



RECEIPT COPY

Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW | Washington, DC 20037-1122 | tel 202.663.8000 | fax 202.663.8007

Christine A. Reilly
Phone: 202.663.8245
christine.reilly@pillsburylaw.com

May 2, 2013

VIA HAND DELIVERY

Peter Saharko
Federal Communications Commission
445 Twelfth Street, SW,
Washington, DC 20554

RECEIVED - FCC

MAY 2 2013
Federal Communications Commission
Bureau / Office


**Re: KGAN Licensee, LLC
K13MN, Washington, IA, FAC ID 25687
BLTVA-20010226AAZ**

Dear Mr. Saharko:

On behalf of KGAN Licensee, LLC ("Licensee"), licensee of Class A television station K13MN, Washington, Iowa, Facility ID 25687, this letter responds to the letters from Hossein Hashemzadeh, dated March 12, 2013 and April 24, 2013 (attached), which sought information regarding the above-referenced station's online public inspection file. As the Commission, the Licensee recently surrendered the above-referenced Class A television station license. The initial letter was sent to the Commission on March 21, 2013. A receipt copy of that submission was not received, and as a result, the surrender notice was again resubmitted on April 30, 2013. Copies of those submissions are attached.

Please direct any communications regarding this matter to the undersigned.

Respectfully submitted,



Christine A. Reilly

533070-0000075

Enclosures



RECEIPT COPY

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Christine A. Reilly
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April 30, 2013

VIA HAND DELIVERY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW, TW-A325
Washington, DC 20554

FILED/ACCEPTED
APR 30 2013
Federal Communications Commission
Office of the Secretary

Re: KGAN Licensee, LLC
ERN: 0004970521
Notice of Surrender of Class A Television License
K13MN, Washington, IA, FAC ID 25687
BLTVA-20010226AAZ

Dear Ms. Dortch:

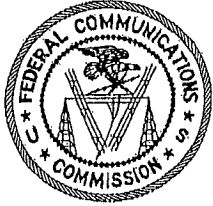
On behalf of KGAN Licensee, LLC ("Licensee"), licensee of Class A television station K13MN, Washington, Iowa, Facility ID 25687, this letter, originally filed on March 21, 2013, is being resubmitted to advise the Commission that the Licensee voluntarily surrendered the above-referenced Class A television station license. A copy of the above-referenced license is attached.

Please direct any communications regarding this matter to the undersigned.

Respectfully submitted,


Christine A. Reilly

533070-0000075



United States of America
FEDERAL COMMUNICATIONS COMMISSIONS
CLASS A TELEVISION
BROADCAST STATION LICENSE

Authorizing Official:

Official Mailing Address:

KGAN LICENSEE, LLC
SHAW PITTMAN (KATHRYN R. SCHMELTZER)
2300 N STREET, N.W.
WASHINGTON DC 20037
Facility Id: 25687

Hossein Hashemzadeh
Associate Chief
Video Division
Media Bureau

Grant Date: July 17, 2001

This license expires 3:00 a.m.
local time, February 01, 2006.

Call Sign: K13MN

License File Number: BLTVA-20010226AAZ

This license converts the facilities of BLTTV-19791011ID to Class A status.

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Callsign: K13MN

License No.: BLTVA-20010226AAZ

Name of Licensee: KGAN LICENSEE, LLC

Station Location: IA-WASHINGTON

Frequency (MHz): 210 - 216

Offset: NONE

Channel: 13

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 74.750 of the Commission's Rules.

