

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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

MM Docket No. 01-244 /  
RM-10234

~~RECEIVED~~  
NOV 28 2001  
FEDERAL COMMUNICATIONS COMMISSION

REPLY COMMENTS OF  
INTERNATIONAL BROADCASTING NETWORK

I.

International Broadcasting Network (IBN) hereby submits its reply comments in response to the comments filed by Civic License Holding Company, Inc. (Civic).

II.

As a preliminary matter, it is noted that IBN viewed the Commission's ECFS listing on the afternoon of November 26, 2001, and found several important documents to be missing. The most important of the missing documents, an affidavit submitted by Bert McKinney, CPA, certified that 6,241 persons had signed petitions stating the following:

The undersigned citizens, all of whom reside within the coverage area of KLTV or KTRE, strongly support International Broadcasting Network's opposition to the petitions filed by Civic License Holding Company, Inc., to amend the DTV Table of Allotments to substitute channels 10 and 11 for those previously assigned. Such a substitution would not be in the public interest and should therefore be denied.

Throughout Civic's comments, Civic asserted that the channel substitution it seeks would serve the public interest. Such assertions appear to be largely unsubstantiated and

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List A B C D E

unsupportable boilerplate. Mr. McKinney's affidavit is highly relevant to the issue. A true copy of that document is attached hereto as Exhibit A.

III.

Civic's comments suggest that it has been reasonable and "has attempted for some time to work with [IBN]...." Civic further suggests that IBN has been uncooperative. Nothing could be further from the truth. The truth is that IBN made repeated attempts beginning shortly after May 16, 2000, to reach Civic's president. All such attempts were unsuccessful. Neither e-mails, phone calls nor a certified letter would bring Civic's president out of hiding. Beginning on June 11, 2001, after the Commission had informed Civic's attorneys that it would not grant Civic's petition, Dean Worley, chief engineer at KTRE, began brief discussions with IBN's president. However, it quickly became apparent that Mr. Worley was being kept in the dark by his superiors and had no actual authority. His mission was simply to get IBN's agreement to relinquish channels 10 and 11 and to obtain a full list of IBN's equipment. Preparing such a list would have been a daunting and time-consuming task, and, in any event, would have been totally irrelevant. Although Mr. Worley suggested to IBN's president that his superiors might just be playing games, IBN began a series of communications with Artie Bedard, general manager of KTRE, and finally reached Steven Smith, vice president of The Liberty Corporation, James M. Keelor, president of Cosmos Broadcasting Corporation, and attorneys at Dow, Lohnes & Albertson, the law firm representing Civic. During the

period from June 11, 2001, to the present, there were no fewer than 23 e-mail messages from IBN's president to Mr. Worley, Ms. Bedard, Mr. Smith, Mr. Keelor and their attorneys. Moreover, on October 2, 2001, IBN sent certified letters to Mr. W. Hayne Hipp, chairman, president and CEO of The Liberty Corporation, and James M. Keelor, president of Cosmos Broadcasting Corporation. On October 4, 2001, IBN sent a certified letter to the president of Civic. The e-mails drew very little response, and the certified letters drew no response. In order to disprove Civic's claims, IBN is attaching copies of 25 written communications as Exhibit B.

#### IV.

In footnote 24, at page 9, of its comments, Civic claims that IBN was not prejudiced by Civic's failure to serve notice to IBN. That claim is false. Civic's failure to serve notice was highly prejudicial and put IBN at a distinct disadvantage. It should be noted that none of the filings Civic made prior to filing its comments of November 13, 2001, was served on IBN in accordance with 47 C.F.R. Section 1.40(d). Throughout the months following May 1, 2000, IBN spent countless hours diligently searching the Commission's databases for any filings that may have been made subsequent to that date. No such documents could be located, but IBN began to suspect that there were filings that Civic had deliberately failed to disclose to IBN. On October 30, 2001, IBN sent an e-mail to James M. Keelor, president of Cosmos Broadcasting Corporation, requesting

that copies of every such document be immediately sent to IBN. Upon receipt of those copies, IBN was stunned by statements made therein, but it was too late to do anything about it. The damage had already been done, and the Notice of Proposed Rule Making had already been issued. Taken in the context of the pattern of deception that Civic and its associated companies have engaged in from the beginning, it is IBN's belief that Civic's repeated failure to serve IBN was a deliberate ploy.

V.

