

Request for Minor Modification
KEZI(TV), Eugene, Oregon
FID 34406

By this application, Oregon TV License Company, LLC ("Oregon TV"), licensee of ABC network-affiliated station KEZI(TV), Eugene, Oregon (FID 34406) (the "Station") hereby requests permission to relocate the Station to a new tower site. Although the relocation proposed herein will result in a slight shift of the Station's noise limited service contour ("NLSC", 36 dBu) and a loss area, Oregon TV submits that a grant of this application is in the public interest as the number of persons within the loss area is small and the circumstances necessitating the Station's relocation are beyond its control. As detailed below, despite the Station's best efforts, it has become evident that the Station will not be able to extend its current tower site lease, which expires on November 1, 2018. Accordingly, expedited processing of this application is respectfully requested so as to allow the Station to continue serving its community and ensure uninterrupted service to the public.

The Station has operated from its current tower site for more than fifty years. The current ground lease for the site expires on November 1, 2018 and Oregon TV, despite its best efforts, now finds itself with a landlord unwilling to negotiate an extension of the lease. When Oregon TV acquired the Station in 2014, it assumed the existing ground lease for the Station's tower and became embroiled in an ongoing dispute between the site's landlord and the Station's prior licensee concerning "subrents" allegedly owed the landlord from subtenants allowed to occupy space on the Station's tower by the prior licensee. In late 2015, despite Oregon TV's efforts to resolve the matter, the landlord initiated a court proceeding to evict Oregon TV from the tower site. Oregon TV responded by seeking to compel arbitration of the matter, and after much litigation as to whether the matter must be arbitrated, in late August 2018, the court finally determined that arbitration is indeed required. With this recent development, however, the landlord is now unwilling to negotiate any renewal of the lease, and given the deteriorating relationship between the parties, Oregon TV has very little confidence that a renewal of the lease can be accomplished.

Accordingly, upon realizing that a renewal of its current tower site was not likely, Oregon TV began searching for another suitable tower site at which it could continue serving its viewers. Oregon TV has been able to identify only one tower that is appropriate and available for the Station's operations – 29.4 miles (47.3 kilometers) from its current site. Although relocating to this site will result in a shift of the Station's NLSC contour and an area of service loss, as demonstrated in the attached engineering statement, the number of viewers in the loss area impacted by the Station's relocation is small. Of course, Oregon TV regrets losing any viewers, but the site relocation proposed herein is the Station's best solution for maintaining service to the vast majority of its current viewers. As stated in the attached engineering statement, under the Commission's traditional service prediction methodology, the number of persons within the loss area receiving service from fewer than 5 other full-power television stations is only 312. The number of persons within the loss area that would lose ABC network service is only 149. However, as further detailed in the attached engineering statement, the loss area is largely within a mountainous region where actual service from the Station's currently licensed facilities experience substantial terrain blockage. Consequently, using a Longley-Rice analysis, there are actually no persons within the loss area receiving service from fewer than 5 other full-power television stations

that can currently receive the Station's signal. Similarly, the Longley-Rice analysis shows that there is zero population within the portion of the ABC network loss area capable of receiving the Station's signal.

For the reasons set forth above, Oregon TV submits that a grant of this application is in the public interest and respectfully requests expedited processing to ensure uninterrupted service to the public.