

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

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JUN 26 2006

Federal Communications Commission  
Office of Secretary

In re Application of )  
Roy William Mayhugh )  
For Digital Flashcut ) File No. BDFCDTT-20060320AAT  
K59AO, Ridgecrest, etc., CA )  
Facility Id. No. 28574 )

To: The Secretary, Federal Communications Commission  
Attn: Associate Chief, Video Division, Media Bureau

**COMMENTS ON APPLICATION**

Venture Technologies Group, LLC ("VTG"), by its attorney, hereby comments on the above-referenced digital flash cut application of Roy William Mayhugh for K59AO at Ridgecrest, etc., California.<sup>1</sup>

By way of the instant application, Mayhugh proposes a digital "flash cut" of his permitted but unbuilt displacement facilities for K59AO on Channel 3 (see File No. BPTTV-20041129ABS). In so doing, Mayhugh seeks to relocate the K59AO transmitter site considerably south, closer to the Los Angeles market, from a location outside the 320 kilometer U.S.-Mexico border zone to a location within it. See Exhibit 1 hereto (Declaration of Lawrence H. Rogow).

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<sup>1</sup> As licensee or permittee of low power television stations in the vicinity of Los Angeles, VTG is an occasional participant in proceedings regarding applications for LPTV stations in the Los Angeles area that, in VTG's view, impact the integrity of the LPTV licensing and permitting process.

Had it been presented as an analog proposal, Mayhugh's K59AO proposal would require prior coordination with the Mexican government under the U.S.-Mexico LPTV agreement. VTG is aware that there is as yet no U.S.-Mexico agreement addressing digital LPTV operation. Yet VTG expects that a relocation such as Mayhugh proposes, from an authorized analog facility outside the border zone to a digital facility within it, should similarly trigger the requirement of Mexican coordination, whether on an *ad hoc* basis or in the context of a future U.S.-Mexico digital LPTV agreement. Accordingly, VTG assumes that the Commission will not act upon the subject K59AO flashcut application until undertaking and completing Mexican coordination of the proposal.<sup>2</sup>

Respectfully submitted,

**Venture Technologies Group, LLC**

By: 

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Wiley Rein & Fielding LLP  
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(202) 719-7000

Its Attorney

June 26, 2006

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<sup>2</sup> VTG also notes that the Commission has previously granted two similar applications by Mayhugh, each proposing digital flashcut relocations inside the border zone, without apparently having undertaken Mexican coordination. See Exhibit 1. One such application, for K65AM, Palmdale, California (File No. BDFCDTT-20060320AAD), proposing flashcut of unbuilt analog displacement facilities on Channel 8, was granted by the Video Division on May 3, 2006. Another, for K67AO, Palmdale, California (File No. BDFCDTT-20060320AAE), proposing flashcut of unbuilt analog displacement facilities on Channel 12, was also granted on May 3, 2006. VTG has filed a petition for reconsideration of the latter application on separate grounds. Inasmuch as these applications were granted more rapidly than would be expected of a proposal necessitating Mexican coordination, VTG assumes that coordination was not undertaken and that the applications were granted improvidently. The Commission may wish to revisit these grants as appropriate.