Antenna type: (directional or non-directional): Directional

Description: TAC ODDK13MN

Major lobe directions 175
(degrees true):

Beam Tilt: Not Applicable

Antenna Coordinates: North Latitude: 41 deg 19 min 00 sec

West Longitude: 91 deg 41 min 30 sec

Maximum Effective Radiated Power (ERP) Towards Radio Horizon: 0.092 kW

Maximum ERP in any Horizontal and Vertical Angle: 0.092 kW

Height of radiation center above ground: 45 Meters

Height of radiation center above mean sea level: 283 Meters

Antenna structure registration number: None

Special operating conditions or restrictions:

- 1 This Authorization reflects the licensee/permittee's certification that the class A television stations will not cause interference to the reception of existing full-service stations on either NTSC or DTV channels, any DTV facilities resulting from maximization applications filed by May 1, 2000, and existing LPTV, television translator and class A television stations.

*** END OF AUTHORIZATION ***



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Christine A. Reilly
Phone: 202.663.8245
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March 21, 2013

VIA HAND DELIVERY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW, TW-A325
Washington, DC 20554

Re: KGAN Licensee, LLC
FRN: 0004970521
Notice of Surrender of Class A Television License
K13MN, Washington, IA , FAC ID 25687
BLTVA-20010226AAZ

Dear Ms. Dortch:

On behalf of KGAN Licensee, LLC ("Licensee"), licensee of Class A television station K13MN, Washington, Iowa, Facility ID 25687, this letter is to advise the Commission that the Licensee hereby voluntarily surrenders the above-referenced Class A television station license. A copy of the above-referenced license is attached.

Please direct any communications regarding this matter to the undersigned.

Respectfully submitted,


Christine A. Reilly

533070-0000075



United States of America
FEDERAL COMMUNICATIONS COMMISSIONS
CLASS A TELEVISION
BROADCAST STATION LICENSE

Authorizing Official:

Official Mailing Address:

KGAN LICENSEE, LLC
SHAW PITTMAN (KATHRYN R. SCHMELTZER)
2300 N STREET, N.W.
WASHINGTON DC 20037
Facility Id: 25687

Hossein Hashemzadeh
Associate Chief
Video Division
Media Bureau

Grant Date: July 17, 2001

This license expires 3:00 a.m.
local time, February 01, 2006.

Call Sign: K13MN

License File Number: BLTVA-20010226AAZ

This license converts the facilities of BLTTV-19791011ID to Class A status.

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Callsign: K13MN

License No.: BLTVA-20010226AAZ

Name of Licensee: KGAN LICENSEE, LLC

Station Location: IA-WASHINGTON

Frequency (MHz): 210 - 216

Offset: NONE

Channel: 13

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 74.750 of the Commission's Rules.

Antenna type: (directional or non-directional): Directional

Description: TAC ODDK13MN

Major lobe directions 175
(degrees true):

Beam Tilt: Not Applicable

Antenna Coordinates: North Latitude: 41 deg 19 min 00 sec

West Longitude: 91 deg 41 min 30 sec

Maximum Effective Radiated Power (ERP) Towards Radio Horizon: 0.092 kW

Maximum ERP in any Horizontal and Vertical Angle: 0.092 kW

Height of radiation center above ground: 45 Meters

Height of radiation center above mean sea level: 283 Meters

Antenna structure registration number: None

Special operating conditions or restrictions:

- 1 This Authorization reflects the licensee/permittee's certification that the class A television stations will not cause interference to the reception of existing full-service stations on either NTSC or DTV channels, any DTV facilities resulting from maximization applications filed by May 1, 2000, and existing LPTV, television translator and class A television stations.

*** END OF AUTHORIZATION ***



Federal Communications Commission
Washington, D.C. 20554

March 12, 2013

KGAN Licensee, LLC
Shaw Pittman (Kathryn R. Schmeltzer)
2300 N Street, NW
Washington, DC 20037-1128

Re: K13MN Washington, IA
Facility ID No. 25687

Dear Licensee:

The above referenced station is currently licensed as a Class A television station, which is accorded primary spectrum use status pursuant to the Community Broadcasters Protection Act of 1999 ("CBPA").¹

