

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of )  
 )  
Remedial Steps For Failure to Comply With )  
Digital Television Construction Schedule ) MM Docket No. 02-113  
 )

To: The Commission

**PETITION FOR LEAVE TO SUBMIT COMMENTS**

Pollack/Belz Communication Co., Inc. (“Pollack”), licensee of television broadcast station KLAX-TV, Alexandria, Louisiana, by its counsel, hereby requests leave to submit the attached Comments in the above-captioned proceeding.

The Comments were prepared for submission yesterday (July 8, 2002), the published filing date. The Comments were prepared on office computers using the Microsoft Windows operating system, but were submitted electronically via a home computer using the Apple operating system. Documents in Microsoft Word format had been exchanged between computers using the different operating systems before July 8 without difficulty. In addition, documents in Microsoft Word format had been submitted to the Commission via the ECFS on previous occasions from computers operating on both the “Wintel” and “Macintosh” platforms.

On this occasion, however, counsel encountered several software translation errors. Counsel attempted the necessary revisions, as well as conversion of the Comments into a PDF document, but the time before the midnight filing deadline was insufficient to complete this task. Counsel therefore submitted the un-revised Comments in Microsoft Word format just before midnight.

Even though the Comments were sent to the FCC’s computer shortly before midnight, the Electronic Comment Filing System (the “ECFS”) did not provide confirmation of the filing until a

couple of minutes past midnight Eastern Daylight Time. The FCC's records therefore reflect a July 9, 2002, date of submission even though in most of the nation it was still July 8.

As feared, when ECFS translated the Comments into an Adobe Acrobat PDF document, many software translation errors appeared that were not in the Comments as prepared on the office computers of counsel for Pollack. For the Commission's convenience, a "clean" version of the Comments – free of software translation errors -- is attached hereto in PDF format.

At first, all that happens with initial comments until the record closes is that parties review them with an eye to preparation of reply comments. Pollack's Comments were available for review no later than those of parties filing earlier on July 8. Therefore, as a practical matter, no participant in this proceeding has suffered any prejudice as a result of these Comments being recognized as filed at two minutes past midnight.

Counsel confirmed this fact by attempting to retrieve copies of comments filed in this proceeding. At approximately 12:15 a.m. EDT on July 9, 2002, none of the comments submitted on July 8 were yet available to the public via the ECFS. However, by the time the business day began, the Comments of Pollack were available, along with those that had been submitted by other parties shortly before. Accordingly, no party to this proceeding was prejudiced by the minor delay in the time of FCC acceptance of the Comments.

The minute delay in the receipt time on the filing of these Comments was produced by confusion associated with the transition to electronic filing. Some flexibility in allowing parties to work through the idiosyncrasies of the ECFS is appropriate in this transition period. Finally, the FCC's deliberations in the public interest would be best served if the Commission considers Pollack's Comments in that the Commission will benefit from the most complete record possible.

In view of the foregoing, the timing of the acknowledgment of Pollack's Comments is not, on balance, sufficient cause to prevent the FCC's consideration of their merit. No other participants in this proceeding were prejudiced as a result of the electronic acceptance of Pollack's Comments just two minutes into the next day under Eastern Daylight Time. Accordingly, Pollack requests that its Comments be accepted as part of the record in this proceeding.

Respectfully submitted,

**POLLACK / BELZ COMMUNICATION  
CO., INC.**

By: \_\_\_\_\_

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Dated: July 9, 2002