At page 8 of its comments, Civic claims that IBN's station is not prejudiced by the displacement the proposed substitution of channels would entail. It states that the station can continue broadcasting on another channel. However, there are very substantial problems with that assertion. Among those problems are the following:

1. IBN's tower lease is quite specific concerning the equipment and operating parameters. The lease does not permit the type of changes that Civic suggests.
2. The tower is heavily loaded, and it is highly doubtful that installation of a new antenna would be feasible.
3. If it were possible to rebuild the transmission facilities, either at the existing site or at a new site, the costs to do that, as well as the ongoing operational costs that UHF transmissions require, would be a very heavy burden for IBN.
4. Viewers are accustomed to watching IBN's station on channel 10, and a move to UHF would require many of them to purchase and install UHF antennas.
5. IBN believes that a move to UHF would restrict opportunities for future upgrading and substantially increase the likelihood of future displacement.

6. There is no certainty that the UHF channel Civic has proposed, or any other displacement channel, would be available to IBN. There are other stations in East Texas that have been unable to find displacement channels, and it seems probable that any available channel would be quickly taken.

## VI.

At page 8 of its comments, Civic states that IBN's station can improve its service pattern by rebuilding on the channel it suggests. It neglects to mention that IBN can improve its coverage on the channel it now has. IBN has been planning to upgrade the station to approximately 25 times its present effective radiated power. If Civic's application to take channel 10 is denied, IBN will promptly move forward with that upgrade, subject, of course, to the Commission's approval.

## VII.

The technical exhibit Civic attached to its comments, Exhibit A, suggests that the station would have "a greater predicted coverage area than that presently licensed." However, it then proceeds to compare *protected* contours rather than the more meaningful *Grade B coverage* contours. Because the ratio of protected contours to coverage contours is much less for VHF channels than for UHF channels, the contours shown in Civic's technical exhibit are misleading. They badly understate the station's present coverage. Moreover, Civic has failed to acknowledge IBN's plan to upgrade its existing facilities on channel 10. It should also be noted that there is no supporting data in Civic's Exhibit A. Lacking that data, the exhibit cannot be considered to be complete or reliable. Moreover, it seems very strange that, until Civic filed its comments on November 13, 2001, the owners of KTRE and KLTV repeatedly refused to provide to

IBN any specific information concerning possible displacement channels. After seeing Civic's comments, IBN immediately sent an e-mail to Civic's lawyers concerning the proposed channel substitution. Like so many other communications, there was no response. For these reasons and others, IBN has no confidence in Civic's technical exhibit.

VIII.

At pages 7 and 8 of its comments, Civic states that the proposed channel substitution would enable it to "commence DTV broadcasts at least six months faster than if the station remains on its currently allotted channel." That unsupported claim, like so many others Civic has made, is preposterous. There is no reason Civic cannot immediately begin construction on the channel it has been allotted. A substitution of channels would delay, not expedite, construction. The process of getting a new construction permit would take time, as would the inevitable administrative and judicial appeals. If Civic is serious about building its digital facility quickly, it should proceed under the existing construction permit without delay.

IX.

Neither these reply comments nor anything else should be construed as indicating that IBN believes Civic is the real party at interest in this proceeding. The issues raised in IBN's initial comments are of great importance and require investigation.

- 7 -

X.

For all of the reasons stated herein, and for all the reasons stated in IBN's initial comments, the proposed substitution of channels should be denied.

Respectfully submitted,

INTERNATIONAL BROADCASTING NETWORK

By its President

A handwritten signature in black ink, appearing to read "Paul J. Broyles". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

Paul J. Broyles  
5206 FM 1960 West, Suite 105  
Post Office Box 691111  
Houston, Texas 77269-1111

Telephone: 281-774-9922  
and 281-774-9923

E-Mail: [IBN@ev1.net](mailto:IBN@ev1.net)

November 27, 2001

**EXHIBIT A**

Attached to and made a part of the

**REPLY COMMENTS OF INTERNATIONAL BROADCASTING NETWORK**

**November 27, 2001**

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 73.622(b), ) MM Docket No. 01-244  
Table of Allotments, ) RM-10234  
Digital Television Broadcast Stations. )  
(Tyler, Texas) )

AFFIDAVIT

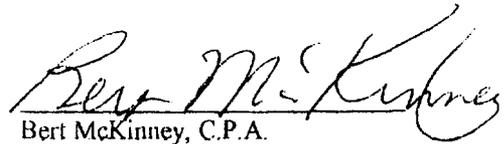
THE STATE OF TEXAS )  
 )  
COUNTY OF ANGELINA )

Bert McKinney, C.P.A., being first duly sworn, deposes and says:

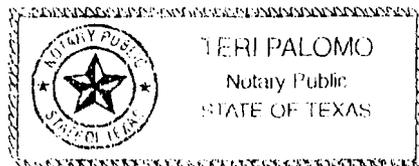
1. That he has examined numerous petitions signed by persons opposing the substitution of channels proposed in the above-captioned proceeding.
2. That all such petitions state the following:

The undersigned citizens, all of whom reside within the coverage area of KLTU or KTRE, strongly support International Broadcasting Network's opposition to the petitions filed by Civic License Holding Company, Inc., to amend the DTV Table of Allotments to substitute channels 10 and 11 for those previously assigned. Such a substitution would not be in the public interest and should therefore be denied.

