

## Settlement to Resolve Mutual Exclusivity

KPTV-KPDX Broadcasting Corporation (“KPTV”), licensee of television translator K51EH-D, hereby amends the instant application for K51EH-D to specify a different displacement channel than the channel originally selected. The amendment resolves the mutually exclusive interference between this application and the pending displacement application of K38KV-D. Both stations had originally selected the same displacement channel. Once the stations became aware of the mutual interference problem they investigated whether they would be able to resolve the interference through minor engineering amendments. They were not able to do so, and the applications remained mutually exclusive and remained pending.

While the K51EH-D displacement application was pending, KPTV received a notice from T-Mobile requiring K51EH-D to cease operations on its pre-auction channel. Accordingly, K51EH-D filed a request for, and received, Special Temporary Authority to operate on Channel 29. That request was granted on November 5, 2018, and K51EH-D has subsequently switched its operations to Channel 29. See STA File Number 0000060423, Temporary Call Sign K29LH-D, FCC Facility ID No. 35473.

Given that K51EH-D is already operating on Channel 29 pursuant to an STA, KPTV herein requests that the FCC grant it permanent authority to operate on Channel 29. See *Incentive Auction Task Force and Media Bureau Announce Settlement Opportunity for Mutually Exclusive Displacement Applications Filed During the Special Displacement Window*, Public Notice, DA18-1108 (rel. Oct. 30, 2018) at 2 (“applicants that are unable to resolve their mutual exclusivity through a minor engineering amendment may . . . amend their application(s) to propose a new available channel”). Grant of this request would be in the public interest because it would allow K51EH-D to continue providing service to the public and would not require the station to incur additional, needless construction or transition expenses.

This request has not been coordinated with the licensee of K38KV-D. Because K51EH-D has unilaterally decided to move to a different channel, there is no written legal settlement between the parties. KPTV affirms and certifies that (1) this agreement is in the public interest; (2) the K51EH-D application was not filed for the purpose of reaching or carrying out an agreement with any other party; and (3) no one has received any money or other consideration in connection with the K51EH-D application. There is no written or oral agreement with any other party relating to the K51EH-D application.