

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In re)
)
Amendment of Section 73.622(b))
Table of Allotments)
Digital Television Broadcast Stations)
(Kingston, NY))

MM Docket No. 00-121/
RM-9674
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Video Services Division
Mass Media Bureau (Mail Stop 1800E1)

EMERGENCY PETITION FOR EXPEDITED DECISION

1. WKOB Communications, Inc. ("WKOB"), licensee of WKOB-LP, Channel 48, New York, New York, hereby requests the expedited issuance of a decision in the above-referenced proceeding, in which WRNN-TV Associates Limited Partnership ("WRNN") requests the substitution of digital television ("DTV") Channel 48 for the currently allotted DTV Channel 21 for use by WRNN-TV, Kingston, New York. As the record in this proceeding shows, WRNN's use of DTV Channel 48 would dramatically seal the fate of WKOB-LP, displacing the low power TV station from a channel purchased at auction and forcing it to cease operation.^{1/}

2. The pleading cycle in this proceeding ended nearly a year ago. During that time, WKOB-LP has been forced to operate in an atmosphere of uncertainty, thereby totally depleting its resources, and making it unable to attract new capital or a purchaser or time broker for the station. As a result, WKOB was forced to file a petition in bankruptcy on May 1, 2001. See *WKOB Communications, Inc.*, Case No. 01-B-12551 (PCB) (Bankr. S.D.N.Y.). As Andrew

^{1/} WKOB-LP is licensed to operate on Channel 53, under File No. BLTTL-19940519JF. It has been displaced from that channel by a DTV allotment. It successfully acquired a construction permit, File No. BPTTL-JG0601NK, for Channel 48 as a displacement channel, at a Commisison auction. The record in this proceeding shows that WKOB has been unable to find any other displacement channel.

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Ohm, WKOB's President, is a personal guarantor of WKOB's debt, the bankruptcy will destroy him personally as well as the corporation.

3. The bankruptcy was filed on May 1, 2001, and is currently proceeding under Chapter 11 of the Bankruptcy Code, which gives WKOB an opportunity to reorganize. However, if a satisfactory plan is not developed within 60 days after May 1, the case will likely proceed to Chapter 7 liquidation, including the assets of the corporation, and ultimately of Mr. Ohm personally. At the present time, the prospects of reorganization are extremely dim because of the uncertainty that the instant rule making has cast over WKOB-LP's ability to remain on the air. The primary obstacle to reorganization is that within 60 days (by July 1, 2001), WKOB must either pay the cost of its transmitter site lease on the Empire State Building going forward or else forfeit the lease and access to the site. WKOB's financial resources have been completely exhausted, and it is unable to pay for the lease without new capital or a sale of, or a time brokerage agreement for, WKOB-LP. The station has been actively listed for sale for several months, with three different brokerage firms. Several interested buyers have come forward, but none has been willing make a viable offer to purchase, or even to supply programming without purchasing or with an option to purchase, without knowing whether or not the DTV allotment at Kingston will displace WKOB-LP.^{2/}

4. The Commission has a long-established policy of trying to accommodate the bankruptcy laws.^{3/} In furtherance of that policy, and out of fairness to WKOB, which faces

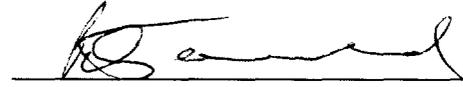
^{2/} A recent meeting with principals of WKOB and of WRNN indicates that there is no prospect at this time of a settlement.

^{3/} See *Martin W. Hoffman, Trustee-in-Bankruptcy*, FCC 00-387, released November 20, 2000, (continued...)

complete destruction, and to Mr. Ohm personally, who faces loss of his personal assets saved over a lifetime, WKOB requests the Commission to issue an decision in this proceeding as soon as possible, and in all events this month.

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Respectfully submitted,



Peter Tannenwald
Jason S. Roberts

Counsel for WKOB Communications, Inc.

June 4, 2001

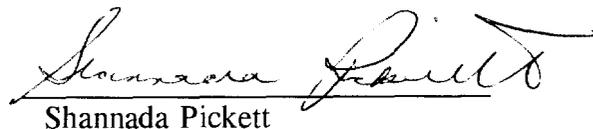
CERTIFICATE OF SERVICE

I, Shannada Pickett, do hereby certify that on this 4th day of June, 2000, I caused a copy of the foregoing a copy of the foregoing "Emergency Petition for Expedited Decision" to be sent by as been served by first-class United States mail, postage prepaid, to the following:

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Shannada Pickett

^{3/}(...continued)

citing *O.D.T. International*, 9 FCC Rcd 2575, 2576 (1994), in turn citing *LaRose v. FCC*, 494 F.2d 1145 (D.C. Cir. 1974) (Commission generally seeks to accommodate federal bankruptcy policies).