3. That the petitions he has examined bear the original signatures of 6241 persons.
4. That many other similar petitions are still in circulation.
5. That the final signature count is expected to be well in excess of 10,000.
6. That one of the petitions, being representative of all and bearing the signatures of 21 persons, is attached hereto as Exhibit A.
7. That, upon request by the Federal Communications Commission, all such petitions will be filed in this proceeding.

  
Bert McKinney, C.P.A.

Sworn to and subscribed before me this 12th day of November 2001.



  
Notary Public, State of Texas

## PETITION

The undersigned citizens, all of whom reside within the coverage area of KLFV or KTRE, strongly support International Broadcasting Network's opposition to the petitions filed by Civic License Holding Company, Inc., to amend the DTV Table of Allotments to substitute channels 10 and 11 for those previously assigned. Such a substitution would not be in the public interest and should therefore be denied.

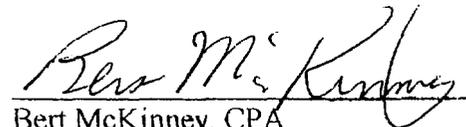
Signature	Address
Fealdino Hallamby	1209 Wantha Loop Wp 7560
Donald E. King	1010 Semin <sup>Loop</sup> Wp 7560
Mark Tatham	1624 Clinton St. Longview
Bob Sant	2017 Clinton <sup>St</sup> Longview 7560
William George	112 Summerfield Longview
Lu Donna Chapman	375 E Birch Longview
Fredy Closs	118 Little John St 7560
Grace Matton	981 Rt Longview
Jean Rhodes	2104 Brand Longview
Larry Rabenhardt	28 Brownwood Longview
Wesley Johnson	116 Little John St Longview
John Chapman	4610 Brady Lane Longview
Jane Cook	1711 Alvin St Longview
Russell Craft Sr	811 Longview
Russell Craft	2104 Laurel Longview
Fate Williams	174 Circle Longview
Mrs. Jerry	1717 Circle Longview
Lease Fagre	#20 Circle Longview
Stacy Jones	120 Line Longview
Grant Natshaw	28 Brownwood Longview
Paul Jones	#16 Pop St Longview 7560

Please promptly return the signed petition to  
International Broadcasting Network, Post Office Box 691111, Houston, Texas 77269-1111  
Thank you!

## CERTIFICATE OF SERVICE

I, Bert McKinney, CPA, hereby certify that on this 12<sup>th</sup> day of November 2001 a copy of the foregoing Affidavit has been served by first-class mail, postage prepaid, upon the following:

Scott S. Patrick  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, NW  
Suite 800  
Washington, DC 20036-6802  
(Counsel for Civic License Holding Company, Inc.)



Bert McKinney, CPA  
6 Windsor Court  
Lufkin, Texas 75901

**EXHIBIT B**

**Attached to and made a part of the**

**REPLY COMMENTS OF INTERNATIONAL BROADCASTING NETWORK**

**November 27, 2001**

**INTERNATIONAL BROADCASTING NETWORK**

5206 FM 1960 West, Suite 105

Post Office Box 691111

Houston, Texas 77269-1111

Telephone 281-774-9922

Certified Mail – Return Receipt Requested

7099 3400 0018 2318 6186 and

7099 3400 0018 2318 6179

October 2, 2001

W. Hayne Hipp  
Chairman, President and CEO  
The Liberty Corporation  
135 South Main Street  
Greenville, South Carolina 29601

James M. Keelor  
President  
Cosmos Broadcasting Corporation  
Post Office Box 502  
Greenville, South Carolina 29602-0502

Dear Messrs. Hipp and Keelor:

On May 1, 2000, your subsidiary Civic License Holding Company, Inc., began a stealth attack on IBN, quietly filing petitions and applications seeking to take channels 10 and 11 away from IBN's stations in Longview and Lufkin, Texas. Because of adjacent channel interference considerations, IBN's station in Crockett, Texas, was endangered as well. There was no advance consultation with IBN, and no notice was given to IBN.

Several weeks after the filings were made, IBN learned of the matter from the FCC's public records and promptly sent representatives to your company's stations in Tyler and Lufkin to make appropriate inquiries. A company official assured our representative that the filings had been a mistake and that steps to correct the mistake would be undertaken.

