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

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In the Matters of )  
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Amendment of Section 73.622(b), )  
Table of Allotments, )  
Digital Television Broadcast Stations )  
(Jackson, Mississippi) )

MM Docket No. 01-43  
RM-10041

To. Chief, Video Division, Media Bureau

**COMMENTS IN SUPPORT OF  
JOINT REQUEST FOR APPROVAL OF SETTLEMENT**

1. KM Communications, Inc. ("KM"), an applicant for a new analog commercial television station on Channel 51 at Jackson, Mississippi (File No. BPCT-960930LW, Facility ID No. 84477), by its counsel, respectfully submits these comments in support of the Joint Request for Approval of Settlement (the "Joint Request") filed by CivCo, Inc. ("CivCo"), Gene A. Blalock ("Blalock") and Mississippi Television, LLC ("MissTV") in the above-captioned rule making proceeding. KM supports Commission approval of the settlement proposed in the Joint Request, since the settlement would resolve this long-pending proceeding in a manner that would serve the public interest, and would permit the applications filed by KM and other competing applicants for a new full power commercial television station on analog Channel 51 at Jackson, Mississippi to proceed to a Commission auction. In support of these supporting comments, KM respectfully submits the following:

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2. A notice of proposed rule making<sup>1</sup> was adopted in this proceeding in response to a petition for rule making filed on May 1, 2000 (the "Petition") and supplemented on January 2, 2001 (the "Supplement") by Civic License Holding Company, Inc. ("Civic"), the predecessor-in-interest to CivCo and licensee of WLBT-TV, analog Channel 3, Jackson, Mississippi (Facility ID No. 68542, "WLBT"). The NPRM and the Petition proposed the substitution of digital television ("DTV") Channel 9 for the DTV Channel 51 currently allotted to Jackson, Mississippi as the second paired DTV channel for WLBT.

3. KM timely-filed comments and reply comments in this proceeding<sup>2</sup> in support of the substitution of DTV Channel 9 for DTV Channel 51 at Jackson, Mississippi, as proposed by Civic, and therefore KM is a party to this proceeding. In its Comments and Reply, KM noted that it is one of nine applicants for a construction permit for a new analog television station on Channel 51 at Jackson, Mississippi, which would be precluded by the current DTV Channel 51 allotment for WLBT. However, in response to Commission Public Notices,<sup>3</sup> KM and other applicants for analog

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<sup>1</sup> See Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Jackson, Mississippi), MM Docket No. 01-43, RM-10041, Notice of Proposed Rule Making, DA 01-388 (Video Services Division, released February 20, 2001)(the "NPRM").

<sup>2</sup> See Comments of KM Communications, Inc., filed April 13, 2001 ("Comments"), and Reply Comments of KM Communications, Inc. filed April 30, 2001 ("Reply").

<sup>3</sup> See Public Notice, Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations, DA 99-2605 (released November 22, 1999); see also, Public Notice, Window Filing Opportunity For Certain Pending Applications and Allotment Petitions for New Analog TV Stations Extended to July 15, 2000, DA 00-536 (released March 9, 2000)(together, the "Window Public Notice"). In the Public Notice, the Commission allowed applicants for new analog television stations on allotments that conflicted with DTV allotments an opportunity to file an amendment to their application and/or a petition for rule making to change the analog allotment to a channel below Channel 60 which would not conflict with any DTV station allotments, authorizations, applications or allotment petitions.

Channel 51 filed petitions for rule making and amendments thereto proposing the substitution of an alternate channel for analog Channel 51 at Jackson, which remain pending but would become moot and could be dismissed upon the grant of the Joint Request and the requested substitution of DTV Channel 9 for DTV Channel 51 as the second paired channel for DTV for WLBT.

4. KM's petition for rule making (to change the analog Channel 51 at Jackson allotment) noted that the Petition to change WLBT's DTV Channel 51 allotment was pending, and specifically requested that the proposed channel substitution for analog Channel 51 be held in abeyance pending action on the Petition, noting that the proposed change in the analog Channel 51 allotment would not be necessary if DTV Channel 9 was substituted for DTV Channel 51 at Jackson. KM asserted in its Comments and Reply, and reiterates here, that grant of the proposed substitution of DTV Channel 9 for DTV Channel 51 at Jackson as the second paired DTV channel for WLBT would serve the public interest and would be the most preferential arrangement of allotments. In addition to the public interest benefits that Civic identified in the Petition and the Supplement, and as CivCo recognized and listed in the Joint Request, see Joint Request at 2, the proposed substitution would permit the processing and grant of one of the pending analog Channel 51 applications without a change of the analog channel, bringing a new commercial television service to the Jackson market.

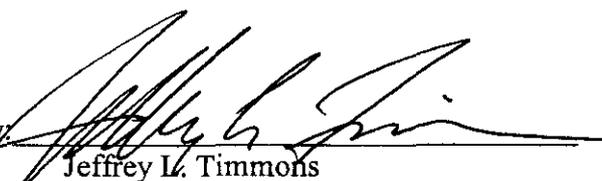
5. KM is pleased that CivCo and Blairlock were able to reach a mutually agreeable settlement, that will result in the change of WLBT's DTV channel allotment from Channel 51 to Channel 9, and permit Blairlock to co-locate and upgrade its Class A station WBMS-CA, Channel 10, Jackson, Mississippi; indeed, KM proposed this solution almost three years ago, in its Reply in this proceeding. See Reply at ¶¶ 9-11. Since this mutually beneficial solution would serve the

public interest, the Commission should act promptly to grant the Joint Request, and resolve this proceeding as soon as possible.

6. Wherefore, the above-premises being considered, KM supports the grant of the Joint Request, and the proposed substitution of DTV Channel 9 for DTV Channel 51 at Jackson, Mississippi, as the second paired DTV channel for WLBT, as well as the other actions proposed therein, and submits that the public interest would be best served thereby since the proposed DTV channel change would also facilitate the resolution of the pending applications (including KM's application) for a construction permit for a new commercial television station on analog Channel 51 serving Jackson, Mississippi.

Respectfully submitted,

**KM Communications, Inc.**

By   
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March 24, 2004 (for filing by overnight courier on March 25, 2004)

**CERTIFICATE OF SERVICE**

I, Jeffrey L. Timmons, hereby certify that on this 24<sup>th</sup> day of March, 2004, copies of the foregoing "Comments in Support of Joint Request for Approval of Settlement" have been served by Federal Express and then hand delivery (marked with an "\*\*") or by United States first class or priority mail, postage prepaid, upon the following:

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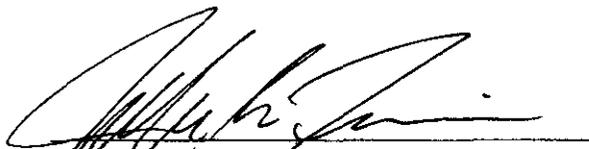
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