



Federal Communications Commission  
Washington, D.C. 20554

October 25, 2011

Journal Broadcast Corporation  
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KM Television of Flagstaff, L.L.C.  
c/o Aaron Shainis, Esq.  
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1850 M Street, NW, Suite 240  
Washington, DC 20036

Re: File No. BMPCDT-20090918ABY  
KGUN-TV, Tucson, Arizona  
Facility ID No. 36918

File No. BPRM-20080620AOF  
KCFG(TV), Flagstaff, Arizona  
Facility ID No. 35104

Dear Licensees:

This is with respect to the above-referenced application seeking modification of the construction permit filed by Journal Broadcast Corporation, licensee of Station KGUN-TV, Tucson, Arizona. Our engineering analysis shows that the facility proposed in the Station KGUN-TV application is predicted to cause interference to 0.6 % of the population within the noise limited contour of the facility proposed in the above-reference rulemaking seeking to substitute Channel 9 for assigned channel 32 for station KCFG(TV) at Flagstaff, Arizona. Accordingly, the above-referenced application and the rulemaking are mutually exclusive.

Pursuant to Section 73.623(h) of the rules, mutually-exclusive applicants are provided a 90-day period of time, from the date of a public notice identifying mutually-exclusive proposals, to resolve their mutual-exclusivity via engineering amendment or settlement.<sup>1</sup> If the parties resolve their mutual-exclusivity, we will continue the rulemaking process by issuing the appropriate order and will also continue processing the modification application. If the parties are unable to resolve their mutual-exclusivity, we will dismiss the rulemaking petition and the modification application.

Accordingly, the parties have 90 days from the date of this letter to resolve their mutual-exclusivity, either by entering into an interference consent agreement or proposing engineering solutions

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<sup>1</sup> 47 C.F.R. § 73.623(h)(3).

to eliminate the amount of interference. Submissions involving an application must be filed electronically on FCC Forms 301 and/or 340 using the Commission's Consolidated Database System ("CDBS") via the Internet from the Media Bureau's Web site at <http://www/fcc/gov/mb/cdbs.html> or [http://fjallfoss.fcc.gov/prod/cdbs/forms/prod/cdbs\\_ef.htm](http://fjallfoss.fcc.gov/prod/cdbs/forms/prod/cdbs_ef.htm). Submissions involving a rulemaking petition must be filed with the Office of the Secretary and an electronic copy sent to [David.Brown@fcc.gov](mailto:David.Brown@fcc.gov) and [Joyce.Bernstein@fcc.gov](mailto:Joyce.Bernstein@fcc.gov).

Sincerely,



David J. Brown  
Associate Chief, Video Division  
Media Bureau