Subsequent efforts to contact the president of Civic were unsuccessful. Moreover, our contacts with other representatives of your company have been less than satisfactory. While asking for our patience, your company has continued to aggressively and surreptitiously pursue IBN's channels. We believe there has been a deliberate effort to mislead, deceive and defraud us.

This matter is now quite urgent. Accordingly, it is requested that the offending petitions and applications be immediately withdrawn and that there be no further efforts to shut down any of IBN's stations.

Very truly yours,



Paul J. Broyles  
President

cc: *Via Facsimile – 864-609-4390 and 864-241-5489*



\*\*\*\* WELCOME TO \*\*\*\*  
 CORNERSTONE  
 HOUSTON, TX 77014-9998  
 10/02/01 04:30PM

Store USPS Trans 108  
 Wkstn sys5004 Cashier KSMWBF  
 Cashier's Name SHERRY  
 Stock Unit Id WINSHERRY  
 PO Phone Number 800-275-8777

1. First Class 3.94  
 Destination: 29601  
 Weight: 0.50oz  
 Postage Type: PVI  
 Total Cost: 3.94  
 Base Rate: 0.34

SERVICES  
 Certified Mail 2.10  
 Return Receipt 1.50

2. First Class 3.94  
 Destination: 29602  
 Weight: 0.50oz  
 Postage Type: PVI  
 Total Cost: 3.94  
 Base Rate: 0.34

SERVICES  
 Certified Mail 2.10  
 Return Receipt 1.50

Subtotal 7.88  
 Total 7.88  
 Personal/ Business Check 7.88

Number of Items Sold: 2

Thank You  
 Please come again!

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

GREENVILLE, SC 29602

Postage	\$ 0.34	UNIT ID: 0051
Certified Fee	2.10	
Return Receipt Fee (Endorsement Required)	1.50	Postmark Here
Restricted Delivery Fee (Endorsement Required)		Clerk: KSMWBF
Total Postage & Fees	\$ 3.94	10/02/01

Recipient's Name (Please Print Clearly) (to be completed by mailer)  
 James M. Keelor, President  
 Cosmos Broadcasting Corporation  
 Post Office Box 502  
 Greenville, S. C. 29602-0502

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

GREENVILLE, SC 29601

Postage	\$ 0.34	UNIT ID: 0051
Certified Fee	2.10	
Return Receipt Fee (Endorsement Required)	1.50	Postmark Here
Restricted Delivery Fee (Endorsement Required)		Clerk: KSMWBF
Total Postage & Fees	\$ 3.94	10/02/01

Recipient's Name (Please Print Clearly) (to be completed by mailer)  
 W. Hayne Hipp, Chairman, Pres. CEO  
 The Liberty Corporation  
 135 South Main Street  
 Greenville, S.C. 29601

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 James M. Keelor  
 President  
 Cosmos Broadcasting Corporation  
 Post Office Box 502  
 Greenville, S. C. 29602-0502

2. Article Number (Transfer from service label) 7099 3400 0018 2318 6179

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) *W. Hayne Hipp* B. Date of Delivery *OCT-6-2001*  
 C. Signature *W. Hayne Hipp*  
 Agent  
 Addressee  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 W. Hayne Hipp  
 Chairman, President and CEO  
 The Liberty Corporation  
 135 South Main Street  
 Greenville, S. C. 29601

2. Article Number (Transfer from service label) 7099 3400 0018 2318 6186

PS Form 3811, March 2001

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

DEBRA MARY 10-29-01

C. Signature

x Debra Mary

Agent

Addressee

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

Domestic Return Receipt

102595-01-M-1424

**INTERNATIONAL BROADCASTING NETWORK**

5206 FM 1960 West, Suite 105

Post Office Box 691111

Houston, Texas 77269-1111

Telephone 281-774-9922

Certified Mail – Return Receipt Requested

7099 3400 0018 2318 6162

October 4, 2001

President  
Civic License Holding Company, Inc.  
715 South Jefferson Street  
Jackson, Mississippi 39205

Dear Sir:

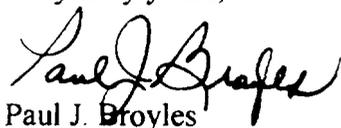
On May 1, 2000, Civic License Holding Company, Inc., hereinafter referred to as "Civic", filed petitions and applications seeking to take channels 10 and 11 away from IBN's stations in Longview and Lufkin, Texas. Since that time, we have made numerous unsuccessful attempts to contact you.