To qualify for Class A status, the CBPA provides that during the 90 days preceding enactment of the statute, a low power television station must have: (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of programming produced within the market area served by the station; and (3) been in compliance with the Commission's rules for low power television stations.² In addition, beginning on the date of its application for a Class A license and thereafter, the CBPA requires that a station must be "in compliance with the Commission's operating rules for full-power television stations."³ Class A licensees must continue to meet the eligibility requirements in order to retain their Class A status.⁴

In establishing the Class A television service, the Commission applied to Class A licensees all the requirements that apply to full power television stations except for those that could not apply for technical or other reasons. Among the requirements that apply to Class A licensees are the Commission's main studio requirements.⁵ Class A stations must also comply with the public inspection file rule, which requires each Class A station to prepare and place in its public inspection file on a quarterly basis an issues/programs list and documentation sufficient to demonstrate that the Class A station is continuing to

¹ Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336.

² 47 U.S.C. § 336(f)(2)(A)(i).

³ 47 U.S.C. § 336(f)(2)(A)(ii).

⁴ 47 U.S.C. § 336(f)(1)(A)(ii); 47 C.F.R. § 73.6001(b)(c).

⁵ *In the Matter of Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, 15 FCC Red 6355, 6366 (2000) ("R & O"), Memorandum Opinion and Order on Reconsideration, 16 FCC Red 8244, 8254-56 (2001) ("MO & O on Recon"). This includes maintaining a meaningful management and staff presence of at least two full-time personnel in order to serve the needs and interests of the residents of the station's community of license.

meet the eligibility requirements set out in the preceding paragraph.⁶ Class A television licensees are also subject to the regulations regarding fines and penalties applicable to full power television stations and loss of Class A status if they fail to meet these ongoing eligibility requirements.⁷

As discussed above, each Class A television station must prepare and place in its public inspection file on a quarterly basis an issues/programs list demonstrating that the station aired programming that meets the needs and interests of its community of license⁸ and documentation sufficient to demonstrate that it is continuing to meet its Class A eligibility requirements, including the programming requirements. Furthermore, a Class A station is required to meet the other public file requirements of a full power station, which includes the requirement to upload the contents of its public file to the Commission's website.⁹ (Instructions on how to upload documents to the Commission's website are attached to this letter.)

The Class A obligation to comply with the public file requirements of a full power station includes uploading to the Commission's website the address of the station's main studio, the station's issues/programs lists for the entire license term, and documentation sufficient to demonstrate that the station is continuing to meet its Class A the eligibility requirements.¹⁰ The deadline for compliance with this requirement has passed.¹¹ At this time, it is apparent that stations that have failed to upload their issues/programs lists and/or documentation demonstrating that they continue to meet Class A eligibility requirements, in addition to failing to meet the uploading requirement, may also have failed to (1) air the required programming and/or continued to meet Class A eligibility requirements and/or, (2) prepare the issues/programs lists and/or assemble the supporting eligibility documentation. In any event, they have apparently committed a violation of the Commission's rules by failing to upload any information and, at a minimum, may be subject to penalties including forfeitures for failing to place their issues/programs lists and/or Class A eligibility documentation in their public inspection files and/or upload the documents to the Commission's website as required. The forfeiture guidelines adopted by the Commission establish a base forfeiture penalty of \$10,000 for violation of the public file rules and a base forfeiture penalty of \$3,000 for failure to file required forms and information.¹² In addition, if the station failed to air issue responsive programming, other penalties may be involved. For Class A stations that have failed to upload the required documentation regarding their Class A status to the on-line public file, it is not apparent that they are meeting their Class A obligations, and such stations may be subject to loss of their Class A status if they cannot demonstrate to the Commission that they are in compliance with the Class A eligibility requirements.¹³

⁶ *R & O*, 15 FCC Rcd at 6366. *See also*, 47 C.F.R. § 73.3526 (public file requirements).

⁷ *MO & O on Recon*, 16 FCC Rcd at 8257.

⁸ 47 C.F.R. § 73.3526(e)(11)(i).

