



Federal Communications Commission
Washington, D.C. 20554

March 21, 2007

Mr. Roy William Mayhugh
701 Perdew Ave.
Ridgecrest, CA 93555-2422

Mr. Timothy C. Wicker
KPAL Television, Inc.
308 Dunwoody Drive
Raleigh, NC 27615

Re: Applications for Low Power Digital
Companion Channels

Roy W. Mayhugh
File No. BSFDTL-20060630CQH
FIN: 168540

KPAL Television, Inc.
File No. BSFDTL-20060630DBF
FIN: 168825

Dear Applicants:

This letter concerns the above-referenced applications for low power television digital companion channels filed in the auction filing window.

You have submitted a settlement agreement to resolve the mutual exclusivity among these applications. The settlement filed by Roy W. Mayhugh (Mayhugh) and KPAL Television, Inc. (KPAL) in MX Group 188 calls for Mayhugh's application to be dismissed and KPAL's application to be granted. Except as noted below, we find your settlement agreement complies with Section 311(c) of the Communications Act and Section 73.3525 of the Commission's Rules. Mayhugh's reported expenses include \$1,359 for engineering and \$6,400 for the purchase of a digital transmitter. The purchase of the digital transmitter is not a reasonable and prudent expense incurred in conjunction with Mayhugh's filing and prosecution of his application. Therefore, approval of the settlement agreement is limited to Mayhugh receiving reimbursement for only \$1,359 - the amount of his engineering expenses. Application File No. BSFDTL-20060630CQH is hereby dismissed

As for application File Nos. BSFDTL-20060630DBF, within 30 days of the date of this letter, the applicant must submit a complete FCC Form 346 (June 2000 version)

for each file number, pursuant to the procedures set forth in the Commission's rules.¹ You must file your FCC Form 346 application electronically. You have to choose "Long form auction 85" option from perform screen. Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at: www.fcc.gov/mb. For assistance with electronic filing, call the Media Bureau Help Desk at (202) 418-26MB.

The staff will return applications not submitted in accordance with the procedures described above. The staff will dismiss, without further processing, the previously filed technical submissions of any applicant that fails to submit the complete FCC Form 346 by the deadline set forth herein.²

The staff will study the submitted FCC Form 346 applications for acceptability. It will subsequently announce applications determined to be acceptable for filing and for which the staff is prepared to grant. Petitions to deny these FCC Form 346 applications must be filed within 15 days following the release of the public notice announcing acceptance of the applications at issue.³ Interested parties should monitor these public notices.

For additional information, contact Shaun Maher (legal) or Hossein Hashemzadeh (technical) of the Video Division at (202) 418-1600.

Sincerely,

Hossein Hashemzadeh
Associate Chief
Video Division
Media Bureau

¹ See 47 U.S.C. § 8; 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 1.1110, 73.5005(d), 73.3512.

² See 47 C.F.R. § 73.5005. Pursuant to procedures adopted in the *Broadcast Auction First Report and Order*, non-mutually exclusive applicants filing FCC Form 346 applications may change the technical proposals specified in their previous filing. However, such non-mutually exclusive applicants may not specify in the FCC Form 346 application a change in the proposed facility that constitutes a major change from the facility specified earlier, nor may applicants create new mutual exclusivity or application conflict. See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991.

³ See 47 C.F.R. § 73.5006.