Serious questions have arisen about your company, its ownership and control and its operation of KLTV, KTRE and WLBT. Accordingly, we will appreciate your clarification of the following issues:

1. After Civic's acquisition of KLTV, KTRE and WLBT, did any prior owner or other unauthorized person continue to exercise any degree of management control?
2. When did The Liberty Corporation or its subsidiary Cosmos Broadcasting Corporation begin to exercise any degree of management control over KLTV, KTRE, WLBT or Civic?
3. Was either The Liberty Corporation or Cosmos Broadcasting Corporation involved in any manner in the preparation or filing of the above-mentioned petitions and applications?
4. What relationship now exists between The Liberty Corporation, Cosmos Broadcasting Corporation and Civic?
5. What entity now owns and operates KLTV, KTRE and WLBT?

This matter is urgent. Your immediate response will be appreciated.

Very truly yours,



Paul J. Broyles  
President



\*\*\*\*\* WELCOME TO \*\*\*\*\*  
 CORNERSTONE  
 HOUSTON, TX 77014-9998  
 10/04/01 03:11PM

Store USPS Trans 93  
 Wkstn sys5002 Cashier KHP49M  
 Cashier's Name CHRISTINE  
 Stock Unit Id WINCHRISTINE  
 PO Phone Number 800-275-8777

1. First Class 3.94  
 Destination: 39205  
 Weight: 0.50oz  
 Postage Type: PVI  
 Total Cost: 3.94  
 Base Rate: 0.34  
 SERVICES  
 Certified Mail 2.10  
 Return Receipt 1.50

Subtotal 3.94  
 Total 3.94  
 Personal/ Business Check 3.94

Number of Items Sold: 1

Thank You  
 Please come again!

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 President  
 Civic License Holding Company, Inc.  
 715 South Jefferson Street  
 Jackson, Mississippi 39205

2. Article Number  
 (Transfer from service label) 7099 3400 0018 2318 6162

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)  Date of Delivery 10-9-01

C. Signature  *Sally A. Prock*  Agent  
 Addressee

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

**U.S. Postal Service  
 CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

7099 3400 0018 2318 6162

JACKSON, MS 39205		
Postage	\$ 0.34	UNIT ID: 0051  Postmark Here  Clerk: KHP49M  10/04/01
Certified Fee	2.10	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 3.94	

Recipient's Name (Please Print Clearly) (to be completed by mailer)  
 President, Civic License Holding Company, Inc.  
 Street, Apt. No., Company, Inc.  
 715 South Jefferson Street  
 City, State, ZIP+4  
 Jackson, MS 39205

PS Form 3811, March 2001 See Reverse for Instructions

## **INTERNATIONAL BROADCASTING NETWORK**

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**From:** INTERNATIONAL BROADCASTING NETWORK <IBN@ev1.net>  
**To:** <jkeelor@libertycorp.com>  
**Sent:** Tuesday, October 30, 2001 11:59 AM

October 30, 2001

James M. Keelor, President  
Cosmos Broadcasting Corporation  
Greenville, South Carolina

Dear Mr. Keelor,

We are extremely disappointed in the false statements you made to The Lufkin Daily News last week.

The pattern of deceit that your companies have engaged in for the past 18 months is beyond anything we could have imagined. We believe your companies' conduct raises serious issues regarding their fitness to hold broadcasting licenses.

The purpose of this message, however, is to request that you immediately send us copies of every document your companies have filed, or caused to be filed, with the FCC in regard to the proposed substitution of DTV channels for KLTV and KTRE. Although IBN was directly impacted, none of those documents was ever served on IBN.

Additionally, we request that any future filings made in connection with this matter be served on IBN.

As you know, IBN's mailing address is as follows:

Paul J. Broyles, President  
International Broadcasting Network  
Post Office Box 691111  
Houston, Texas 77269-1111

The street address, which should be used only for courier deliveries, is as follows:

Paul J. Broyles, President  
International Broadcasting Network  
5206 FM 1960 West, Suite 105  
Houston, Texas 77069

Because of the obvious urgency, we prefer that the documents be sent by FedEx, Airborne or UPS for overnight delivery. If you wish, IBN will pay the delivery charges.

Your immediate attention to this very important matter will be appreciated.

Paul J. Broyles, President  
International Broadcasting Network

cc: Via Facsimile -- 864-609-4390 and 864-241-5489

## **INTERNATIONAL BROADCASTING NETWORK**

---

**From:** INTERNATIONAL BROADCASTING NETWORK <IBN@ev1.net>  
**To:** <jkeelor@libertycorp.com>  
**Sent:** Thursday, November 01, 2001 10:54 AM  
**Subject:** Fw: Documents received from you today

November 1, 2001

Mr. Keelor,

After receiving certain documents from Mr. Patrick, we sent this message to acknowledge receipt and inquire whether there may be some missing items. Perhaps it would be best that the request come from you. We are awaiting a response.

