Arthur V. Belendiuk  
Her Attorney

**SMITHWICK & BELENDIUK, P.C.**

5028 Wisconsin Avenue, N.W.

Suite 301

Washington, DC 20554

(202) 363-4050

February 14, 2001

---

<sup>1</sup> 47 U.S.C. § 336(b)(1)(D)(ii) and 47 C.F.R. § 76.623(c)(5).

**CERTIFICATE OF SERVICE**

I, Angela Y. Powell, a paralegal in the law offices of Smithwick & Belendiuk, P.C., hereby certify that on February 14, 2001, a copy of the foregoing Motion To Accept Late Filed Comments and Comments was mailed via first class mail, postage prepaid to the following:

Pam Blumenthal, Esq. \*  
Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
The Portals II  
445 Twelfth Street, S.W.  
Room 2-A762  
Washington, DC 20554

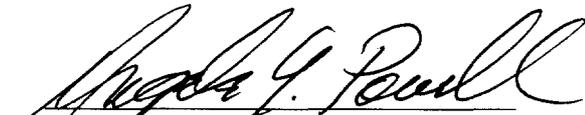
Robert B. Jacobi, Esq.  
Cohn and Marks  
1920 N Street, NW  
Suite 300  
Washington, DC 20036  
(Counsel for Channel 3 of Corpus Christi, Inc.)

Peter Tannenwald, Esq.  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, DC 20036-3101  
(Counsel for Sound Leasing, Inc.)

Todd D. Gray, Esq.  
Dow, Lohnes & Albertson, PLLP  
1200 New Hampshire Ave., N.W.  
Washington, DC 20036-6802  
(Counsel for University of Houston System)

Margaret L. Tobey, Esq.  
Morrison & Foerster, LLP  
2000 Pennsylvania Ave., N.W.  
Suite 5500  
Washington, DC 20006-1888  
(Counsel for Alamo Public Telecommunications Council)

\*by hand

  
Angela Y. Powell