



Federal Communications Commission  
Washington, D.C. 20554

February 23, 2018

New York Spectrum Holding Company, LLC  
c/o Peter Tannenwald  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17<sup>th</sup> St., 11<sup>th</sup> Floor  
Arlington, VA 22209

K Media, Inc.  
Young D. Kwan, President  
136-56 39<sup>th</sup> Ave., 4<sup>th</sup> Floor  
Flushing, NY 11354

Re: Application for Construction Permit for Minor  
Changes in Low Power Television Station  
W09CZ-D, Roslyn, New York  
LMS File No. 0000016811  
Facility ID No. 67859

Dear Licensees:

In this letter, we address a Petition to Deny (Petition) filed by New York Spectrum Holding Company, LLC (NYSHC), licensee of low power television station WYXN-LD, New York, New York.<sup>1</sup> NYSHC requests that we deny the above-referenced application (Application) filed by K Media, Inc. (K Media), licensee of LPTV station W09CZ-D, Roslyn, New York, on November 7, 2016.<sup>2</sup> For the reasons below, we dismiss the Petition as moot.

NYSHC argues that the Application should be dismissed because it violates Section 74.710(a) of the Commission's rules by failing to protect NYSHC's construction permit authorizing WYXN-LD to operate on Channel 9 from interference.<sup>3</sup> According to NYSHC, the Application "specifies the exact same frequency, geography, coordinates, effective radiated power, and antenna height above mean sea level as the granted WYXN-LD construction permit."<sup>4</sup> NYSHC therefore claims that the Application is defective on its face because it is impossible for K Media to operate the Station without causing prohibited interference to WYXN-LD.<sup>5</sup> NYSHC also argues that the Application should protect NYSHC's construction permit from prohibited interference despite the Division's May 19, 2016 dismissal of NYSHC's request to extend its

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<sup>1</sup> New York Spectrum Holding Company, LLC (NYSHC), Petition to Deny, LMS Pleading File No. 0000017305 (filed Nov. 14, 2016) (Petition).

<sup>2</sup> Petition at 1. K Media. filed a response in opposition of the Petition on November 30, 2016, Opposition, LMS Pleading File No. 0000018606 (filed Nov. 30, 2016). NYSHC filed a reply to K Media's opposition on December 9, 2016. Reply, LMS Pleading File No. 0000019059.

<sup>3</sup> Petition at 1-2.

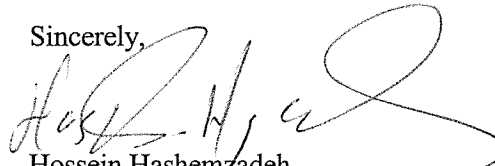
<sup>4</sup> *Id.* at 2; see 47 CFR §74.710(a).

<sup>5</sup> *Id.*

construction permit (May 2016 Dismissal).<sup>6</sup> According to NYSHC, its construction permit was not cancelled since it had a pending petition requesting reinstatement of its construction permit (2016 Petition for Reconsideration).<sup>7</sup> However, on November 3, 2017, we issued a letter denying NYSHC's 2016 Petition for Reconsideration making our decision to cancel NYSHC's construction permit for WYZN-LD final.<sup>8</sup> Thus, the Petition, which is based on an allegation of interference to NYSHC's now-cancelled construction permit, is moot.

Accordingly, **IT IS ORDERED**, that New York Spectrum Holding Company, LLC's Petition **IS DISMISSED**.

Sincerely,



Hossein Hashemzadeh  
Deputy Chief, Video Division  
Media Bureau

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *WYXN-LD*, Letter, LMS. File No. 0000010774 (Vid. Div. 2017) (*November 2017 Denial*).