Paul J. Broyles, President  
 International Broadcasting Network  
 5206 FM 1960 West, Suite 105  
 Houston, Texas 77269-1111

----- Original Message -----

**From:**  
**To:**  
**Sent:** Wednesday, October 31, 2001 3:21 PM  
**Subject:** Documents received from you today

October 31, 2001

Scott S. Patrick, Esquire  
 Dow, Lohnes & Albertson, PLLC  
 Attorneys at Law  
 Washington, D.C. 20036-6802

Dear Mr. Patrick,

We have today received your letter of yesterday, with which were enclosed copies of the following documents:

Lufkin, Texas (KTRE-DT)

1. Letter dated May 1, 2000, from Wiley, Rein & Fielding, together with enclosures
2. Letter dated January 30, 2001, from Dow, Lohnes & Albertson, together with an enclosure
3. Letter dated March 16, 2001, from Dow, Lohnes & Albertson, together with an enclosure
4. Further Supplement, dated August 15, 2001 (no cover letter)

Tyler, Texas (KLTV-DT)

1. Letter dated May 1, 2000, from Wiley, Rein & Fielding, together with enclosures
2. Letter dated March 16, 2001, from Dow, Lohnes & Albertson, together with an enclosure
3. Letter dated July 13, 2001, from Dow, Lohnes & Albertson (no enclosure)
4. Further Supplement, dated August 15, 2001 (no cover letter)

We note that there is no January 30, 2001, letter for Tyler and no July 13, 2001, letter for Lufkin. Are we missing two documents?

We also note that no document includes a certificate of service. Was there a certificate of service for any of the filings?

Although IBN was directly impacted, there was, in fact, no actual service on IBN. We are quite surprised that the filings

were made without notice to IBN.

If we are missing any document or any certificate attached to a document, we would appreciate your sending us the missing items immediately.

Thank you.

Paul J. Broyles, President  
International Broadcasting Network  
5206 FM 1960 West, Suite 105  
Houston, Texas 77069

## **INTERNATIONAL BROADCASTING NETWORK**

---

**From:** INTERNATIONAL BROADCASTING NETWORK <IBN@ev1.net>  
**To:** Keelor, Jim <jkeelor@libertycorp.com>  
**Cc:** Keelor, Jim <jkeelor@libertycorp.com>; Jim Asp <jasp@visi.com>  
**Sent:** Friday, November 02, 2001 10:25 AM  
**Subject:** Fw: Documents received from you today

November 2, 2001

Mr. Keelor,

Please let us know when we will be receiving the documents and certificates that seem to be missing. This is quite urgent.

Paul J. Broyles, President  
International Broadcasting Network  
5206 FM 1960 West, Suite 105  
Houston, Texas 77269-1111

----- Original Message -----

**From:**  
**To:**  
**Sent:** Thursday, November 01, 2001 12:14 PM  
**Subject:** RE: Documents received from you today

-----Original Message-----

**From:** INTERNATIONAL BROADCASTING NETWORK [ ]  
**Sent:** Thursday, November 01, 2001 11:55 AM  
**To:** Keelor, Jim  
**Subject:** Fw: Documents received from you today

November 1, 2001

Mr. Keelor,

After receiving certain documents from Mr. Patrick, we sent this message to acknowledge receipt and inquire whether there may be some missing items. Perhaps it would be best that the request come from you. We are awaiting a response.

Paul J. Broyles, President  
International Broadcasting Network  
5206 FM 1960 West, Suite 105  
Houston, Texas 77269-1111

----- Original Message -----

**From:**  
**To:**  
**Sent:** Wednesday, October 31, 2001 3:21 PM  
**Subject:** Documents received from you today

October 31, 2001

Scott S. Patrick, Esquire  
Dow, Lohnes & Albertson, PLLC  
Attorneys at Law  
Washington, D.C. 20036-6802

Dear Mr. Patrick,

We have today received your letter of yesterday, with which were enclosed copies of the following documents:

Lufkin, Texas (KTRE-DT)

1. Letter dated May 1, 2000, from Wiley, Rein & Fielding, together with enclosures
2. Letter dated January 30, 2001, from Dow, Lohnes & Albertson, together with an enclosure
3. Letter dated March 16, 2001, from Dow, Lohnes & Albertson, together with an enclosure
4. Further Supplement, dated August 15, 2001 (no cover letter)

Tyler, Texas (KLTV-DT)

1. Letter dated May 1, 2000, from Wiley, Rein & Fielding, together with enclosures
2. Letter dated March 16, 2001, from Dow, Lohnes & Albertson, together with an enclosure
3. Letter dated July 13, 2001, from Dow, Lohnes & Albertson (no enclosure)
4. Further Supplement, dated August 15, 2001 (no cover letter)

We note that there is no January 30, 2001, letter for Tyler and no July 13, 2001, letter for Lufkin. Are we missing two documents?