**EXHIBIT 1**

**DECLARATION OF LAWRENCE H. ROGOW**

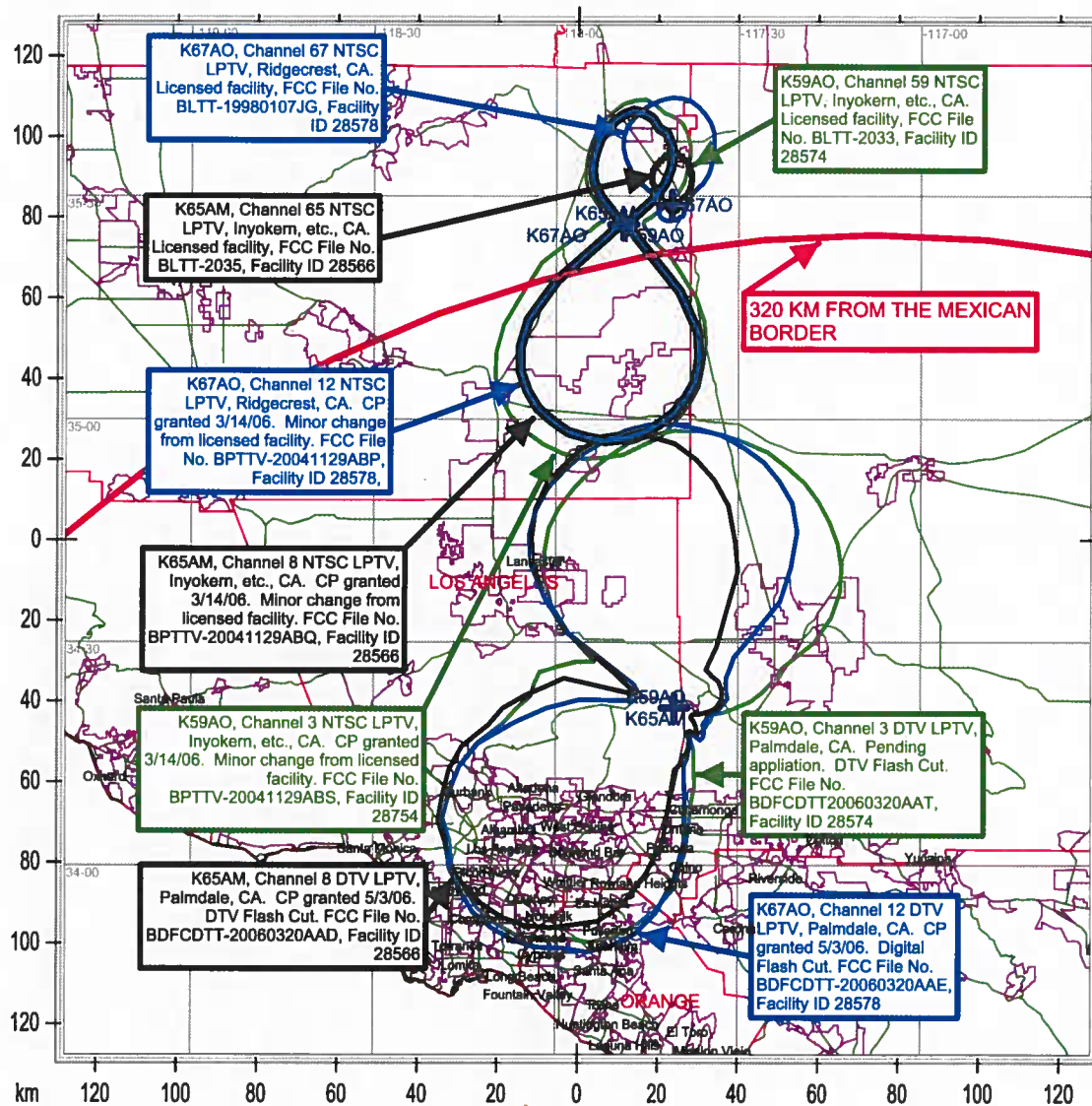
I, Lawrence H. Rogow, declare under penalty of perjury as follows:

1. I am the Chairman of Venture Technologies Group, LLC. My engineering qualifications are a matter of record with the Commission.
2. The attached map illustrates the proposed migration of the facilities of low power television stations K59AO, Ridgecrest, etc., California, K65AM, Palmdale, California, and K67AO, Palmdale, California. Each of these stations filed and received grants of analog displacement applications to move to Channels 3, 8, and 12, respectively. The displacement applications were for sites more than 320 kilometers from the Mexican border. Accordingly, Mexican concurrence for the displacement proposals was not required.
3. The analog displacement applications for these stations were granted on March 14, 2006. Six days later, on March 20, 2006, applications were filed to "flash cut" each of the stations to digital, moving their transmitter sites 121 kilometers south to a location that is 207 kilometers from the Mexican border. The K59AO flashcut application remains pending before the FCC. The K65AM and K67AO applications were granted on May 3, 2006, apparently without Mexican coordination having been undertaken or completed. The protected contours of the digital facilities proposed in the flashcut applications do not overlap the licensed contours of the stations.
4. The facts contained in the foregoing "Comments on Application" are true and correct.

Dated: June 20, 2006

  
\_\_\_\_\_  
Lawrence H. Rogow

# Movement of K59AO, K65AM & K67AO to Within the Mexican Border Zone & To Non-Overlap to Licenses



K59AO is in green. K65AM is in black. K67AO is in blue. Contours are the protected contours.

— National Borders   
 — County Borders   
 — State Borders   
 — City Borders  
— Highways   
 — Lat/Lon Grid

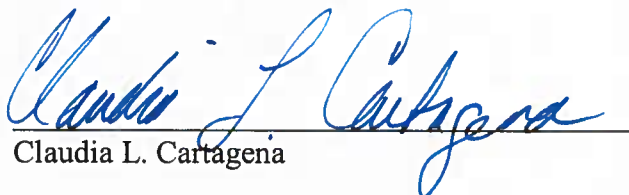
**CERTIFICATE OF SERVICE**

I, Claudia L. Cartagena, a secretary in the law firm of Wiley Rein & Fielding LLP,  
hereby certify that on this 26th day of June, 2006, I caused copies of the foregoing **Comments**  
**on Application** to be mailed via first-class postage prepaid mail to the following:

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Claudia L. Cartagena