⁹ *In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, 27 FCC Rcd 4535, 4536, n.2 (2012) (The Commission adopts the proposal to replace the requirement that commercial and noncommercial television stations, including Class A TV stations, maintain a public file at their main studios with a requirement to post most of the documents in that file to an online public file to be hosted by the Commission.).

¹⁰ *Id.* at 4568-69; 47 C.F.R. § 73.3526(b)(2); and § 73.3526(e)(17).

¹¹ *Television Broadcast Stations Reminded of Their Online Public Inspection File Obligations*, Public Notice, MM Docket No. 00-168; MM Docket No. 00-44, WL 364406 (January, 30, 2013).

¹² 47 C.F.R. § 1.80(b)(4).

¹³ *MO & O on Recon*, 16 FCC Rcd at 8257.

Commission records indicate that your station has failed to upload to the Commission's website its main studio address, and/or the required issues/programs lists and/or the required documentation sufficient to demonstrate that the Class A station is continuing to meet its Class A eligibility requirements. You are directed to either upload your main studio address and all required issues/programs lists within **10 days** of the date of this letter or to identify those quarters for which an issues/programs list was not prepared, the quarters for which they were prepared and placed in the station's public file, and the location of the public file. Should you choose not to upload your main studio address and all required issues/programs lists within **10 days** of the date of this letter, provide an explanation as to why the station's main studio address and issues/programs list has not been uploaded in accordance with the Commission's rules. In order to complete our investigation of potential rule violations by the station, you are also required within **10 days** to provide and upload information demonstrating the station's compliance with the Class A eligibility requirements.¹⁴ Therefore, you must submit documentation demonstrating that since the station has filed for its Class A status, it has (1) broadcast a minimum of 18 hours per day, (2) broadcast an average of at least three hours per week of locally produced programming each quarter and (3) complied with all applicable Part 73 operating rules. If the station has not been in full compliance with these eligibility requirements throughout the period it has been subject to these Class A requirements, explain the reason for such failure. Your submission must be supported by the declaration of an individual with personal knowledge of the facts.¹⁵ A response to this letter is required in addition to uploading the required material. Please direct your response to Peter Saharko, Attorney Advisor, Video Division, Media Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, (202) 418-1856, and electronically to peter.saharko@fcc.gov.

In summary, within ten (10) days from the date of this letter, you are required to:

- **Upload the station's main studio address to its online public file;**
- **Upload all missing issues/programs lists to its online public file and/or identify those quarters for which an issues/programs list was not prepared, identify the quarters for which lists were prepared and placed in the station's public file, and identify the location of the public file;**
- **If you do not provide any or all of the station's issues/programs lists, provide an explanation as to why those issues/programs list have not been prepared and/or uploaded in accordance with the Commission's rules ;**
- **Provide and upload information demonstrating the station's compliance with the Class A requirements, which means you must submit documentation demonstrating that during the period since the station has filed for Class A status, it has (1) broadcast a minimum of 18 hours per day, (2) broadcast an average of at least three hours per week of locally produced programming each quarter and (3) complied with all applicable Part 73 operating rules. If the station has not been in full compliance with the eligibility requirements throughout that time, explain the reason for such failure. Your submission must be supported by the declaration of an individual with personal knowledge of the facts.**
- **Respond to this letter as directed above as well as uploading the required information.**

¹⁴ See 47 C.F.R. § 73.6001.

¹⁵ See 47 C.F.R. § 1.16.

In the event that the failure to make the required filings was due to your election to let the station revert to low power television status or if you now elect to let the station revert to low power television status, you need only notify us of this election and request a change in status for the station.¹⁶ Failure to provide the requested information or request a change in station status within 10 days from the date of this letter will result in the institution of a forfeiture proceeding and/or loss of Class A television status.

Sincerely,

Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

¹⁶ See 47 C.F.R. § 73.6001(d).