We also note that no document includes a certificate of service. Was there a certificate of service for any of the filings?

Although IBN was directly impacted, there was, in fact, no actual service on IBN. We are quite surprised that the filings were made without notice to IBN.

If we are missing any document or any certificate attached to a document, we would appreciate your sending us the missing items immediately.

Thank you.

Paul J. Broyles, President  
International Broadcasting Network  
5206 FM 1960 West, Suite 105  
Houston, Texas 77069

**INTERNATIONAL BROADCASTING NETWORK**

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**From:** INTERNATIONAL BROADCASTING NETWORK <IBN@ev1.net>  
**To:** Steven Smith <sasmith@libertycorp.com>  
**Cc:** <Abedard@ktre.com>; <Dworley@ktre.com>  
**Sent:** Thursday, September 20, 2001 4:11 PM  
**Subject:** Fw: DTV

September 20, 2001

Dear Mr. Smith,

On August 24, Artie Bedard forwarded to you our e-mail of the same date. We are still awaiting your response.

This is a matter of great urgency. Please let us hear from you without further delay.

Thank you.

Paul J. Broyles, President  
International Broadcasting Network  
5206 FM 1960 West, Suite 105  
Post Office Box 691111  
Houston, Texas 77269-1111

----- Original Message -----

**From:**  
**To:**  
**Cc:**  
**Sent:** Friday, August 24, 2001 2:31 PM  
**Subject:** RE: DTV

-----Original Message-----

**From:** INTERNATIONAL BROADCASTING NETWORK [ ]  
**Sent:** Friday, August 24, 2001 2:13 PM  
**To:**  
**Subject:** DTV

August 24, 2001

Dear Ms. Bedard,

Several days ago, we heard that Steve Smith had been in Lufkin to select DTV equipment.

Has a decision been made for KLTV and KTRE to go ahead with the UHF channels under the current construction permits? If so, that would be very good news.

Your company's decisions on DTV are extremely important to IBN since three of our stations would be knocked off the air were KLTV and KTRE to switch from their assigned DTV channels to channels 10 and 11.

Please share this information with us.

Best personal regards.

Paul

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Paul J. Broyles, President  
International Broadcasting Network  
5206 FM 1960 West, Suite 105  
Post Office Box 691111  
Houston, Texas 77269-1111



**INTERNATIONAL BROADCASTING NETWORK**

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**From:** INTERNATIONAL BROADCASTING NETWORK <IBN@ev1.net>  
**To:** Steven Smith <sasmith@libertycorp.com>  
**Cc:** <Abedard@ktre.com>; <Dworley@ktre.com>  
**Sent:** Monday, September 24, 2001 2:13 PM  
**Subject:** KLTV and KTRE

September 24, 2001

Mr. Steven Smith, Vice President  
Cosmos Broadcasting Corporation

Dear Mr. Smith,

It has now been a full month since Ms. Bedard forwarded to you IBN's e-mail of August 24. We are still awaiting your response.

Moreover, it has been nearly 17 months since a subsidiary of your company filed petitions and applications which, if granted, would force three of IBN's stations off the air. Although those petitions and applications were a direct threat to IBN, there was no advance consultation or even notice. Furthermore, our persistent efforts to reach responsible officials within the Cosmos/Civic organization have been unsuccessful. Frankly, we do not understand your company's secrecy and unwillingness to engage in meaningful communication about a matter of such vital importance to us and to the communities we serve.

This is a matter of the utmost urgency. We again request that you respond without further delay.

Paul J. Broyles, President  
International Broadcasting Network  
5206 FM 1960 West, Suite 105  
Post Office Box 691111  
Houston, Texas 77269-1111

----- Original Message -----

**From:**  
**To:**  
**Cc:**  
**Sent:** Thursday, September 20, 2001 5:11 PM  
**Subject:** Fw: DTV

September 20, 2001

Dear Mr. Smith,

On August 24, Artie Bedard forwarded to you our e-mail of the same date. We are still awaiting your response.

This is a matter of great urgency. Please let us hear from you without further delay.

Thank you.

Paul J. Broyles, President  
International Broadcasting Network  
5206 FM 1960 West, Suite 105  
Post Office Box 691111  
Houston, Texas 77269-1111

----- Original Message -----

**From:**  
**To:**  
**Cc:**  
**Sent:** Friday, August 24, 2001 2:31 PM  
**Subject:** RE: DTV

-----Original Message-----

**From:** INTERNATIONAL BROADCASTING NETWORK [ ]

**Sent:** Friday, August 24, 2001 2:13 PM

**To:**

**Subject:** DTV

August 24, 2001

Dear Ms. Bedard,

Several days ago, we heard that Steve Smith had been in Lufkin to select DTV equipment.

