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

In re Application of)
GLOBAL NEWS CONSULTANTS, LLC)
For License to Cover Construction Permit)
for Modified Facilities and Program Test)
Authority for KYTS(FM), Manderson,)
Wyoming)

File No. BLH-20110225ACI
File No. 20110225ADN
Facility ID No. 165979

FILED/ACCEPTED

MAR - 9 2011

Directed to: Office of the Secretary
Attention: Audio Division, Media Bureau

Federal Communications Commission
Office of the Secretary

INFORMAL OBJECTION

Cochise Broadcasting LLC ("Cochise"), by its attorneys, hereby submits its Informal Objection to the above-captioned application of Global News Consultants, LLC ("Global") for license to cover construction permit for the modified facilities of KYTS, Manderson, Wyoming, and in particular the request for early program test authority prior to satisfaction of a special operating condition imposed by the underlying construction permit. With respect thereto, the following is stated:

Cochise is the licensee of KWWY(FM), Shoshoni, Wyoming. KWWY is subject to an involuntary change of channel due to grant of Global's application for modification of the facilities of KYTS, File No. BMPH-20091006ACU. The grant of the modification construction permit sought by Global for KYTS included the specific condition, printed in all capital letters in the original, that

PROGRAM TESTS FOR KYTS(FM) (FACILITY ID No. 165979) WILL NOT COMMENCE ON CHANNEL 289C1 WITH THE FACILITIES SPECIFIED HEREIN UNTIL PROGRAM TESTS FOR KWWY(FM) (FACILITY ID No. 166053) COMMENCE ON CHANNEL 293C1 AND A LICENSE WILL NOT BE GRANTED FOR KYTS ON CHANNEL 289C1 WITH THE FACILITIES SPECIFIED HEREIN UNTIL A LICENSE IS GRANTED FOR KWWY ON CHANNEL 293C1.

Now, Global has filed a license application in which it has requested that this condition be waived, apparently because it would like to commence operation of its modified facilities now, rather than to wait until the condition is satisfied.

Cochise, as licensee of KWWY, while understanding of Global's desire to move ahead with its newly constructed facilities, objects to its blithe brush-off of a condition imposed by the Commission. The Commission's staff clearly had a reason for including the condition in the construction permit, and the staff emphasized the condition's importance by typing it in all capital letters. The underlying purpose for the operating condition was to prevent the prohibited overlap and potential interference that would occur if KYTS and KWWY operated simultaneously before KWWY completed its change in channel, due to the channel relationship of the modified KYTS facility and the existing facility of KWWY. None of the facts or circumstances that led to the imposition of the operating condition have changed; therefore, there is no reason that the Commission should change its conclusion that the operating condition is required. While KWWY is not operating as of this date, it intends to resume broadcasts soon. If the two stations could simply operate together with no problems, then there would have been no reason for KWWY to be forced to change channels in the first instance.

Further, Global accepted the permit, including the condition, when it was granted on August 30, 2010, and did not seek reconsideration to remove the condition. It is only now, when Global is anxious to begin operation before the condition is satisfied, that it has realized that it is

not happy with the condition. Cochise understands that Global was required to go ahead with completion of construction and the filing of a license application because it was at the very end of its construction period, but that fact does not justify jumping the gun with regard to program test authority. Many stations have faced the situation of having completed facilities that they would love to operate immediately but having to wait to satisfy special operating conditions on their permits. If such special operating conditions were to be waived regularly upon request, then they would cease to have any meaning.

Moreover, it is not as if Global has a long and uncertain period of waiting, or that it has waited for any lengthy period of time to date. Cochise and Global have entered into a Reimbursement Agreement, which specifies that Cochise will construct its modified facilities within two months of the finality of the grant of its own modification construction permit, File No. BPH-20101202ABL, and must file a license application within ten days thereafter. That permit was granted on January 24, 2011, and just became final on March 7, 2011. Therefore, pursuant to the Reimbursement Agreement, Cochise must complete its modified facilities by May 7, 2011, and file a covering license application by May 17, 2011. In any event, KWWY must return to operation prior to July 10, 2011, in order to preserve its license, and it plans to do so in the interim between now and then.

Cochise is aware that the Commission has on occasion waived special operating conditions like that included in the KYTS permit when the station protected by the condition has failed to complete its modifications in a timely manner. Here, however, as noted above, KWWY's construction permit was just granted on January 24, 2011, less than two months ago and during the winter. It also should be noted that the KWWY transmission site is located in the mountains of Wyoming, and that this winter has been a particularly snowy one in Western

regions. The fact that KWWY's facilities have not been completed over approximately six weeks of winter, when access to its transmission site is difficult, could hardly be deemed foot-dragging.

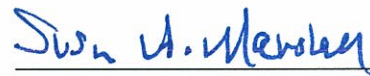
Global also notes that Station KBAE(FM) (formerly KZCC) has been authorized to continue operating on its authorized channel despite the fact that another station has not yet changed channels to accommodate this operation. That situation is quite different from the one at hand, however. There, KBAE has been granted Special Temporary Authority (not Program Test Authority) to operate in order to avoid disruption of service from KBAE due to a unique set of circumstances arising out of lengthy litigation and the issuance of two construction permits in a manner which the Commission has acknowledged to be improper. *See, Ernest T. Sanchez, Esquire*, DA 08-2676, released December 9, 2008; BLSTA-20101022ACQ. Here, however, there are no such issues which would give rise to equitable considerations, but rather a straightforward proceeding initiated by Global. Similarly, there can be no concern with regard to disruption of service, as KYTS has not yet begun operation. Rather, compliance with the special operating condition on its construction permit would require only a slight delay in the commencement of service.

WHEREFORE, taking all of the above circumstances into account, Cochise submits that the requested waiver of the special operating condition to allow premature operation with program test authority be denied.

Respectfully submitted,

COCHISE BROADCASTING, LLC.

By:



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March 9, 2011

CERTIFICATE OF SERVICE

I, Barbara Lyle, hereby state that a true copy of the foregoing INFORMAL OBJECTION was sent by first class mail, postage prepaid, this 9th day of March, 2011, to the following:

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