Completing the Online Public File Requirement

Logging In

- There are two login options for broadcasters to use at <https://stationaccess.fcc.gov> in order to update their online public inspection files.
- The first, **Facility Sign In**, accepts a Facility ID number and passcode to manage a single station's public inspection file.
- The second, **FRN Sign In**, allows FRN holders to use their primary FRN and associated password to see all of their stations' Facility IDs and associated passcodes and to track the history of each station's public inspection file.

Documents That Must Be Uploaded

- The Commission will upload to stations' online public files any required documents that have been filed with the Commission in other contexts. These include renewal, assignment, and transfer applications filed in the Commission's Consolidated Database System (CDBS) and Children's Programming Reports (Form 398) filed using the Commission's e-filing system.
- There are electronic folders for all components of a station's public file on the Commission's public file website.
- Stations must upload any required public file documents that have not already been filed with the Commission. This will include the station's quarterly issues/programs lists and information demonstrating the station's compliance with its Class A eligibility requirements, which means that the station must submit documentation demonstrating that during the period that it has been subject to Class A requirements, it has (1) broadcast a minimum of 18 hours per day and (2) broadcast an average of at least three hours per week of locally produced programming each quarter.
- Stations must also upload their main studio location address.

How To Upload Documents

- Stations must upload electronic documents in their existing or native format to the extent feasible. If a required document already exists in a searchable format, a broadcaster is expected to upload the filing in that format, unless it is technically unable to do so. Examples of formats include: the Microsoft Word.doc format, or a non-copy protected text-searchable .pdf format for text filings, or native formats such as spreadsheets in Microsoft .xml format for non-text filings.
- The "drag and drop" filing method may be used in modern browsers Firefox, Chrome, and Safari. Click the orange Upload Documents button and then drag and drop anywhere on the page. If you

are using Internet Explorer, you will need to file documents one at a time through the familiar file attachment method.

- A station may easily delete any document from its online public file so that it will no longer be viewable by members of the public accessing their file. Licensees will also have the ability to fully purge a file from the system so that it no longer exists on the Commission's system, but this will require an FRN-based login.
- All uploads and actions are tracked on the History page. Any file you delete is moved into the Recycle Bin. You can also recover files from the Recycle Bin.



Federal Communications Commission
Washington, D.C. 20554

April 24, 2013

CERTIFIED MAIL

KGAN Licensee, LLC
Shaw Pittman (Kathryn R. Schmeltzer)
2300 N Street, NW
Washington, DC 20037-1128

Re: K13MN, Washington, Iowa
Facility ID No. 25687

Dear Licensee:

This is with respect to the letter dated March 12, 2013, from the Video Division to the above-named Licensee, regarding K13MN's apparent failure to comply with the Station's online public file requirements. A copy of the letter can be viewed in the station's correspondence folder in the Commission's Broadcast Radio & Television Electronic Filing System (CDBS).

Commission records indicate that KGAN Licensee, LLC failed to upload to the Commission's website its main studio address, and/or the required issues/programs lists and/or the required documentation sufficient to demonstrate that the Class A station is continuing to meet its Class A eligibility requirements. The letter required that these deficiencies be addressed within 10 days and stated that failure to provide the requested information or to notify the staff that you were electing to let the Station revert to low power television status would result in the institution of a forfeiture proceeding and/or loss of Class A television status.

As of today, the Commission has not received a response to the letter. Failure to provide the information required in the letter within 30 days from the date of this letter will result in a change of the station's status from Class A television to low power television status. Your response to this letter must be mailed to Peter Saharko, Video Division, Media Bureau, Federal Communications Commission, 445-12th Street, S.W., Washington, D.C. 20554, and also by email to peter.saharko@fcc.gov.

Sincerely,

Hossein Hashemzadeh, Deputy Chief
Video Division, Media Bureau

Cc (by certified mail):
KGAN-TV
600 Old Marion Road
Cedar Rapids, Iowa 52402