Has a decision been made for KLTN and KTRE to go ahead with the UHF channels under the current construction permits? If so, that would be very good news.

Your company's decisions on DTV are extremely important to IBN since three of our stations would be knocked off the air were KLTN and KTRE to switch from their assigned DTV channels to channels 10 and 11.

Please share this information with us.

Best personal regards.

Paul

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Paul J. Broyles, President  
International Broadcasting Network  
5206 FM 1960 West, Suite 105  
Post Office Box 691111  
Houston, Texas 77269-1111

## **INTERNATIONAL BROADCASTING NETWORK**

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**From:** INTERNATIONAL BROADCASTING NETWORK <IBN@ev1.net>  
**To:** Steven Smith <sasmith@libertycorp.com>  
**Cc:** <Abedard@ktre.com>; <Dworley@ktre.com>  
**Sent:** Wednesday, September 26, 2001 5:32 PM  
**Subject:** Re: KLTV and KTRE DTV

September 26, 2001

Mr. Steven Smith, Vice President  
Cosmos Broadcasting Corporation

Dear Mr. Smith,

Thank you for your response of yesterday to our messages of August 24, September 20 and September 24.

Unfortunately, we regard your response as being both misleading and disingenuous. You must think we are incredibly naive and gullible. You have not set the record straight but, rather, you have continued the pattern of obfuscation that has been followed for nearly 17 months.

On May 1, 2000, the owners of KLTV and KTRE began a stealth attack on IBN, filing petitions and applications seeking to take channels 10 and 11 away from IBN's stations in Longview and Lufkin. Because of adjacent channel interference considerations, IBN's station in Crockett was endangered as well. This was done with neither advance consultation nor notice to IBN.

After we learned of the matter from the FCC's public records, IBN was assured that a mistake had been made and that steps to correct the mistake would be undertaken. Notwithstanding that assurance, the mistake was not corrected and the petitions and applications were not withdrawn.

It is quite obvious that your company's strategy has been to ask for patience and forbearance, to hold out bogus hints of possible assistance and to disseminate misinformation while moving aggressively and surreptitiously to achieve its unworthy objectives. In doing so, it appears that responsible officials of your company have hidden behind local station personnel who may themselves have been misinformed.

In this context, and in view of your continued refusal to inform us of the alternative channels you claim to be available, we must reiterate our request that the offending petitions and applications be promptly withdrawn and that there be no further efforts to shut down any of IBN's stations.

Paul J. Broyles, President  
International Broadcasting Network  
5206 FM 1960 West, Suite 105  
Post Office Box 691111  
Houston, Texas 77269-1111

## **INTERNATIONAL BROADCASTING NETWORK**

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**From:** INTERNATIONAL BROADCASTING NETWORK <IBN@ev1.net>  
**To:** <Abedard@ktre.com>  
**Sent:** Friday, June 22, 2001 10:52 AM  
**Subject:** Re: KTRE Channel Application

June 22, 2001

Dear Ms. Bedard,

Thank you for your message. We're looking forward to receiving some good news after your conference call.

My telephone number here at the main office is 281-774-9923. I will be in and out of the office this afternoon, so e-mail would be the best means of contacting me.

I hope you're enjoying Lufkin. It's a great town, and KTRE is a great station.

Best regards.

Paul

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Paul J. Broyles, President  
 International Broadcasting Network  
 5206 FM 1960 West, Suite 105  
 Post Office Box 691111  
 Houston, Texas 77269-1111

----- Original Message -----

From: Artie Bedard < >  
 To: < >  
 Sent: Thursday, June 21, 2001 5:36 PM  
 Subject: KTRE Channel Application

>  
 > June 21, 2001  
 >  
 > Dear Mr. Broyles,  
 >  
 > Trying to bring me up to speed, Dean Worley forwarded a copy of the your  
 > 6/11 email to me. I was named the new General Manager at KTRE in late  
 > April  
 > and he was trying to bring me up to speed on this issue.  
 >  
 > Dean and I have scheduled a 2:00pm conference call with the Vice-President  
 > of Engineering tomorrow, June 22, 2001. I hope we will have some news for  
 > you then.  
 >  
 > Please accept my apologies regarding the lack of response. Much of the  
 > negotiations have been handled at the headquarter level.  
 >  
 > Please give me a telephone number where you can be reached.  
 >  
 > Again, thanks for your patience.  
 >  
 > Artie Bedard  
 >  
 >

>