

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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In the Matter of)
)
FORT MYERS BROADCASTING COMPANY)
WINK-DT, Fort Myers, Florida)
)
For Construction Permit for New)
Digital Television Station on)
Digital Channel 9)

Federal Communications Commission
Office of Secretary

MM Docket No. 00-180
RM-9956
File No. BPCDT-19991029ADW
Facility ID No. 22093

DOCKET FILE COPY ORIGINAL

TO: The Secretary
ATTN: Chief, Video Division, Media Bureau

PETITION FOR PARTIAL RECONSIDERATION

Caloosa Television Corporation (Caloosa), by its attorney, and pursuant to Section 1.106 of the FCC's Rules, hereby respectfully submits this "Petition for Partial Reconsideration" of the letter ruling of the Chief, Video Division, Media Bureau, DA 04-3646, dated and released November 23, 2004, granting a DTV construction permit on channel 9 to Fort Myers Broadcasting Company (FMBC), licensee of WINK-TV, Fort Myers, Florida.

1. The purpose of this petition not to challenge WINK-TV's digital construction permit grant. Rather, Caloosa and FMBC had a settlement agreement and a "Joint Request for Approval of Settlement" pending before the Commission.

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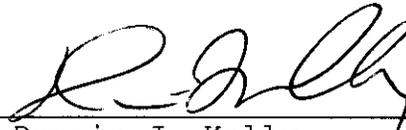
Earlier this year, the Video Bureau ruled that Caloosa's WBSP-CA, licensed on analog Channel 9 at Naples, Florida, had forfeited its license under the Bureau's reading of 47 U.S.C. §312(g). Caloosa timely filed a "Petition for Reconsideration" of that action, which is unopposed; in fact, FMBC filed a pleading supporting the grant of reconsideration.

2. Rather, the purpose of this petition is to request the Video Bureau to act upon and approve the Caloosa/FMBC settlement agreement (under which Caloosa agreed to move WBSP-CA to Channel 7, and FMBC agreed to pay certain expenses of Caloosa, which Caloosa actually has incurred to date). This settlement agreement is part of the record in the above-captioned matter; as such, Caloosa seeks partial reconsideration of the November 23, 2004 letter ruling in order to secure a ruling on the settlement agreement.

WHEREFORE, it is urged that this Petition for Partial Reconsideration **BE GRANTED**.

Respectfully submitted,

CALOOSA TELEVISION CORPORATION

By 
Dennis J. Kelly
~~Its~~ ~~their~~ Attorney

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December 23, 2004

CERTIFICATE OF SERVICE

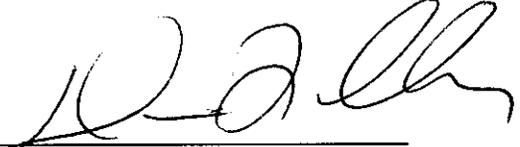
It is hereby certified that a true copy of the foregoing "Petition for Partial Reconsideration" was served by first-class United States mail, postage prepaid, on this 23rd day of December, 2004 upon the following:

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